



Jan Swasthya Abhiyan

(Peoples' Health Movement – India)

Health for All - Now!

Health is a Basic Human Right!

Open Letter by Jan Swasthya Abhiyan in support of Dr. Saibal Jana and Dr. Dipankar Sengupta (Shaheed Hospital); demanding withdrawal of three-month Suspension Orders by the Chhattisgarh Medical Council

Jan Swasthya Abhiyan (JSA) stands in support of Shaheed Hospital, Dalli Rajhara, Chhattisgarh where, through an order dated October 11, 2022, the Chhattisgarh Medical Council (CGMC) has suspended the registration of Dr Saibal Jana and Dr Dipankar Sengupta for three months.

JSA deems this suspension as unfair and illegal. It demands that these suspension orders be revoked with immediate effect. It is condemnable that the CGMC carried out these suspension orders even after two officially constituted committees had initially found no case against Dr. Saibal Jana and Dr. Dipankar Sengupta.

This order follows in a case filed by relatives of a patient who died in 2019 due to complications during a procedure of Incision and Drainage of Ischio-rectal abscess. The relatives filed a complaint to the district authorities asking for an inquiry. Subsequently, an inquiry committee was set up which, after thorough investigation, did not find any case of medical negligence against Dr. Jana and Dr. Sengupta and submitted the report to district authorities.

The District Magistrate subsequently referred the case to a medical ethics committee. The ethics committee too did not find any medical negligence, although it questioned Dr. Jana for performing a surgery without a PG degree in surgery and Dr. Sengupta for the validation of his registration. Dr. Jana explained that his MBBS degree (Bachelor of Medicine, Bachelor of Surgery) clearly mentioned to practice medicine, surgery and gynaecology and obstetrics. Dr. Sengupta, being the anaesthetist for the operation has a Diploma in Anesthesiology but during that time was yet to apply to the state medical council for a temporary registration for his speciality. Finally, the committee did not pass any order against the doctors. In July 2022, both were let off with no punitive action.

However, in a sudden turn of events, in October 2022 the ethics committee decided to take punitive action against the doctors which has resulted in the unfair suspension. We suspect that this action has been undertaken under pressure from the relatives of the patient who apparently are well connected with the ruling dispensation in the state and have a strong clout in the Dalli Rajhara region.

From a legal perspective the orders of the CGMC are questionable on a number of grounds. An MBBS graduate can do surgery, or delivery of an expectant mother, as her/his degree clearly indicates. Any qualified (MBBS) medical graduate can practice any (so called) "speciality" disease as long as s/he performs the procedure with the same degree of knowledge and skill expected of the average specialist. That is why an MBBS can practice as a physician, surgeon and gynaecologist, as long as s/he exhibits the same degree of excellence as the average specialist in the subject.



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The action of CGMC brings into question the relevance of basic degrees such as MBBS in settings where healthcare workforce is scarce and healthcare needs are aplenty. Driving healthcare delivery to a specialist-centered approach is impractical in vast rural and tribal areas of our country. The basic degree of MBBS provides training in basic surgery. As we understand from several medical colleagues who have worked closely with Dr. Jana. Through his long experience and training, Dr. Jana has demonstrated the expertise to perform general surgery which would be considered at the level of a general surgeon with a postgraduate degree.

If one looks at the creation of various cadres by the government over the years, we find the action by the CGMC contrary to many such orders by the Government of India and practice of the Health Department of Chhattisgarh Government itself. With the aim of expanding specialised health care within two hours of travel from the residence in CHCs/FRUs, NHM allowed skill based training in Emergency Obstetrics Care, Life Saving Anaesthesia, Laparoscopic Tubal ligation, MTP etc to MBBS graduates willing to serve in remote rural and tribal areas. There have been no objections by the national or any State Medical Council to such skill transfer across the medical hierarchy - from specialist to MBBS. When such is the spirit of the Ministry of Health for expanding universal health care, why is there such harassment of doctors working in remote areas by accusing them of not having regular postgraduate degrees?

Under the clause of "vicarious responsibility", Auxiliary Nurse and Midwives (ANMs) can treat pneumonia with Cotrimoxazole, Amoxicillin, neonatal resuscitation using mask Ambu bag, under the guidance of PHC MBBS doctors. Then why doesn't such "vicarious responsibility" clause apply to MBBS doctors acquiring knowledge and skills of a specialist and apply it as matter of life saving measure in remote areas? Instead of rewarding such committed doctors who are serving in areas that are in need of more health services and health workers, why are the authorities punishing them?

Shaheed Hospital is often referred to as a Model for rural healthcare. Dr. Jana is part of several expert committees constituted by the state and a member of the Governing Board of the State Health Resource Centre. He is a resource person and Shaheed Hospital is a resource centre for various health programmes of the Department of Health and Family Welfare, Government of Chhattisgarh.

In such times when healthcare is increasingly getting corporatised and profit-driven, it is the committed initiatives such as the Shaheed Hospital which have stood resolutely for the people, providing affordable and rational care to the masses. From its humble beginnings in 1983, Shaheed Hospital today provides all-round health facilities like medicine, surgery, obstetrics and gynaecology, dentistry, paediatrics and physical medicine at a very reasonable cost, serving communities that are poor, in a remote area. It is exemplary that Shaheed Hospital runs from the fees for their services and contributions from workers, peasants and other friends and as a policy does not receive any money from any funding agencies. Under Dr Jana's leadership, it acts as a lifeline of the poor workers in the Dalli Rajhara region.



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Jan Swasthya Abhiyan strongly condemns the actions of the CGMC in suspending the registration of Dr. Saibal Jana and Dr. Dipankar Sengupta. We reiterate our demand for immediately revoking the suspension orders. We demand an assurance that all authorities will refrain from taking any such baseless and unjustified actions against frontline healthcare providers in Shaheed Hospital and elsewhere.
