

Date : 27<sup>th</sup> October 2021

To :

The Hon'ble Lokayukta of Maharashtra,

Justice Shri V.M.Kanade

Subject : Complaint No. 4156 dated 31/10/2019 – Actions and Reliefs sought by me in the matter.

Respected Sir,

1. Attached are the following :
  - a) Memorandum of Parties in my Police Complaint (**Pages 3-4**).
  - b) Memorandum of Parties in my Complaint before FDA Maharashtra (**Page 5**).
2. Departments answerable for public servants who colluded with the accused in my criminal complaints with Navghar Police and FDA, Maharashtra, Mumbai :
  - a) Director, Health Services, Public Health Department, Mantralaya, Govt. of Maharashtra.  
Actions sought against concerned public servants for failing in their duties towards the citizens (**Page 6**).
  - b) Director, Directorate of Medical Education and Research, Mantralaya, Govt. of Maharashtra.  
Actions sought against concerned public servants for failing in their duties towards the citizens (**Page 7**).
  - c) Office of Dean, Sir J.J.Group of Hospitals.  
Actions sought against the Deans (2018-2021) and Expert Committee formed for failing in their duties towards the citizens. Deliberately failing to adjudicate criminality in death of my wife (**Pages 8-12**).
  - d) Food and Drugs Administration, Maharashtra, Mumbai.  
Actions sought against concerned public servants for failing in their duties towards the citizens (**Page 13**).
3. Actions required by law enforcement agencies :
  - a) Police Officer-in-Charge, Navghar Police Station, Mulund East, Mumbai (**Pages 14**).
  - b) Food and Drugs Administration, Maharashtra, Mumbai (**Pages 15**).
4. As far as Reliefs are concerned, doctors and hospitals have been held guilty by the State Commission and asked to pay compensation for losses incurred.

- Appeal is pending and complaint against Justice R.K.Agrawal is before the Chief Justice of India for prolonging the mental agony of the aggrieved senior citizen and his daughter for a further period of one year.
5. Penalty to Cipla Limited is as per **Section 27 of Drugs and Cosmetics Act, 1940** which is Life Imprisonment and fine three times the value of drugs confiscated. Cipla violated statutory guidelines and did not allow their drugs to be confiscated. Besides, indulged in multiple malpractices explained below.
- It will be left to the Chief Justice of India and the government to determine the amount of penalty for the multiple crimes committed. In this connection the following have to be taken into account :
    - a) Proposed Draft Pharma Policy which has not been implemented. A marketing ban of one year and confiscation of stock.
    - b) Similar malpractice by Ranbaxy Laboratories Limited and action taken by the United States Department of Justice. Copy of the same is attached to my complaint to Chief Justice of India against Lokpal of India.
    - c) Damage caused to the nation by selling sub-standard drugs over the decades by bribing and corrupting FDA and CDSCO authorities.
    - d) Interfering with freedom of the Press.
    - e) Fake Chemistry and Fake medical theories; Students will learn fake science.
    - f) Misconduct by the Chairman, Shri Yusuf Hamied by hoodwinking the world with false claims.
    - g) Destroying the social fabric of our society.
    - h) These are anti-national, seditious acts.
    - i) Damage caused to the nation is un-imaginable.
    - j) Ill-gotten wealth over decades by bribing and corrupting regulators and law enforcing agencies deserves "Rigorous Imprisonment for Life"

Request the hon'ble Lokayukta of Maharashtra to see that, justice will not be delayed any further and the accused criminal offenders are punished under IPC for culpable homicide as well as under Drugs and Cosmetics Act, 1940.

Umeshchandra Barkur (Complainant)

A-15, Neeta Apartments, Chaphekar Bandhu Marg, Mulund (East), Mumbai 400081. E-mail : [umeshchandrabarkur@hotmail.com](mailto:umeshchandrabarkur@hotmail.com) Cell : 98201 17923.

**POLICE COMPLAINT WITH NAVGHAR POLICE, MULUND, MUMBAI**

Umeshchandra Chandu Barkur	(...Complainant
Address : A-15 Neeta Apartments, Chaphekar	(
Bandhu Marg, Mulund East, Mumbai 400081.	(
Versus	
Cipla Limited	(...Accused Parties
Address :	(
Tower A, 1 <sup>st</sup> Floor & 4 <sup>th</sup> Floor,	(
Tower C, Peninsula Business Park,	(
Ganpat Rao Kadam Road, Lower Parel,	(
Mumbai 400013.	(
Maruti Nursing Home	(
Address :	(
Gokhale Road, Hanuman Chowk,	(
Mulund East, Mumbai 400081,	(
Dr.Mihirgiri Goswami – Maruti Nursing Home	(
Dr.Meghal Goswami – Maruti Nursing Home	(
Dr.Dubey – Maruti Nursing Home	(
Dr.Aafaque Dolare - Maruti Nursing Home	(
Dr.Satyen Mehta	(
Address : Spine Specialist Clinic, 303, 3 <sup>rd</sup> Floor,	(
S.V. Road, Khar (West), Mumbai 400052	(
Platinum Hospitals	(
Address : Color Scape Shopping Mall, G-103,	(
D.D.Upadhyay Marg, Mulund Checknaka,	(
Mulund (W), Mumbai 400080	(
Jupiter Lifeline Hospitals Limited	(
Address : Eastern Express Highway,	(
Thane (W) 400601	(...Accused Parties
Commissioner, Food and Drugs Administration,	(...Respondents
Maharashtra. Address : Survey No. 341, 2 <sup>nd</sup> Floor	(
Bandra-Kurla Complex , Bandra East, Mumbai	(
400051.	(

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Dr.Dubey – Maruti Nursing Home	(
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Bandra-Kurla Complex , Bandra East, Mumbai	(
400051.	(

- Director, Health Services, Public Health (
- Department, Mantralaya, Govt. of Maharashtra. (
- Address : G.T.Hospital Compund, 10<sup>th</sup> Floor, Complex (
- Building, Mumbai 400001. (
- Director, Directorate of Medical Education and (
- Research, Mantralaya, Govt. of Maharashtra. (
- Address : Govt. Dental College & Hospital Building, (
- St.George's Hospital Compound, Near C.S.T. (
- Mumbai 400001. (
- Dean, Sir J.J.Group of Hospitals Address : J.J.Marg, (
- Nagpada, Mumbai Central, Mumbai 400008. (
- Police Officer-in-Charge, Navghar, Mulund, Mumbai. (
- Address : Mhada Colony, (
- Mulund East, Mumbai 400081. (...Respondents

**COMPLAINT BEFORE FOOD AND DRUGS ADMINISTRATION, MUMBAI**

Umeshchandra Chandu Barkur	(...Complainant
Address : A-15 Neeta Apartments, Chaphekar	(
Bandhu Marg, Mulund East, Mumbai 400081.	(
Versus	
Cipla Limited	(...Accused Parties
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Ganpat Rao Kadam Road, Lower Parel,	(
Mumbai 400013.	(
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Address :	(
Gokhale Road, Hanuman Chowk,	(
Mulund East, Mumbai 400081,	(
Dr.Mihirgiri Goswami – Maruti Nursing Home	(
Dr.Meghal Goswami – Maruti Nursing Home	(
Dr.Dubey – Maruti Nursing Home	(...Accused Parties

**Directorate of Health Services are answerable on two points :**

- a) Why my complaint to Navghar Police (sent to them in December 2017) to adjudicate criminality involved was held back for seven long months.
- b) What was the reason they decided that matter falls under Section 304A of the IPC, abandoned their duty and responsibility and diverted the complaint to the Dean of Sir J.J.Group of Hospitals.

*I had interacted with Dr.Gauri Rathod and Dr.B.D.Pawar. The Director of D.H.S. would be in a position to identify the officers involved.*

***Actions sought against the officials :***

- a) Indiscipline and misconduct in line of public duty towards the people.*
- b) Gross dereliction of duty. Abandoning their duty and responsibility on others.*
- c) Colluding with criminal offenders.*
- d) Taking an aggrieved senior citizen for a ride seeking justice in unnatural, untimely and merciless death of his wife.*
- e) Trampling of the criminal justice system.*

**Director, Directorate of Medical Education and Research, Mantralaya,  
Government of Maharashtra :**

- a) What action has been taken by them in the matter.
- b) Medical Education and Drugs Department have to reply why Joint Investigation Report conducted on complainant's grievances was hidden from the complainant for two years.
- c) Complaint under Drugs and Cosmetics Act, 1940 is with FDA Maharashtra, FDA Goa and CDSCO, the National Regulatory body for "Drugs".  
Also before Medical Education and Drugs Department, government of Maharashtra.

**PMOPG/D/2018/0452374 – 11/12/2018 – Case was closed by Department of Administrative Reforms and Public Grievances on 29/03/2021 by transfer to the following.**

Officer concerns to Officer name – Hemant Mahajan – Officer designation – Under Secretary – Contact address – G.T.Hospital Complex, 9<sup>th</sup> floor, L.T.Marg, Mumbai.

***Actions sought against the officials :***

- a) *Indiscipline and misconduct in line of public duty towards the people.*
- b) *Gross dereliction of duty.*
- c) *Colluding with criminal offenders.*
- d) *Taking an aggrieved senior citizen for a ride seeking justice in unnatural, untimely and merciless death of his wife.*
- e) *Trampling of the criminal justice system.*



**Dean and Expert Committee at Sir J.J.Group of Hospitals :**

- a) Report by the panel of three doctors (Expert Committee) appointed by the erstwhile 'Acting Dean', Dr.Tayde had to be submitted on "Tatkal basis", within a week i.e. by 5<sup>th</sup> September 2018.
- b) Reasons for silence by the Deans (2018-2021) and panel of three doctors for two and half years till Hon'ble Lokayukta of Maharashtra, Justice Tahaliyani called for the report.
- c) All the three doctors, Dr.Abdul Hannan, Dr.Amit Supe, Dr.Dattatray Bhoir, the erstwhile acting Dean, Dr.Tayde who appointed the panel of three doctors had been requested by the complainant to give written explanations for not sending their report to Navghar Police Station.
- d) None of them could comply, which proves them as "Guilty" of misconduct, gross dereliction of duty and colluding with criminal offenders in line of public duty towards the citizens.
- e) Drug Rokfos sold illegally caused grievous hurt within the meaning of section 320 of the IPC in four different ways ultimately resulting in death of the patient. This is punishable with life imprisonment.
- f) Section 27 of Drugs and Cosmetics Act – Any drug used in treatment causes his death or likely to cause such harm on his body as would amount to grievous hurt within the meaning of section 320 of the IPC solely on account of the drug being spurious or adulterated or not of standard quality shall be punishable with imprisonment – not less than 10 years which can extend up to life. Also, fine three times the value of drugs confiscated.
- g) In the case of the Complainant's wife :
  - Within 20 hours she was in severe bodily pains and was bed-ridden till her death two weeks later.
  - She was in Dysphagia (difficulty in swallowing) and could not swallow even her saliva after five days. Central line catheter was used for feeding nutrients and medicines.

- She had petechial rashes (bleeding from under the skin).
  - She was in pancytopenia (drop in all three blood counts). WBC fell from 20,080 to 2,300 and platelets from 143,000 to 95,000 in a single day. Platelets fell by another 36,000 points the next day. Next day after shifting the patient, WBC was 200 and platelets 20,000.
  - This was much above "Grievous Hurt".
  - The doctors watched the patient sinking to her death for four days.
- h) Complainant's allegation of the drug being sub-standard was based on the following facts :
- Cipla did not follow statutory guidelines; Schedule 'M' of Drugs and Cosmetics Rules which required that the drug be investigated/evaluated and records of investigation and remedial action taken be maintained. This in spite of repeated appeals by the Complainant.
  - Cipla lied to FDA Goa Director by linking imaginary diseases (paralysis, spinal tuberculosis, bone tuberculosis, arthralgia) with imaginary treatment (steroids and anti-tubercular therapy) just to defend that Rokfos was not the cause of death of my wife.
  - Petechial rashes and pancytopenia are typical symptoms and characteristic features of aplastic anaemia as per standard medical textbooks on aplastic anaemia submitted in my complaint.
  - There was no need to hide known side effects of a drug unless foul play was involved in manufacture and trials conducted on vulnerable patients.
- i) **Criminal acts by all the accused in my Police Complaint and Complaint before Food and Drugs Administration, Mumbai :**
- Administering cancer drug for curing stiff neck in a single day. This injection has to be administered only once in a year even for bone cancer patients.
  - Consent for administering this drug was not taken from patient or relatives.

- Before diagnosing cause of stiff neck, this injection was administered.
- Precautions and indications of use as per Cipla booklet (15 pages) were not taken. There were multiple precautions to be taken.
- Contra-indication tests were not performed.
- After serious Adverse Drug Reactions (ADRs), watched the patient sinking to her death for five days at a stretch. WBC falling from 20,080 to 200 and platelets from 143,000 to 20,000.
- Sent the patient in a panic, two days ahead of scheduled surgery for cord compression (cause of stiff neck) in a critical condition.
- Patient was bed-ridden, unable to swallow even saliva, petechial rashes (bleeding from under the skin) appeared on arms and legs and blood counts were at critically low levels.
- This was "Attempt to Murder". Patient would have not survived the surgery as there was hardly any blood left in her body.  
ADRs of Cipla injection would have been suppressed forever.
- False death certificate was given to suppress the ADRs which was not mentioned even in death summary. Aplastic Anaemia (cause of death) was also not included in death summary.
- Both Cipla and FDA Maharashtra violated statutory guidelines and did not investigate the injection causing serious adverse drug reactions never seen before. This in spite of several requests and appeals by the aggrieved.
- Cipla deceived FDA Goa Director with fake chemistry and fake medical theses and pleaded ignorance of laws of the land.
- Cipla took the aggrieved senior citizen for a ride by lying to have investigated their drug and reporting to FDA, PVPI and DCG(I).  
These have been proved as totally false.  
Letters from all the three authorities to the contrary have been produced.
- Finally, the weapon that killed my wife, meaning serious Adverse Drug Reactions of injection Rokfos was suppressed by around two dozen doctors at three hospitals. Cipla hushed up the serious ADRs for four

long years. When law caught up with them, reported to Indian Pharmacopoeia Commission after five years.

- There was no need to hide known side effects of a drug unless 'FOUL PLAY' was involved in manufacture and 'TRIALS' conducted on vulnerable patients.
- The entire world has been educated now regarding vaccines, the time required to manufacture them and the investment lost if it fails. Cipla tried to conduct 'Clinical Trial' on a vulnerable patient in nexus with doctors and in the process an innocent life was sacrificed.
- Cipla, being a Listed company hid the serious ADRs of their drug Rokfos from stakeholders, external auditors, secretarial auditors, external regulators, Bombay Stock Exchange as well as WHO.
- Cipla's last letter dated 26<sup>th</sup> June 2018 says that they will comply with directions of the authorities as and when received. This is acceptance of guilt.
- FDA authorities in Maharashtra and Goa as well as DCG(I), CDSCO (HQ) and DDC(I), CDSCO (WZ), Mumbai are exposed in a conspiracy to conduct bogus Joint Investigation and report to absolve Cipla Limited in multiple crimes against innocent citizens.
- Cipla Limited directors should have been prosecuted in 2015 after my complaint with FDA Maharashtra, Mumbai. Also, later in May 2018 itself after their false explanations to FDA Goa Director were exposed.
- Cipla lied to FDA Goa Director by linking imaginary diseases (paralysis, spinal tuberculosis, bone tuberculosis, arthralgia) with imaginary treatment (steroids and anti-tubercular therapy) just to defend that Rokfos was not the cause of death of my wife.
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- d) Taking an aggrieved senior citizen for a ride seeking justice in unnatural, untimely and merciless death of his wife.*
- e) Trampling of the criminal justice system.*

**Food and Drugs Administration, Maharashtra, Mumbai :**

My complaint was lodged on 28<sup>th</sup> April 2015 and the following are liable.

- a) Joint Commissioners since Shri O.Sadhwani till date.
- b) Assistant Commissioners (Zone 4), Mulund till date.
- c) Commissioner, Dr.Pallavi Darade and subsequent.
- d) Drug Inspectors till date.

All the above officers are liable for the following offences :

- Colluding with criminal offenders, Cipla Limited and Maruti Nursing Home and violating Statutory guidelines; Schedule 'M' of Drugs and Cosmetics Rules, 1945.
- Indiscipline and misconduct in line of public duty towards the people.
- Gross dereliction of duty.
- Taking an aggrieved senior citizen for a ride seeking justice in unnatural, untimely and merciless death of his wife.
- Trampling of the criminal justice system.
- **[PMOPG/E/2018/0109827 – 10<sup>th</sup> March 2018].**
- Prior to case being closed on 09/06/2021 by Department of Administrative Reforms and Public Grievances, Status showed the following :
  - Current Status – Under process – Date of action – 06/12/2018 – Officer name – Dr.Pallavi Darade, Commissioner – FDA Maharashtra.
  - Immediate action was requested from Dr.Pallavi Darade.
- **PMOPG/D/2018/0325348 – 11/12/2018 – Case was closed by Department of Administrative Reforms and Public Grievances on 04/03/2021.**
- Officer concerns to Dr.Pallavi Darade - Commissioner, FDA Maharashtra.

**Police Officer-in-Charge; Navghar Police Station, Mulund East, Mumbai :**

- a) FIR and arrest warrants against all accused in my police complaint for culpable homicide as per Memorandum of Parties submitted **(Pages 3-4)**.
- b) Inclusion of public servants in all the departments in the FIR ;
  - Director, Health Services, Public Health Department, Mantralaya, Govt. of Maharashtra.
  - Director, Directorate of Medical Education and Research, Mantralaya, Govt. of Maharashtra.
  - Dean and Expert Committee at Sir J.J.Group of Hospitals :
  - Commissioners, Joint Commissioners, Assistant Commissioners, Drug Inspectors of Food and Drugs Administration, Government of Maharashtra, Mumbai.

**Commissioner, Food and Drugs Administration, FDA, Maharashtra :**

- a) Case under Drugs and Cosmetics Act, 1940 and arrest warrants against Cipla Limited directors, owners of Maruti Nursing Home and Dr.Dubey, attached to Maruti Nursing Home who was selling drugs purchased illegally on behalf of Maruti Nursing Home.
- b) Case pending before 15<sup>th</sup> Court, Mazgaon has to be followed up.
  - Evidence has to be submitted that illegally purchased and sold drug has caused a death.
  - Orders by Maharashtra State Commission (Consumer Court) and Maharashtra Medical Council should be submitted as evidence.
- c) Cipla Limited has to be included as a party by a fresh affidavit.
- d) Charges under Drugs and Cosmetics Act, 1940 and Rules thereof should be added against the accused.