

## ASSOCIATION NOTES

## REPORT OF DISCIPLINARY INQUIRY

Dr. K. Shiva Das

The Singapore Medical Council held a Disciplinary Inquiry on Dr. Krishna Shiva Das on 2nd and 3rd August 1976. The charges against Dr. Das were as follows:—

“1. You, Dr. Krishna Shiva Das are charged that through the medium of Regional Medidata Centre (Pte) Ltd. (in which company you at the material times had been a shareholder, director and the person having directly or indirectly a controlling interest, supervision and management thereof) sought to attract patients and thereby promote its own financial benefit whereby your own financial benefit has also been promoted by advertising the medical services which it is prepared to offer and in particular:—

- (a) On diverse dates and more particularly between October 1975 and February 1976 the said Regional Medidata Centre (Pte) Ltd. sought to attract patients by issuing advertisements to, or causing advertisements to be issued to passengers of Singapore Airlines offering medical services of the said company.
- (b) On diverse dates but more particularly in February 1976 the said Regional Medidata Centre (Pte) Ltd. sought to attract patients by causing an advertisement to be published at page 20 of the February 1976 issue of Signature Magazine published by Times Publishing Bhd. on behalf of the Diners Club, Singapore,

and you have thereby been guilty of infamous conduct in a professional respect.

2. You, Krishna Shiva Das, are charged that by such action as aforementioned you had taken part in the publication of an advertisement referring indirectly to your skill or services and you have thereby been guilty of infamous conduct in a professional capacity.”

The Practitioner was present and Mr. S. Ramdas appeared on his behalf.

The Solicitor to the Medical Council was Mr. S. Saurajen and the Legal Assessor was Mr. M. Karthigesu.

After the charges were read, the Counsel for the practitioner moved that since the complaint was made on behalf of the Council of the Singapore Medical Association it would be unfair if members of the Singapore Medical Association sat in judgment in the case. Acceding to this objection and on the advice of the Legal Assessor, the two council members of the Singapore Medical Association withdrew from the hearing.

The Medical Council's Solicitor adduced evidence by submitting documents and by examination of two witnesses: (1) Mr. Fong Yai Faun, General Manager of Diners Club Singapore (Pte) Ltd. and (2) Mr. Koh Kay Yew, Tourism Development Manager of Singapore Airlines.

After the witnesses had been examined and cross-examined the Counsel for the Practitioner presented Dr. Shiva Das as his sole witness. At the conclusion of the examination-in-chief and cross examination the Counsel then addressed the Medical Council and this was followed by an address by the Solicitor of the Council.

The Medical Council concluded that the facts of the case had been proven. The Practitioner had advertised the Regional Medidata in which he owns half the shares. He had undertaken this deliberately knowing that it would be wrong. The Medical Council did not give credence to the defence that he was wrongly advised and that the advertisements were made in the name of the company and not directly by the practitioner.

In mitigation his Counsel pleaded that the Practitioner had suffered a severe heart attack about a year ago, his financial investments in the company were not very successful.

The Council determined its judgement as follows:—

- (i) the practitioner is censured for having taken part in advertisement;
- (ii) the practitioner to give an undertaking to the Medical Council to abstain in future from similar acts and in particular that he takes immediate action to disassociate himself from the brochures of the Singapore Airlines and from membership of Diners World Travels;
- (iii) the practitioner is suspended from registration for a period of 3 months;
- (iv) the practitioner will pay costs of the proceedings.