

FROM THE PRESS

Testing for HIV without consent

When will they ever learn? People cannot be tested for HIV without their consent. Yet, we keep reading reports of forcible testing. On July 7, 2001, a district court judge had ruled that women arrested for alleged prostitution in Noida, Uttar Pradesh, could not be forced to undergo HIV tests. Yet, Noida's Sector 20 police station, which arrested eight women in allegedly similar circumstances on May 15, 2003, has sought that the accused take HIV tests. A Dasna Jail official confirmed that a Noida magistrate had directed jail authorities to get HIV tests done for the accused.

Times News Network. Police cannot force HIV tests: Judge. May 27, 2003

Health care: the most corrupt service sector

In a year, Rs 26,728 crore is paid in bribes across the service sectors in India. The health sector was the most corrupt among the 10 studied sectors, the others being education, police, land administration, judiciary, power, taxation, railways, telecommunications and public distribution.

Doctors were the main culprits, demanding 77% of the bribes, to admit patients and administer proper care. Every 12th Indian was cited as paying about Rs 621 per year while dealing with the health sector.

RK Bansal. Medical professionals: a need for introspection *Lancet* March 8, 2003, quoting Neelima K. Price of treatment, education: Rs 26,728 cr. *The Indian Express* (Vadodara), December 18, 2002

Take care of yourself in the hospital

After a three-day-old infant was kidnapped from a government hospital in Nagpur, the hospital superintendent said that none of the hospital staff was involved in the incident. 'We take a written undertaking from every patient that the hospital will not be responsible for the security of the newborn,' said Dr C V Chaudhuri, superintendent. The mother had handed over her baby to an unknown woman who had befriended her, and told her that the infant had to be taken to the dispensary to administer some medicine.

Dr Chaudhuri explained that it was not possible to keep track of the hundreds of relatives and well-wishers who visit the hospital each day. Fortunately, the baby was found abandoned some days later and was returned to the mother.

Ramu Bhagwat. Infant kidnapped from Nagpur hospital found at Amravati temple. *The Times of India*, June 4, 2003

Kidney trade back in Mumbai

The kidney trade is making a comeback in Maharashtra.

Earlier this year, a patient operated upon for a hernia had a kidney removed as well, without his consent. Recently, the police have arrested the middlemen involved in selling the kidney of a migrant from Kerala for Rs 4,00,000. The case came to light because the donor didn't receive Rs 50,000—his share—and complained to the police.

A state government committee (which has the Director of Health Services and the Medical Education Secretary as its members) is meant to scrutinise applications for transplants, especially donations by non-relatives for 'reasons of affection', and prevent fraudulent 'donations' which are actually kidney sales. Dr G B Daver, ex officio member of the evaluation committee, said that the panel relied heavily on hospitals for the documents and hence chances of detecting forgeries were poor.

Deepa A. 'Act to curb kidney trade contains many lacunae.' *The Times of India*, June 4, 2003

The Tamil Nadu government on organ transplants

The Tamil Nadu state Health Department had decided to reconsider the registration granted to 28 Chennai hospitals for kidney transplant following complaints of 'rampant organ sale' in these hospitals. There have been reports that some hospitals do not even qualify for the registration. Surprise checks at these hospitals to find out if they still deserve the transplant status will be carried out by the authorities.

Pushpa Narayan. Organ transplants bring hospitals under the scanner. *The Indian Express*, February 26, 2003

The kidney business in Punjab: an open secret

The Rs 100 crore kidney business in Punjab came to the notice of the press a few months ago. But, as our reader Satya Pal Dang points out, it was an open secret for years. It involved doctors like surgeon P K Sareen, Dr O P Mahajan, principal of the Government Medical College and Dr Jagdish Gargi, members of the Authorisation Committee, Dayanand Medical College and Hospital, Advocate Rajan Puri, police and politicians (the present chief minister says the trade could not have flourished without the connivance of the previous Akali Dal-BJP regime).

What first started as a blood donation business with labourers receiving Rs 10 and a glass of milk for their 'donations' evolved to an organised kidney supply business. Workers were promised jobs for Rs 200 a day and taken to the city where they were put up in guesthouses and a dossier prepared for when a demand for their type of kidney came along. Once a recipient was found, he was forced to undergo surgery and discharged with the warning that complaining could get them arrested for participating in an illegal trade. Indeed, when the scam first hit

the headlines, donors (not the recipients) were arrested!

Dr Sareen said he was merely a surgeon and had nothing to do with the Authorisation Committee or the middlemen. Members of the Authorisation Committee plead that they had no means to verify the documents.

The Punjab unit of the Indian Medical Association urged the government to order a judicial probe into the kidney removal rackets, especially in Ludhiana, Bathinda, Amritsar and Jalandhar.

Hospitals all over India referred kidney patients to Amritsar where 1,922 unrelated transplants were performed since 2000, compared to 650 in Delhi during the same period. No one—no government monitoring agency, no hospital authority, no medical body—saw or reported anything amiss.

Vikram Jit Singh and Jatinder Kaur Tur. The kidney conspiracy. *The Indian Express*, January 19, 2003

Surinder Awasthi and Ajay Bharadwaj. 'Badal govt may have backed kidney scam'. *The Times of India*, January 22, 2003

Ajay Bharadwaj. Punjab ignored proposals to check trading in kidney. *The Times of India*, February 23, 2003

Chander Prakash. Tribune News Service. Four doctors booked for removing kidney. *The Tribune*, October 11, 2001

Jupinderjit Singh and Shivani Bhakoo. Tribune News Service. *The Tribune*, October 13, 2001

Tribune News Service. IMA seeks judicial probe. *The Tribune*, October 14, 2001

The last two items were sent by Mr Satyapal Dang from Amritsar.

New law banning sex selection

A recent amendment in the law governing prenatal diagnostic techniques has banned sex selection by *in vitro* fertilisation (IVF). The Prenatal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, has been renamed the Pre-conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 2003.

The new law requires that all ultrasound equipment must be registered and reports on their use be filed with the appropriate authority.

Seema Kamdar. Sex selection law tightened. *The Times of India*, June 6, 2003

And in Tamil Nadu as well...

The Tamil Nadu Medical Council, the registering authority for medical practitioners in the state, declared that it would come down heavily against doctors abetting sex selective abortion. Dr M Balasubramanian, president of the TNMC, stated that the Council would listen to the complaints of doctors conducting prenatal diagnostic tests to identify foetal sex followed by sex-selective abortion. He also said that, if convinced, the Council would constitute a disciplinary committee to enquire into the complaint and issue warnings, temporarily cancel the registration or even permanently debar doctors from practice.

Staff reporter. Doctors abetting female foeticide will be debarred. *The Hindu*, April 27, 2003

No way out for victims of negligence

A one-year-old child lost her eye when the doctor mistook cataract for cancer and removed the eye. No other eye specialist, including the doctor, approached for a second opinion before her child was operated upon, agreed to help confirm the mistake. The hospital refused to hand over discharge papers leaving the mother with no evidence to prove the doctor's negligence.

Five per cent of the 5,000 consumer complaints reported from 1991 to 1998 were for medical negligence. Less than 40 judgements were delivered against the doctors in these cases because of lack of comment from a technical expert. Doctors who provide expert comments through ACASH [Association of Consumer Action in Safety and Health] to complainants, refuse to let their identities be revealed and appear for cross-examination. ACASH is no longer able to get experts to depose before the court.

Complainants could also try to approach the medical council—which has a backlog of 158 cases, some lodged as far back as 1989.

Roli Srivastava. Doctors mum on peers' negligence, claim victims. *The Times of India*, May 25, 2003

State medical councils want more power

The medical councils of Karnataka, Rajasthan, Andhra Pradesh, Delhi, West Bengal, Kerala, Maharashtra, Madhya Pradesh, Jammu and Kashmir, Bihar and Punjab demand reforms in the functioning of the Medical Council of India. They would like the exclusive right of registration of medical practitioners and greater control over medical colleges all over India.

The state councils want their state governments to amend the relevant Acts and rules to empower the state medical council to levy punitive fines and award costs to complainants, award penalty for malicious complaint, and issue injunction against publicity in mass media for cases under trial for a period not exceeding 180 days.

The councils have also demanded that if a case of medical negligence is filed with a police station, the medical practitioner should be arrested only after consulting the state medical council.

The doctors have said that the councils will ask the Press Council of India to give strict instructions. 'We don't need press trials and press convictions. The media should abide by its ethics while reporting about doctors' alleged involvement in criminal cases,' said Dr Sapatnekar, administrator of the Maharashtra Medical Council.

Bureau reports. *Pharmabiz Hospital Review*. February 1–15, 2003

Finally, medical ethics in the curriculum

Aspiring doctors will soon have to learn about ethics before they graduate from medical school. The move, initiated by the Nashik-based Maharashtra University of Health Sciences, is part of a countrywide project kicked off by the World Health Organization (WHO) and the Indian Council for Medical Research (ICMR). The WHO and ICMR have designed a training programme on ethics for medical faculty members. Once the ethics curriculum is ready, approval will be sought from the Medical Council of India and the subject introduced in medical colleges across the country. Dr Dayanand Dongaonkar, Vice Chancellor of the Health Sciences University, said the university's academic council would decide on how the ethics module should be integrated into the current curriculum.

Deepa A. Medicos will now learn about ethics before taking oath. *The Times of India*. March 26, 2003

Take the sample and run

The Indian Council for Medical Research (ICMR) is investigating how a team of foreign scientists obtained blood samples of a tribal population of Andhra Pradesh for a controversial genetic study without the knowledge or permission of the ICMR. Blood samples were collected

from 180 people belonging to the Chenchu and Koya tribes in Andhra Pradesh, from 106 Bengalis of different castes, 58 Konkanastha Brahmins from Mumbai and 53 Gujaratis. The team consisted of scientists from the UK, US, Russia, Germany, Estonia and Kuwait.

PTI. Blood samples of Andhra tribals exported. *The Times of India*, March 21, 2003

Blood collection scam

The Surat police busted an alleged blood donation and serum extraction racket run for the past three years. Three people including a doctor have been arrested in connection with the racket run under the aegis of Fairdeal [!] Diagnostics.

D J Patel and his son Mehul bought blood from professional donors in violation of the law and derived blood products to be sold to laboratories for diagnostic and research purposes. Some products made by Fairdeal include Anti A, Anti B, Anti AB and VDRL serum. Dr A M Desai provided the professional donors with fitness certificates.

The racket was busted when a patient in a government hospital was found to have donated 90 times between January 2003 and May 2003.

Express News Service. Surat plasma scam reveals a gory tale. *The Indian Express*. May 3, 2003

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