

Government of Karnataka

No.JD(MD)7/10-11

Office of the Commissioner,
& Chairman,
Appropriate Authority for Human
Organ Transplantation Act,
Directorate of Health & FW Services,
Ananda Rao Circle,
Bangalore-09, Dtd: 10th March'2011.

To:

Dr.R.Chandrashekara,
Investigation Officer for Health,
Karnataka Lokayuktha, Bangalore.
& Chairman, Health Foundation.

Sir,

Sub: Complaint filed before Lokayuktha by Major Pankaj Rai reg. the death of his wife
consequent to transplantation surgery at Fortis Hospital, Bannerghatta Road,
Bangalore.

Ref: Compt/Lok/BCD/621/2010(ARE-1) dtd: 1st March 2011.

With reference to your letter cited above, I along with members of the Appropriate Authority for Human Organ Transplantation Act, appeared before the enquiry Committee on 10th March 2011 at 11: 30AM. During the course of deliberations the complaint filed by Major Pankaj Rai was discussed. In this regard I would like to bring to your kind notice that the Authorization Committee has conducted a detailed enquiry on 09th Nov'2010.

As per the complaint by Major Pankaj Rai, he has alleged that there is violation of section 9 & 12 of Human Organs Transplantation Act. As per section 9 of Human Organs Transplantation Act 1994 Fortis Hospital is Authorized to conduct Multi Organs Transplants namely Kidney, Liver & Homograft (permitted only usage) vide No.MDM – 26/09-10 dtd:25-03-2010. However as per the Human Organs Transplant Act rules 1995 under rule 9 & Experts(B) Transplantation of Liver also includes other abdominal parts / organs. Pancreas is one of the abdominal organs. Hence the violation of section 9 does not arise.

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ಆರೋಗ್ಯ ನಿರೀಕ್ಷಕರು (ಆರೋಗ್ಯ)
ಪಾರಿಶುದ್ಧತೆ ಅಧಿಕಾರಿ

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The other complaint of Major Pankaj Rai was violation of section 12 of the Act. During the enquiry conducted by the Appropriate Authority Dr. Rajanna Sridhar, Nephrologist, Fortis Hospital, Bangalore has deposed that Smt. Seema Rai was his patient with Kidney disease and she has been consulting him from June 2008 till the date of surgery. She was regularly under the care of Nephrologist and the patient decided to proceed with Kidney Transplantation and only after undergoing all the pros & cons she voluntarily registered herself for Cadaver Renal Transplantation with Zonal Coordination Committee, Karnataka on 20-9-2009.

Dr. Ramacharan Thyagarajan, Transplant Surgeon has also stated during the enquiry that he specially discussed with patient and family members on 1st May 2010 regarding the surgical risks of Kidney Transplantation, including Pancreatic Transplantation. Hence the question of violation of section 12 of Human Organs Transplantation Act does not arise.

Major Pankaj Rai has also alleged that the death of Mrs. Seema Rai was due to the negligence of the Doctors attended on her at Fortis Hospital, Bangalore. Regarding this allegation the matter has already been referred to the President, Karnataka Medical Council, Bangalore to enquire regarding any evidence of negligence on 05-10-2010 by the Joint Director (Medical). Report is awaited.

Further in the interest of preventing any unpleasant incidents the Committee decided to issue separate guidelines to all the concerned hospitals who are undertaking Human Organ Transplantation and necessary guidelines are issued on 23-02-2011 in the form of a Circular (copy enclosed).

The Appropriate Authority met on 09-11-2010 consisting of Senior Doctors who are well versed in the field of Medicine and the collective opinion was taken while formulating the report. Hence allegation made by Major Pankaj Rai that the report is perverted, is not correct.

Further it is submitted that Major Pankaj Rai has lodged a complaint against the 2 Doctors namely Dr.Rajanna Sridhar and Dr.RamacharanThyagarajan in the Police station, JP Nagar vide FIR No.450/2010/col/304 IPC on the same issue. It has also come to our knowledge that Major Pankaj Rai has approached the Hon'ble Court against the enquiry report recently.

Further I write to submit that as per the Human Organs Transplantation Act, section 23 protection of action taken in good faith (1) no/ suit, prosecution or other legal proceeding shall lie against any person any thing which is in good faith done or intended to be done in pursuance of the provisions of this Act.

In view of the above circumstances explained it is requested that the enquiry may be closed.

Chairman,
Appropriate Authority,
Human Organs Transplantation Act.

1. Dr.V.D.Palekar(Member)

2. Dr.G.K.Venkatesh(Member)

3. Dr.V.Raju(Member Secretary)

Handwritten notes in Kannada script, possibly indicating a date or reference number.

Enclosures:

1. Copy of the Enquiry report.
2. Copies of the Complaints by Major Pankaj Rai.
3. Copy of the Certificate issued to Forties Hospital, Bangalore.
4. Copy of the Circular issued on 23-2-2011.
5. Copy of the Certificates of Dr.Ramacharan Thyagarajan.

