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**Request for documents and comment**

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Dr K K Aggarwal <emedinews@gmail.com>  
To: Andrew.MacAskill@thomsonreuters.com  
Bcc: Ketan Desai <ketanalka@gmail.com>

Wed, Jul 22, 2015 at 6:59 AM

Dear Andrew  
kindly see the document  
let me know if any thing more is required

Dr KK Aggarwal  
IMA

I would like to request the Indian Medical Association letter to the World Medical Association in 2013 mentioned in this World Medical Association journal below. The journal says: "Dr Haikerwal, chair of council, reported that a letter had been received from the Indian Medical Association requesting that the 2010 suspension imposed on Dr Ketan Desai's inauguration as president should be lifted."  
<http://www.wma.net/en/30publications/20journal/pdf/wmj201305.pdf>

The letter has been written by Indian Medical Association to the World Medical Association and contains privileged communications between the aforesaid organizations and the contents of the same cannot be shared with the media.

However the relevant portion of the letter pertaining to Dr. Desai are reproduced as under.

Dr. Otmar Kloiber  
Secretary General, WMA

Dear Dr. Otmar,

This is in reference to your mail dated 29-09-2014 addressed to Dr. Ajay Kumar. We would like to bring to your kind notice the entire

Could I see a copy of that letter to the WMA from 2013?

sequence of events about Dr. Ketan Desai vis-à-vis the election of President of World Medical Association.

.. A blatant false allegation that Dr. Ketan Desai was caught with a bribe of Rs.2 crores, had appeared all over the media on 22.04.10. .

Not only the said allegation of his having been caught with a bribe of Rs.2 crores was patently baseless and false, the CBI had conducted in-depth investigations in the bank accounts etc. of all the family members of Dr. Ketan Desai for a period of approximately past 14 years. After thorough and detail investigations made by the CBI, it was found that not even a single penny possessed by Dr. Ketan Desai and his family members is from any unexplained and unknown sources. .

In the case on the allegation of possessing disproportionate assets commenced by the CBI, a closure report giving clean chit to Dr. Desai and his family members had been filed before the competent court whereby the CBI had informed the court that the thorough investigation by it has not resulted in finding any evidence of any kind whatsoever in support of the allegations of disproportionate assets.

On further evaluation of the closure report submitted by the CBI the Special CBI Court at New Delhi endorsed the closure report filed by CBI and dismissed the case initiated against Dr. Ketan Desai alleging disproportionate assets...

It would deserve a reiteration that the Indian Medical Association, in its last meeting held in Tokyo in April 2014, had also furnished an official communication received from CBI informing the status of all the cases which it had commenced / filed against Dr. Ketan Desai. It, therefore, becomes abundantly clear that the Indian Medical Association has never attempted to either suppress/withhold any relevant fact and / or mislead or misguide anyone in the World Medical Association regarding the cases against Dr. Ketan Desai. .

...It is the Indian Medical Association which is the member of the World Medical Association and not Dr. Kunal Saha. Instead of relying on the submissions made by office bearers of Indian Medical Association, WMA is continuously raising the issues based on the communication received from Dr. Kunal Saha, who has specific vested interest of preventing Dr. Desai to take over as the President of

World Medical Association. His main interest was to get into the Medical Council of India and for which, after making different efforts, finally when he tried by contesting elections from West Bengal State he could not secure even 200 votes out of 17,000 votes polled...

As you are aware that the Indian Medical Association is a body of more than 2,00,000 doctors. We expect that the WMA should have more faith and trust in the Indian Medical Association rather than on an individual who has nothing to do with the Indian Medical Association or World Medical Association.

We would once again urge the World Medical Association to not to get swayed and clouded by allegations made by an individual including Dr. Kunal Saha against Dr. Ketan Desai and objectively take into account the documentary evidence establishing the true factual position regarding baseless and false allegations against Dr. Ketan Desai.

With regards,

Yours Sincerely,

(Dr. Jitendra Patel) ( Dr. Narendra Saini )

National President Hony. Secretary General

I would like to request the MCI letter, which lifted the suspension on Dr Ketan Desai's medical license from 2013.

In this regard it shall be appropriate to approach the MCI directly to obtain the copy of any such letter lifting the suspension of Dr. Ketan Desai.

However, I have inquired from MCI authorities regarding the status of Dr Ketan Desai's medical license. Dr. Desai is primarily registered with Gujarat Medical Council and not with Medical Council of India. Dr. Desai being registered in Gujarat Medical Council was enrolled in Indian Medical Register as per Section 21(1) of IMC Act, 1956.

Section 21 (1) of the IMC act 1956 deals with the enrolment in the Indian Medical Register of any Doctor who is registered with any State Medical Council. Section 21 is reproduced as under:-

**“.....21. INDIAN MEDICAL REGISTER**

*1. The Council shall cause to be maintained in the prescribed manner a register of medical practitioners to be known as the Indian Medical Register, which shall contain the names of all persons who are for the time being enrolled on any State Medical Register and who possess any of the recognised medical qualifications....”.*

The MCI had suspended the registration of Dr. Ketan Desai in October 2010 and had conveyed its decision to the Gujarat Medical Council of the same. However Gujarat Medical Council on after considering the entire case of Dr. Ketan Desai and also on the basis of a legal opinion that had been sought in the matter, had decided not to implement the decision of the MCI. This decision of the Gujarat Medical Council was conveyed to MCI. Accordingly Dr. Desai continued to enjoy all the privileges of a registered medical practitioner. MCI had never challenged/disputed the decision of Gujarat Medical Council.

In December 2013 MCI had also revoked its earlier decision.

Section 24 (1) of the IMC Act 1956 deals with the removal of name from the Indian Medical Register. Section 24 is reproduced as under:-

**“....24. REMOVAL OF NAMES FROM THE INDIAN MEDICAL REGISTER**

*1. If the name of any person enrolled on a State Medical Register is removed there from in pursuance of any power conferred by or under any law relating to medical practitioners for the time being in force in any State, the Council shall direct the removal of the name of such person from the Indian Medical Register....”.*

A perusal of Section 24 make it clear that the name of a registered medical practitioner can be removed from the Indian Medical Register only when the concerned State Medical Council removes the name of the registered medical practitioner from the State Medical Register where he is primarily registered.

Probably that must have been the reason for the MCI not to challenge or dispute the decision of Gujarat Medical Council which seems to be in accordance with the provisions of the IMC Act, 1956.

Dr. Mukesh Haikerwal, an Australian Physician who chaired the WMA's Council, told Reuters after a meeting with Dr Ketan Desai and other members of Indian Medical

We are not privy of Dr. Haikerwal's request to meet the Indian authorities (such as the CBI, Prosecutors, Judges, etc.).

However when he was in India in 2013, copies of all judgments of cases in relation to Dr. Desai were provided to him.

Association in 2013 he was left with the impression that all charges against Desai had been dropped.

Did IMA officials tell him in 2013 that all the charges against Desai had been dropped?

Dr. Mukesh Haikerwal said he considered going to Indian authorities to check the status of charges against Dr Ketan Desai and approached the Indian Medical Association to ask permission to do so, but there was no reply.

Why did the IMA did not let Haikerwal contact Indian authorities (such as the CBI, prosecutors, judges, etc.)?

Can I see the correspondence between the Indian Medical Association and Haikerwal?

Further IMA had also given copies of these judgments, as well as the letter received from CBI addressed to IMA providing the status of all the cases in relation to Dr. Desai to WMA also.

Kindly note that IMA's communication to WMA was based on the CBI reply providing the status of all the cases in relation to Dr. Desai to IMA. IMA had forwarded the CBI letter along with the copies of judgments in the cases with regard to Dr. Desai to WMA. There cannot be better authentic document than the communication of CBI itself as well as the copies of judgments .

The Central Bureau of Investigation had sent a communication to IMA dt. 22.04.14, inter alia, stating therein as under:-

1. "Dr. Ketan Desai was arrested by CBI in case RC 02(A)/2010/ACU-IX/CBI/New Delhi on 22.04.2010 on the allegation that he had accepted bribe of Rs.2.00 Crores from the owner of Gian Sagar Medical College, Patiala through a middleman namely Sh. J.P. Singh. However, no cash was recovered during the personal search of Dr. Ketan Desai.

2. Case RC 3 (A)/2010/ACU-IX/New Delhi DA Case against Dr. Ketan Desai was closed after investigation and the closure report filed in the competent court has been accepted.

3. In Case RC 0102010 A 0017/Kolkata, Closure Report has been filed in the Competent Court.

4. In Case RC MA1 2010 A 0025 dated 29/06/2010 of CBI ACB Chennai, no action has been taken against Dr. Ketan Desai. However, a Charge Sheet has been filed on 30.12.2011 against other accused person and is pending trial in the court of ACMM Chennai.

5. In Case RC MA1 2010 A 0024 dated 21/05/2010 of CBI ACB Chennai, no action has been taken against Dr. Ketan Desai. However, a Charge Sheet has been filed on 30.05.2012 against other accused person and is pending trial in the court of Principal Special Judge, Pondicherry.

6. In case RC 15 (A) 2010/CBI/ACB dated 26/05/2010 of CBI ACB Hyderabad, no action has been taken against Dr. Ketan Desai. However, a Charge Sheet has been filed against other accused person and is pending trial in the court of ACMM, Hyderabad.

7. In case RC 2 (A)/2010/ACU-IX/New Delhi, Charge Sheet was filed against Dr. Ketan Desai, Sh J P Singh, Sh N S Bhangu, Dr. Sukhvinder Singh and Dr. Kamal Jeet Singh on 16.09.2011 u/s 7, 8, 12 & 13 (2) r/w 13(1)(d) of PC Act 1988. The trial proceeding has been stayed by the Hon'ble Supreme Court.

8. In case RC 006 2010 A0015 dated 22.05.2010 of CBI ACB Lucknow, charges are yet to be framed by the competent court.

Yours faithfully

Sd/-

(H.C. Sharma)

I/c SP/CBI/ACU-IX/New Delhi"

Meaning of FIR: A First Information Report is a written document prepared by police organizations in Bangladesh, India, and Pakistan when they receive information about the commission of a cognizable offence. It is generally a complaint lodged with the police by the victim of a cognizable offense or by someone on his or her behalf, but anyone can make such a report either orally or in writing to the

	police.
	<p>Meaning of Charge Sheet: A Charge sheet is a formal document of accusation prepared by law-enforcement agencies in India.</p> <p>It is distinct from the First Information Report (FIR) (which is the core document that describes a crime that has been committed), usually refers to one or more FIRs, and charges an individual or organization for (some or all of) the crimes specified in those FIR(s).</p> <p>Once the charge sheet has been submitted to a court of law, <b>the court decides as to who among the accused has sufficient prima facie evidence against him to be put on trial.</b> After the court pronounces its order on framing of charges, prosecution proceedings against the accused begin in the judicial system.</p> <p>As per the law the investigating officer collects material from all sides and prepares a report, which he files in the court as charge-sheet under Section 173(2) of the Cr.P.C. The report under this section purports to be an opinion of the Investigating Officer about the crime.</p> <p>Only a magistrate, once the charge sheet is filed, can decide whether or not to take cognizance of the charge sheet. If he takes cognizance than the trial of the accused begins. He can discharge the case at this level only if he finds there is not enough evidence against the accused person.</p> <p>Unless the judge takes cognizance of the case, it cannot be said that the person is on trial.</p> <p>Also unless a person is convicted after a fair trial, he is presumed to be innocent on India law.</p>
	<p>Meaning of conviction: In law, a conviction is the verdict that results when a court of law finds a defendant guilty of a crime.[1] The opposite of a conviction is an acquittal (i.e. "not guilty"). In Scotland and in the Netherlands, there can also be a verdict of "not proven", which counts as an acquittal.</p>
	<p>Kindly see MCI website</p> <p>His name in Indian Medical Register can be seen there</p> <p>How to track the name, oollow the links</p> <p><a href="http://www.mciindia.org/">http://www.mciindia.org/</a></p> <p><a href="http://www.mciindia.org/InformationDesk/IndianMedicalRegister.aspx">http://www.mciindia.org/InformationDesk/IndianMedicalRegister.aspx</a></p> <p><a href="http://www.mciindia.org/InformationDesk/IndianMedicalRegister.aspx">http://www.mciindia.org/InformationDesk/IndianMedicalRegister.aspx</a> .</p>

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64	1981	G-11666	Gujarat Medical Council, Desai Ketan Dhiraj Lal	Desai Ketan Dhiraj Lal		
	<p>We have also confirmed from Gujarat Medical Council. His name was never suspended from their state medical council register. There link I will forward in due course.</p>					

On Tue, Jul 14, 2015 at 6:05 PM, <Andrew.MacAskill@thomsonreuters.com> wrote:

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