



TO: Dr. Heman, President,
Royal Dutch Medical Association

FROM: Otmar Kloiber, Secretary General

C/C:

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RE: On the installation of Dr Ketan Desai

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After an arrest on the allegation of recommending permission to a medical college in lieu of money and consequent to it "Disproportionate Assets" in 2010, the then WMA President-Elect was not able to assume the Presidency in 2010. The WMA General Assembly decided to postpone his Presidency until charges against him were cleared.

In 2013 the General Assembly meeting in Fortaleza heard the arguments of the Indian Medical Association, which requested to proceed with the installation of Dr Desai as President of the WMA:

At that time the Indian Medical Association explained the situation of Dr Desai. Since 2000 Dr Ketan Desai, then President of the Medical Council of India and Professor and Head at the Urology Department of the Ahmedabad University has been under constant attacks by every Government who came in power in India and there has always been desire / action on the part of such governments of the day including the present one to dismantle the self-governance of the Indian physicians by bringing the hitherto autonomous MCI under full government control or by replacing it with a government authority.

Several times the Central Bureau of Investigation (CBI) (a government controlled police with own judges) launched allegations of corruption, conspiracy and "Disproportionate Assets" against Dr Desai. None of which could stand any testing by a court. In 2010 the CBI even had him arrested under charges of corruption and disproportionate assets. As is the general practice when making corruption charges against civil servants, two cases were filed in 2010, one because of corruption and a second because of allegedly owned "disproportionate assets".

While the first case against Dr Desai and six other defendants was stayed by the Supreme Court of India on the request of one of the other defendants, the second case on the allegation of corruption and consequent to it possessed wealth disproportionate to the income from known/legal source ended with an acquittal for

Dr Desai, with the finding of the investigating CBI, that there was no indication of any funds from corruption with him or his family. And indeed the files of the Medical Council reveal that there was no manipulation in the alleged case - a finding that was later confirmed by a government appointed review panel as well as Board of Governors appointed by government superseding the MCI.

The WMA trusted the Indian Medical Association that the charges of corruption and consequence to it possessed wealth disproportionate to the income from known/legal source are effectively defeated and decided not to have elections for the presidency in 2015, but to install Dr Ketan Desai in 2016.

So why are there hearings still being held in the 'corruption case'? The Indian Medical Association explained to us that because in India the Supreme Court does not convey stay orders directly to a lower court, the attorneys have to relay this message to the lower court. This happens in a ritual by scheduling sessions of the lower court every couple of months, only to hear that the Supreme Court order to stay the procedure is still in place. There is no further debate as to the substance. This will remain as long as the Supreme Court has not dealt with the case and has released the stay order. This may take many more years.

In 2005, 2010 and now again this year the Indian government tried to convert the supervising body into a government appointed and controlled body. According to the Indian newspaper "The Hindu" around 270,000 physicians demonstrated on this November 16th against this move again nationwide. The conflict between organized medicine and the government is continuing.