



# Medi

# VOCAL

Monthly Newsletter

VOLUME 1 ISSUE 2  
FEBRUARY 2024



## ATAL SETHU SHINES

THE GOA STATE BRANCH OF IMA IN ASSOCIATION WITH GSIDC ILLUMINATED THE ATAL SETU , PANJIM IN ORANGE AND NAVY BLUE COLORS ON THE 3RD AND 4TH OF FEBRUARY 2024

BY SHOWCASING THE COLORS ASSOCIATED WITH WORLD CANCER DAY ON ATAL SETU , IMA GOA STATE BRANCH AIM TO CONVEY A POWERFUL MESSAGE THAT CANCER IS NOT ONLY PREVENTABLE BUT ALSO CURABLE .

“Indian Medical Association (IMA) Goa State Branch in association with Manipal Hospital (MH), Goa, organized an event to commemorate World Cancer Day on 3/2/2024. The event aimed to raise awareness about cancer and to encourage a dialogue on the prevention and detection of cancer and to reduce the Care Gap.



DR. SANDESH CHODANKAR PRESIDENT-IMA GOA STATE BRANCH FOR 2024 WAS THE CHIEF GUEST. DR. CHODANKAR SAID, “WE STAND AT THE FOREFRONT OF A UNITED EFFORT TO COMBAT CANCER, AND IMA GOA STATE BRANCH SUPPORTS THE RESOLUTION TO FIGHT THIS DREADED DISEASE AND REDUCE THE GAP IN CARE OF CANCER PATIENTS

## IMA Goa State monthly news letter Medi-Vocal



### IMA PRESIDENT MESSAGE

Dear Colleagues and friends .

A warm greetings from IMA GOA State!

It is our second issue of newsletter “MediVocal”, i request members to come forward and share ideas and feedback to make the newsletter more engaging and successful.

Dr. Sandesh Chodankar



# BE KIND TO YOUR MIND



IMA Goa State branch along with Goa State Legal Service Authority and Sangat Goa, organized a program on sensitization of judicial officers on stress management at the workplace. The program was organized on 10 February 2024 at 9:30 AM in the conference hall of the High Court of Bombay at Goa. The dignitaries included stalwarts from judiciary Justice M. Sonak, Justice Deshpande, Judge Vijaya Ambre, Judge Irshad Aga. The event was attended by more than 50 judicial officers, Dr Vikram Patel and Urvita Bhatia of Sangath were resource persons IMA Goa state also launched the monthly newsletter Medi-Vocal, at the hands of distinguished guest present at the event,



### IMA NEWSLETTER EDITOR MESSAGE

Dear Members

MediVOCAL is an earnest attempt to create awareness among the members of the fraternity and general public on the activities of IMA Goa, i solicit your support to make it successful.

Dr. Medha Salkar

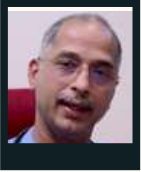
## IMA GOA PAVES WAY FOR LIVING WILL IN THE STATE

Indian Medical Association Goa State and Goa State Legal Service Authority (GSLSA) organised a symposium/discussion on 16th February 2024 at 5.00 PM in the conference hall of High court of Bombay at Goa on IMA GOA STATE 2024 initiative on Medical futility and End of life care with implementation of Advanced Medical Directives (AMD) better known as "Living Will".



The program was chaired by Shri Justice M.S Sonak, Shri Justice Bharat Deshpande and Dr. Sandesh Chodankar, President IMA Goa State branch. Shri Justice M.S Sonak elaborated on various intricate details of the prevalent directives for Advanced Medical Directives issued by the supreme court of India and congratulated IMA Goa state branch for embracing such activities in the interest of society.





**Dr. Sailesh Kamat,**  
Chairman, Legal Cell IMA Goa State Branch

*Disclaimer : This is an attempt to explain legal status as it stands today and not my personal opinion.*

## **Trade (and Occupation) License – Issues Explained**

There are various misconceptions doing rounds about so called “Trade License” which cause undue anxiety and confusion amongst practicing doctors. Most of the rumour mongering would cease if one realizes that what we know by name “Trade License” is in fact legally “Trade and Occupation License”. The situation is worsened by multiple judgements of various courts which do rounds on Whatsapp and other social media further adding to the confusion. Let me take issues one by one

### **Why Trade License for medical practitioners when Medical Profession is not trade ?**

Presuming for a moment that medical Profession is not trade, still so called Trade License is applicable to medical profession as law stands today . The License which we are asked to obtain is either under Goa Municipalities Act 1968 or Goa Panchayat Raj Act. Let us visit the provisions in the said acts.

Coming to Goa Municipalities act 1968, relevant section is quoted herewith.

“Section 265. Certain other trades and occupations not to be carried on without licence.—(1) No person shall use any premises in the municipal area for any trade or occupation except under and in accordance with the conditions of a licence granted under the provisions of the bye-laws made in this behalf.”

Thus it is clear that you need a license to carry out any occupation within Municipal area. Now it is called “Trade License” because when the law was originally made in 1968, it included only trade. Words “or Occupation” were added by amendment act 9 of 1980. It should have been called “Trade and Occupation License”; which did not happen. But that does not make provision illegal.

Here it is pertinent to note that Section 101 of same act gives power to Municipalities to impose taxes on Professions carried out in it’s jurisdiction.

### **Medical Profession is a “Profession” and not “Occupation” ?**

Some practitioners faced with above explanation defended their stand claiming that medical profession is a profession and not occupation. Hence I would like to elaborate that, in legal terms, Occupation is defined as any work that you carry out to make a living while Profession is occupation that requires special skill set and sometimes certification. Thus all professions are occupations but reverse is not true. (Reference : Scrutton L.J, Commissioner’s of Inland Revenue v. Maxse )

Applicability of “Trade License” to medical practitioners is further reinforced after promulgation of Trade and occupation Licensing Byelaws 1989. ( Please note that here “Trade License” is referred to as “Trade and occupation License”). The said byelaws were gazetted on 24th August 1989. The Schedule of rates appended to these byelaws under Byelaw 3 and Byelaw 5 Under item No 11 mention Hospitals/Nursing Homes/ Maternity @ Rs 100 per year and Consulting Rooms ( Per Unit) @ Rs 50 per year. Having notified rates along with description, published in official gazette, how can one claim that “Trade and Occupation License” is not applicable to medical practitioners.

Having covered Goa Municipalities Act 1968, Let us see provisions in Goa Panchayat Raj Act 1989. Chapter VIII deals with “Taxes and Fees”. Section 153 (3) allows Panchayats to levy various fees and taxes. Item No ( k) reads as follows.

(k) tax on profession, trades, calling and employment;

Word “Profession” is mentioned here. So we can’t even hide under cover of “Occupation”



**Trade License is not required for registration under Clinical establishment Act ?**

Absolutely correct. Only mention of "Trade License" is found in Goa Clinical establishment Act Rules TABLE I ( under rule 4) is in form of item No IV

(IV) Minimum standards as laid down under trade license issued by the Municipal Corporation/Municipal Council/Village Panchayat concerned shall be maintained.

There is no mention that "Trade License" is mandatory. What is required is adherence to minimal standards as laid down under "Trade License"

Point to note here is that just because it is not required under Clinical Establishment Act does not mean that "Trade License" will not be required under other acts in force.

**IDA – Indian Dental Association Has Challenged "Trade License" at High Court and various other forums. Why IMA does not follow suit?**

We live in democratic country and anyone aggrieved with any Act/Law can approach High court or Supreme court against the same. Point to note here is that the said suit or representations are not filed by IDA but by Goa Private Dental Practitioners Association, which is a group of private dentists. So comparing it with IMA State Branch would not be appropriate. In democratic country and anyone aggrieved with any Act/Law can approach High court or Supreme court against the same. Point to note here is that the said suit or representations are not filed by IDA but by Goa Private Dental Practitioners Association, which is a group of private dentists. So comparing it with IMA State Branch would not be appropriate.

Here it is pertinent to note that same group of dentists had approached Director of Municipal Administration challenging validity of "Trade License" but their plea was dismissed.

It is interesting though to go through grounds on which they are challenging the applicability of "Trade License" to Dental Profession

1. Trade License is required only for commercial activity
2. Dentists undertake 'Profession' and should not come under "Occupation" which means commerce and sale of commodities
3. Trade and Occupation Licensing Byelaws, 1989 do not specifically cover Dental establishments. It only mentions "Hospitals/maternity/Nursing Homes/Consulting Rooms (per unit)" so legislature has deliberately excluded Dentists
4. There is no provision of "Trade License" fees under Corporation of City of Panaji Act, 2002
5. Municipalities/ Panchayat are collecting Garbage tax over and above Sanitation tax and also property tax at Panchayat level

Basically there are 2 issues. Applicability of "Trade License" and type and quantum of taxes laid. Let us restrict ourselves to 1st part. So on analysis their important contention is that they are not included under category "Hospitals/maternity/nursing homes/ consulting rooms". Another ground they are raising is definition of occupation itself. Rest are technical grounds.

Let us wait for the HC judgement. However the High Court has not given a stay on implementation of "Trade License" as prayed for in the petition. That means "Trade License" is legal requirement as of date.

**Goa Cabinet has approved imposition of "Professional tax" so now "Trade License" will not be required?**

Professional Tax is a misnomer. Although fine print will be clear only after draft of the bill is in public domain, if one follows what is prevalent in other states, anyone whose income is above certain ceiling is liable to pay "Professional tax" and it is not limited only to professionals. It does not replace "Trade License" and hence it is not true that "Trade License" will not be required once "professional tax" is laid.

**SO TO CONCLUDE, UNLESS SOMEONE CHALLENGES IT IN HIGH COURT AND OBTAINS STAY OR GETS LAW INVALIDATED, AS OF DATE "TRADE AND OCCUPATION LICENSE" UNDER GOA MUNICIPALITIES ACT IS REQUIRED FOR MEDICAL PRACTITIONERS, EVEN FOR SINGLE CLINICS IN GOA**



Various judgements are cited as evidence contrary to applicability of trade license.

Let us visit various judgements to understand their relevance in issue of "Trade License". I will only go through facts of the cases and leave it to the readers to decide whether they have any relevance in present discussion.

### 1. Devendra Surti vs State of Gujarat

The question involved in this appeal is as to whether a Doctor's dispensary is, a "Commercial Establishment" within the meaning of the Bombay Shops and Establishments Act, 1948. SC decided that Individual Doctor's clinic cannot be called as "Commercial establishment" under Shops and Establishment Act 1984. Although the judgement has no relevance under Goa Municipalities act since under this act it comes under category "Occupation", still it is worthwhile to have a look at the details of the case to see how different courts themselves can have different perspective. Dr Devendra Suri was having his clinic at Ahmedabad and he had taken registration under "Shop and Establishment Act". However inspector found that necessary registers were not maintained and hence filed a case on him. The City Magistrate (First Court), (Muni), Ahmedabad held that the appellant was not guilty and acquitted him. The State of Gujarat took the matter in appeal to the High Court of Gujarat in Criminal Appeal No. 208 of 1964. The appeal was allowed by the High Court by its judgment dated February 14, 1966. They took a stand that since he had registered under the act, he should abide by all provisions. Dr Devendra Surti went in appeal to SC and SC upheld his appeal citing in it's judgement that Individual clinic of a doctor is not a commercial activity.

### 2. Narendra K Fuladi vs State of Maharashtra

Since Professions like Medicine and legal practitioners were excluded from ambit of Shops and establishment act, State of Maharashtra amended the act to include Medical and legal practitioners. Mr Narendra K Fuladi, a lawyer and Secretary of Akola bar Association challenged the amendment.

Right of legislature to amend the law itself was challenged. Another ground was that Advocates are regulated by Advocates Act so another act is redundant. HC didn't allow both grounds. HC went ahead even to mention that even if present act contravenes provisions of central Advocates Act, it will be legal. HC at the same time upheld that Professions like legal practitioners and medical practitioners do not come under ambit of Shop and Establishment act because The act is made to regulate commercial establishments from point of view of welfare of the employees. Single clinics of doctor or lawyer has maximum one employee and hence it can be said that law at the time of formulation envisaged to exclude legal and medical practitioners.

#### 1. Dr Pradip Arora vs State of Maharashtra

Having faced setback in above two and some more related cases, Maharashtra Govt came up with amendments and changed full format of the act. The new act was called "Maharashtra Shop and Establishment Act 2017". In this act "Commercial establishment" was changed to "establishment" and establishment of any medical practitioner (including hospital, dispensary, clinic, polyclinic, maternity home and such others) was enlisted in inclusions. The amended act was challenged in High Court by Dr Pradip Arora, an paediatric Surgeon and an activist. The High Court of Bombay after going through and dissecting the amended act threadbare delivered their verdict that Maharashtra Shop and Establishment Act 2017 was applicable to Medical Practitioners. By virtue of provisions of the Act, Establishments having more than 10 employees are required to register and follow all sections of the Act whereas establishments having less than 10 employees are not required to register or follow all sections of the act but are required to send information of establishment to appropriate authority ( Described as Facilitator) If one reads the judgement it is made clear that in present form, Medical Practitioners are included under Ambit of Maharashtra Shop & Establishment Act 2017. This is valid position of law as of today till reversed by SC if at all. One thing is pretty clear from above 3 judgements is that Government has full right to Amend acts in order to remove clauses considered invalid by courts and Courts have upheld this right of legislature. In this scenario, I have my doubts, how smart is the move to challenge application of "Trade License" to medical practitioners under Goa Municipalities Act.



**IMA Goa State Branch in association with Manipal Hospital (MH), and Lions Club International, commemorated International Childhood Cancer Day on 16/02/2024. The event's objective was to raise awareness about childhood and adolescent cancer while offering support to those currently battling or who have overcome the illness**



## C.M.E



**IMA Goa State and IMA Bardez organized a state level CME in association with Arihant Hospital Belgaum on 24th Feb '24 at Hotel Fern Kadamba , Panjim on following topics**

**Complications of cirrhosis of Liver -**

**Dr Varadraj Gokak**

**What's new in interventional cardiology -**

**Dr Prabhu halkati**

**Demystifying Kidney transplantation -**

**Dr Vijaykumar Patil**

**Stress management for Doctors -**

**Dr M D Dixit**

**Over 80 members of different branches attended the session**



# IMA CQS

Career Guidance Program by Dr Shankar Nadkarni of IMACQS at Guardian Angel High School under Aegis of Aao School Chalein on 17.02.24



Talk on Menstrual Hygiene by Dr. Pradnya Kakodkar of IMA CQS at Somnath English High School on 28.02.24

Monthly meeting and CME on Challenges faced on OBG Practice by Dr Vishnu Sheldekar on 16.Feb.2



I Installation ceremony and CME

Venue – Hotel Green Park, Guirim ☑️ Date 10th Feb 2024

Installation ceremony of IMA Bardez 2024 executive committee by Dr Avdut Thali (installation officer)

CME on “organ preservation, conservation surgeries and reconstruction in cancer” Speakers – Dr Sachin Ambre and Dr Suraj Rane 1 CME point granted

# IMA BARDEZ



COLS workshop

Venue – Shree Shantadurga Prasanna High school

Date 18th Feb 2024

Resource Person Dr Siddharth Naik, Dr Mahendra Khandolka

# IMA BARDEZ



# IMA MORMUGAO

IMA Mormugao held its 2nd CME of the year on 23rd Feb at Flora Grand Hotel.

Topic was "Management Of Non Alcoholic Fatty Liver Disease".

CME was attended by 45 members, CME was followed by an interesting question and answer session.





## World Cancer day was Celebrated in association with Manipal Hospitals on 2nd Feb. 2023



## IMA BICHOLIM



C.M.E. on Demystifying Glaucoma was Organised on 25 February.2024  
Dr.Kaushik Dhume, Consultant Ophthalmologist was the Speaker



## MULTISPECIALITY HEALTH CHECK UP CAMP 04/02/24

It was conducted by IMA Ponda in association with rotary club of Ponda at Mahatma Gandhi centenary school Gaunem for school children from std 3rd to std 10th.

- Hb check - Dr. Samidha Khandeparkar
- ENT check - Dr. Laxmikant Naik
- Eye check -Dr. Shweta Khandeparkar & Dr. Nikita Wagle
- Dental check -Dr. Siddhesh Shenoy
- General check -Dr. Kautuk Bhatikar.

In all 120 school children were examined & treatment given or referral advised as per requirement.

## IMA PONDA



# IMA PONDA

HEALTH CAMP INAUGRATION PROGRAMME 04.02.2024

It was held at Gausavardhan Kendra Valpoi & inaugurated in presence of IMA Ponda President Dr. Suraj Kanekar, trustee member IMA Dr. Lalana Bakhale, Dr. Omkar Amshekar, & Natasha Dhuri, President of Jai Shriram Gausavardhan Kendra Valpoi Shri Hanumant Parab



## REGULAR WEEKLY HEALTH CHECK UP AT MATRUCHAYA-07.02.2024

It was held by IMA Ponda in association with Adolescent Health Cell of IMA Goa State. ➤ Dr. Purnima Usgaonker examined 21 patients in total of which 18 were children, 2 adolescents & one adult. ➤ She discussed with the head girl in charge of Anemia detection & treatment for adolescents which started from last year. Repeat Hb estimation to be taken up. Topics for short talks at every weekly camps for adolescents were planned & are to begin from next Wednesday



## MEDICAL CHECK UP CAMP - 15.02.24

IMA Ponda had a medical check camp at Kendriya Vidhyalaya Curti Ponda between 8.15 to 10.30am. Total 165 students were examined for general check up, pediatric, dental care & skin problems. Participating doctors were Dr. Suraj Kanekar, Dr. Santosh Usgaonkar, Dr. Purnima Usgaonkar, Dr Nutan Dev, Dr Jaya Shenoy



# IMA PONDA

YOGA CAMP AT VALPOI- 15.02.24

DR Suraj Kanekar conducted a Yoga camp & was the chief guest at Hedgewar School at Valpoi. Total 127 students took part. Message given was :-example of the Sun-work continuously to achieve the goal, focused, only gives, no demand, no complains, no casual leave, no holiday, never sick, never late, no partiality, equal for all & responsible for the existence of the universe



REGULAR WEEKLY HEALTH CHECK UP AT MATRUCHAYA-21.02.2024

Regular weekly health camp by IMA Ponda under Aao Gao Chalen project, in association with Adolescent Health Cell of IMA Goa State was held at Matruchaya on 21/2/24. Dr.Purnima Usgaonker examined 16 patients in total., of which 15 were children, and 2 adolescents She discussed with the head girl in charge topics for short talks at every weekly camps for adolescents to be taken up at 5pm from subsequent week onwards



MENTAL HEALTH TALK ON 22.02.2024

A talk was held for the villagers of Keri village by Dr Suraj Kanekar on 22/2/24 from 8-9pm in keeping with the IMA state theme 'be kind to your mind' the role of MatruShakti' towards home and old people was discussed. 30 villagers attended the talk



# IMA PONDA

YOGA CAMP AT KERI- 21.02.24 to 23.02.2024

A 3 day yoga session was held from 21st to 23rd February on the Role of Parents and Grandparents , this was conducted by Dr Suraj Kanekar , 24 people attended the session



## 2ND MONTHLY MEETING AND CME ON 24.02.2024

2ndmonthly meeting and CME was held on 24.02.2024 at IMA House Ponda  
Speaker was Dr Vaibhav Dukle, MD, DNB Endocrinology who spoke on  
Hypothyroidism- Diagnosis and Treatment The lecture was attended by 40 doctors.



## MYOGA CAMP AT KERI- 24.02.24

Dr Suraj Kanekar conducted a Yoga camp in the village of Keri with IMA Ponda with Aao Gaon Chalein Total 25 villagers took part . Message given was :-plastic free zone in one of the wards of Ker



# IMA PONDA

**MATRUMELAVA AT KB HEDGEWAR HIGH SCHOOL ON 24.02.2024**

**Regular Health check up camp under Aao Gaon Chale abhiyan by IMA Ponda and Adolescent Health Cell IMA Goa state was held on 28/2/24 at Matruchaya Dr.Purnima examined 18 kids and 4 adolescents.**



**HEALTH AWARENESS TALK ON 28.02.2024**

**A Health awareness talk was held at Matruchaya for Adolescent girls of Matruchaya was organized by Adolescent Health Cell of IMA Goa State in association with IMA Ponda on 28/2/24 . Topic was " Concentration in Studies ". The topic was chosen by the girls themselves at the suggestion from Dr.Purnima Usgaonker chairperson Adolescent Health Cell who was the speaker herself.**

