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## Corruption in medicine: The good doctor fights back

**NRI doctor Kunal Saha says his fight against corruption in the medical profession has only just begun**

| NEW DELHI | JANUARY 23 2014

◀View

Image

Jantar Mantar, the national capital's protest pulpit, is not unfamiliar to candle-light marches. Banners and posters there are as ordinary and everyday an affair as the greens of the lawns of the 18th century architectural wonder and the greasy grey of the sky against the skyline in nearby colonial-era Connaught Place.

What was somewhat out of ordinary at the venue on January 8 was the man leading the protest as the evening chill began to close in. Dr Kunal Saha, a non-resident Indian HIV consultant based in Ohio, USA, does not exactly match the description of your average protest leader at Jantar Mantar, and neither can the hundred and a few more people present, including several medical practitioners, stand in for the everyday rallyist or protestor.

But the different profile, attire and attitude notwithstanding, Dr Saha and the others did precisely what such campaigns are expected to do at Jantar Mantar: attempt to throw a punch or a jab at the establishment in the heart of the national capital.

The good doctor is not exactly alien to such protests, though, having led a lone crusade against Kolkata's medical establishment, so to speak, for nearly a decade and half. A frequent visitor to the country ever since his wife, Anuradha, died on May 28, 1998, Saha's fight began precisely that day – he believed Anuradha, 36, died due to “medical negligence” at the Kolkata hospital where she was admitted. And he took them to court.

As the fight, and calendar years, wore on, Saha broadened the ambit to include corruption in medical education and accountability of doctors and medical institutions in his battle.

And finally it was a full-on war when he took on the apex body, medical council of India (MCI), and its big dad, former MCI president Ketan Desai, who was accused of corruption in a case Saha had filed and is still pursuing.

Soon, the one-man army got a unit, forming an organisation called People for Better Treatment (PBT), and finally culminated in the supreme court awarding Saha a compensation of `11 crore on October 24 last year. It's the highest medical compensation in Indian history, and has left the medical establishment, including the Indian medical association (IMA) and other medical groups rattled.

But that victory, as Saha mentioned at the Jantar Mantar rally, has only spurred him on. "Medical accountability is an issue of national importance. It should not be ignored. I am here to bring all like-minded people on the same platform so that together we can bring some change in the country's medical profession," he exhorted all those at the protest organised under the PBT's banner.

Besides keeping track of patients' death due to medical negligence, the PBT is meant to extend the helping hand to victims' families. On December 17, Dr Saha called several such families to the Indian Women's Press Corps to see how best this battle against medical negligence can be waged. The event also saw the opening of the Delhi chapter of PBT.

"I got the compensation after fighting for 15 years but there's still a long, long way to go. My mission to fight all negligent doctors will remain active till the day it is brought down to the lowest possible level," Saha told the well-attended meeting, which had, besides victims' families, several medico-legal experts as well.

Among those families is that of JS Verma, the former chief justice of India. Verma's daughter, Shubhra, one of the latest entrants to the PBT movement, claims her father, who led the committee that recommended amendments to anti-rape law in the aftermath of the December 16 Delhi gangrape, died due to negligence of doctors, who allegedly put him on wrong medication. Shubhra Verma, who participated in both the meeting on December 17 and in the January 8 rally at Jantar Mantar, says she now wants to bring awareness among people about the need for better regulation of medical practices and education. [See box for more on her personal fight.]

### **The summer of '98**

Dr Saha was not born a rebel with a cause. In fact, far from it. As new immigrant professionals he and wife Anuradha, a child psychologist, were happy finding their footing in the US as the millennium drew to a close. But what would have been a short summer trip home in 1998 turned his life upside down. The couple had gone to Kolkata to attend a wedding in April that year when Anuradha suddenly saw rashes on her body. It seemed like an allergic reaction. As the rashes got

worse, the couple visited Dr Sukumar Mukherjee, a prominent doctor, on recommendation of friends on May 7, 1998. The doctor prescribed a drug called Depo-Medrol.

But as things worsened she had to be admitted to Advanced Medicare and Research Institute Hospital – popularly called AMRI, one of the city’s prominent medical institutions. Besides Dr Mukherjee, she was under the supervision of Dr Baidyanath Haldhar and Dr Balram Prasad and Dr Abani Roy Choudhary, who died during pendency of the case.

On May 17, Saha took his wife to Mumbai’s renowned Breach Candy Hospital, where she died on May 28. Kunal Saha’s fight had begun, and over the next 15 years, despite hardships and attempts by family members, relatives and friends to dissuade him, it continued till the autumn of 2013, when, showing serious concern about the negligent practices of doctors, the apex court in its judgment asked the government to enact laws for effective functioning of private hospitals and nursing homes. “The central and the state governments may consider enacting laws, wherever there is absence of one, for effective functioning of private hospitals and nursing homes,” the court observed. “Since the conduct of doctors is already regulated by the MCI, we hope and trust for impartial and strict scrutiny from the body.”

“I made almost a hundred trips from the US to India over the last 15 years and spent all my earnings and savings – that is more than `10 crore. I may not have been compensated the way I claimed but I am happy and satisfied with the court’s judgment,” Dr Saha said. While the crusader lost his job at the Ohio State University in 2005 due to the leave of absence he had to take to fight the case, such was his state of pecuniary affairs that Saha had to file for bankruptcy in 2011.

But the battle carried on.

According to Saha, countless patients die due to negligence by doctors and hospital authorities – many, many more than is reported. “I am convinced that this is all a case of medical mismanagement. How can people die so easily?” he asks, the exasperation betraying his otherwise composed voice. At PBT, he explains to the parents and relatives how they should go about fighting a negligence case – by first registering a complaint with the medical council of Delhi and then, if it fails to act, with the national body – the MCI.

### **Taking the bull by the horn**

Talking of MCI, the council sure has been a bugbear for the HIV-AIDS consultant. Having taken up the fight against Ketan Desai, Saha is still pursuing the case against the

tainted former MCI president. Saha was the one who had demanded cancellation of Desai's licence after his arrest by the CBI on allegations of bribe in lieu of giving permission to Gyan Sagar Medical college in Patiala in April 2010.

And he is "shocked beyond words" that the tainted Desai is back in business. "I am amazed, and all my doctor friends are shocked, to know how the Gujarat government reinstated Ketan Desai as head of urology department (at an Ahmedabad college) when the apex regulatory body (MCI) says he has no right to practise medicine," Saha says, referring to the Gujarat government's decision to reinstate Desai at BJ Medical College last year.

Without a licence, Saha says, Desai is nothing more than a quack.

He also blames the union health ministry for the impasse.

While he has challenged the decisions of the state government in the Gujarat high court, Saha is now planning to challenge the MCI elections that were held in December. He believes this has all been done to reinstate Desai, as the newly elected president is a "puppet" and the members nominated to the council are largely Desai's cronies. Besides, they have not been nominated by following due process of law, he contends. "This election is fake and I will challenge this in court," he says.

### **The people's doctor**

While Saha finds Americans "very fascinating" and gets along with them nicely, the NRI physician says he has no plans to return to India. But his fight against corrupt practices in the medical profession in this country will continue "till my last breath". Stressing that he has started receiving support from all quarters in India, Saha says, "I get hundreds of emails every day and I respond to all of them. I feel that my fight against corruption (in the medical profession) has motivated a sizeable number of people. They are now opening up and supporting me."

Though most of his family members – Saha has seven siblings, all based in the US – are "there" (in the US), Saha, who graduated from NRS Medical College in Kolkata before obtaining his PhD from University of Texas in the US, says the thought of remarriage did not ever cross his mind because he felt "Anuradha was always there" with him to "motivate and guide" him. "It was destined like this, because Anu had so much affection for children and humanity. I am trying to serve them (the people) by all means... whatever I possess."

Asked what motivated him to keep on fighting, despite the hardships during this decade and half, Saha says, "I don't want to see any more Anuradhas dying due to doctors' negligence. I have won my case but the battle has just started."

It sure has.

## **He died due to cocktail of drugs, want to fight on: Justice Verma's daughter**

On January 23, 2013, the committee headed by former chief justice of India JS Verma submitted its 630-page report on amendments to laws dealing with crimes against women. The report was submitted in a record 29 days, becoming the basis for the new anti-rape law.

Almost three months to the date, Justice Verma died of multiple organ failure at a private hospital in Gurgaon on April 21.

And from there began the Verma family's association with Dr Kunal Saha's People for Better Treatment (PBT). The eminent jurist's daughter Shubhra Verma, now actively involved with Saha's PBT, says, "My father died because of the cocktail of drugs administered to him. Doctors did not even have time to see the report, so he was given wrong drugs. I have given a complaint to the medical council of India but I shudder to think if a former chief justice of India can be treated like this what a common citizen must be going through."

Explaining the events that she claims led to the former judge's death, Verma says, "The sequence of catastrophic events started after he (Justice Verma) was administered a cocktail of Amiodarone, Pradaxa (Dabigatran) and Clopidogrel drugs despite abnormal liver function tests. This was done by the treating cardiologist affiliated to the hospital. This combination caused a serious life-threatening upper gastrointestinal bleeding, and led to a liver disease and complications that eventually proved fatal."

Stressing that her father was leading an "active and normal life" despite a liver disease, Verma says the catalogue of errors continued through his entire medical journey at the "so-called state-of-the-art hospitals" – first in Delhi and later in neighbouring Gurgaon. There was a total lack of coordinated, appropriate and effective management plan, Verma says.

While the family had written to the prime minister alleging medical negligence, the PMO forwarded this complaint to the MCI and asked the health ministry to look into it. That might or might not fructify but in the interim, Verma has joined the banner of PBT to ensure no one dies of medical negligence like her father.

*This article appeared in the January 16-31, 2014 issue of the magazine*