

MEDICAL COUNCIL OF INDIA
NEW DELHI

Minutes of the meeting of the Board of Governors held on 09.01.2012 at 10.00 a.m. in the Council office at Sector-8, Pocket-14, Dwarka, New Delhi -110077.

Following members were present:

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| 1. | Dr. (Prof.) K.K. Talwar | Chairman, Board of Governors |
| 2. | Dr. (Prof.) H.S. Rissam | Member, Board of Governors |
| 3. | Dr. Rajiv Chintaman Yeravdekar | Member, Board of Governors |
| 4. | Dr. Purshotam Lal | Member, Board of Governors |
| 5. | Dr. (Prof.) Ashok Kumar Gupta | Member, Board of Governors |
| 6. | Dr. (Prof.) K Mohandas | Member, Board of Governors |
| 7. | Dr. (Prof.) Sangeeta Sharma | Secretary, Member Secretary, BOG meeting. |
| 8. | Dr. P.Prasannaraj | Additional Secretary |

Leave of absence was received from Dr. (Prof.) K.S. Sharma, Member, Board of Governors.

1. Regarding excess admission at J. N. Medical College, Aligarh during the academic year 2009-10 in various PG courses – meeting with the college authorities.

Read: the matter with regard to excess admission at J. N. Medical College, Aligarh during the academic year 2009-10 in various PG courses – meeting with the college authorities.

The Board of Governors considered the request letter dated 15.11.2011 of the Dean, JLN Medical College, Aligarh with regard to excess admission during the academic year 2009-10 in various PG courses and letter dated 08.01.2012 submitted by the college authorities at the time of personal hearing on 09.01.2012 with regard to enhancement of seats in PG courses and noted the following decision of the postgraduate committee taken at its meeting held on 15.04.2010:-

“The Postgraduate Committee considered the clarification received from the Dean, J.L.N. Medical College, Aligarh dt.21.01.2010 stating that they have been admitting nearly the same number of postgraduate students every year for the last 9 years & have sent the list of admitted candidates whenever query from Medical Council of India was received vide 350/FM dated 02.02.2002; 1181/FM dated 27.08.2003; 2638/FM dated 07/06/2006; 2466/FM dated 06.06.2007; 3056/FM 02.07.2009. Only once did we receive an objection from Medical Council of India vide MCI-23(1)/2007-Med./28005 dated 17.01.2008, regarding M.D. (Physiology). They complied with MCI objection but later on found out that that objection itself was contradictory after perusing the records of Medical Council of India & informed you about the contradiction vide 3225/FM dated 11.02.2009.

In view of above, the Postgraduate Committee decided to accept the clarification given by the Dean, J.L.N. Medical College, Aligarh.

The college authorities vide letter dated 22.11.2010 had represented for correction in the website and the matter was placed before the earlier Board of Governors. The Board of Governors agreed with the above decision of the Postgraduate Committee with the remarks *“in future the college is requested to comply with the number of seats fixed by Council for admission in PG courses”*.

In view of above, the Board of Governors decided to direct the Council office to amend the website of the Council and upload the intake in the following Postgraduate courses in respect of JLN Medial College, Aligarh and the same be informed to the concerned authorities:-

Subject	Intake of capacity
M.D.(Paed.)	06
M.D.(Anea.)	07
M.D.(Path.)	09
M.D.(R.D.)	03
M.S.(Ortho.)	4
DGO	12
D.Ortho.	08
DCH	12
DMRD	06

The Board of Governors further directed the office of examine the representation with regard to enhancement of postgraduate seats and present the facts before the Board at the time next meeting.

2. Minutes of the BOG’s meetings dated 3.01.2012 - Confirmation of.

The Board of Governors confirmed the minutes of the meeting of the BOGs held on 03.01.2012.

3. Corrigendum in the minutes of the Board of Governors meeting held on 25.11.11 regarding consideration for Grant of Permanent Registration to Pakistani Migrant Doctors, who have migrated to India in year 2000.

Read: the matter with regard to corrigendum in the minutes of the Board of Governors meeting held on 25.11.11 regarding consideration for Grant of Permanent Registration to Pakistani Migrant Doctors, who have migrated to India in year 2000.

The Board of Governors considered the matter with regard to corrigendum in the minutes of the Board of Governors meeting held on 25.11.11 regarding consideration for Grant of Permanent Registration to Pakistani Migrant Doctors, who have migrated to India in year 2000 and approved corrigendum for grant of permanent registration.

The Board decided to grant permanent registration to Dr. Sarwan Kumar Dayal Das Mandhwani and Dr. Rekha Sarwan Kumar Mandhwani since they have completed one year

of training as House officer in Pakistan which should be considered as equivalent to one year internship in India.

The Board of Governors also noted that due to civil unrest prevailing at that time and religious discrimination faced by them, some doctors namely Dr. Gian Chand and Dr. Aneela Kumari Rajani had to flee for the safety of their life & family from Pakistan to India, therefore, could not complete one year internship. The Board also noted that MBBS Course duration is 5 years plus one year internship in Pakistan and have done house job, therefore, in view of the difficult circumstances the Board decided to grant registration to the candidates who could not complete their internship/houseman-ship.

As regard Dr. Lal Chand Utwani who had secured less than 50% marks the Board noted that he had obtained MBBS degree from University of Balochistan, Quetta (Pakistan) in 1998. He is duly registered with Pakistan Medical & Dental Council and completed his internship as Resident House Officer but has obtained 39.67% in PCB. He had applied for Long Term Visa for applying Indian Citizenship on 18.08.2001 and got his Indian citizenship vide certificate no. 11586 dated 29.09.2011 issued by the Govt. of India, Ministry of Home Affairs, New Delhi. It was decided as the same is acceptable to Pakistan Medical Council and moreover these people had done MBBS long ago, registration be granted to the candidate.

In the last meeting held on January 3, 2012 Board had enquired about the basis of including the three Universities in the opinion of Law Ministry. On perusal of files, it was noted that candidates from these universities had been representing to the Ministry, the MCI, the Court Cases and the affidavit tendered by the Ministry of Health and Family Welfare, three Universities, namely Karachi, Sind and Punjab of Pakistan were included in the Second Schedule of the IMC Act, 1956 for the period 1992-1999 by the Central Government on the basis of scheme of reciprocity on the recommendation of MCI is mentioned and in addition to, Central Govt. also recommended that those Pakistani National seeking citizenship prior to 15.3.2002 should also be exempted from Screening Test Regulation also. In Medical Council of India Vs. Russian Doctors Welfare Association, Supreme Court has also held that the screening test will be applicable to only those who apply for registration after 15.3.2002. The Ministry is clear in its letter and affidavit that all Pakistani doctors seeking migration to India before 15.3.2002 should be exempted from Screening Test Regulation. The degree by University of Balochistan is a recognized degree in Pakistan and also included in the WHO Directory of Medical Colleges, the Board decided to grant permanent registration to such candidates as such Medical Colleges are recognized Medical Colleges in Pakistan and their name appears in the WHO Directory of Medical Colleges in order to mitigate the hardship suffered by these persons. Ministry of Health and Family Welfare in its affidavit in Supreme Court in paragraph 6 has stated Pakistani Nationals who have migrated before 15.3.2002 should be exempted from Screening Test Regulation. However, such exemption is only one time to these Doctors only who have migrated from Pakistan owing to religious discrimination faced by them and does not create any precedence.

4. Assessment of the undergraduate teaching and training facilities available for recognition u/s 11(2) of the IMC Act, 1956/approval of Karuna Medical College, Pallakad under University of Calicut.

Read: the matter with regard to assessment of the undergraduate teaching and training facilities available for recognition u/s 11(2) of the IMC Act, 1956/approval of Karuna Medical College, Pallakad under University of Calicut.

The item was referred back to UG Committee for clarifications.

5. **Assessment of the undergraduate teaching and training facilities available for recognition u/s 11(2) of the IMC Act, 1956/approval of Smt Kashibai Navale Medical College & General Hospital, Pune under Maharashtra University of Health Sciences, Nasik.**

Read: the matter with regard to assessment of the undergraduate teaching and training facilities available for recognition u/s 11(2) of the IMC Act, 1956/approval of Smt Kashibai Navale Medical College & General Hospital, Pune under Maharashtra University of Health Sciences, Nasik.

The item was referred back to UG Committee for clarifications.

6. **Assessment of the undergraduate teaching and training facilities available for recognition u/s 11(2) of the IMC Act, 1956/approval of Sri Venkateswara Medical College, Hospital & Research Centre, Pondicherry under Pondicherry University, Pondicherry.**

Read: the matter with regard to assessment of the undergraduate teaching and training facilities available for recognition u/s 11(2) of the IMC Act, 1956/approval of Sri Venkateswara Medical College, Hospital & Research Centre, Pondicherry under Pondicherry University, Pondicherry.

The item was referred back to UG Committee for clarifications.

7. **Assessment of the undergraduate teaching and training facilities available for recognition u/s 11(2) of the IMC Act, 1956/approval of Gian Sagar Medical College & Hospital, Patiala, Punjab under Baba Farid University of Health Sciences, Faridkot, Punjab.**

Read: the matter with regard to assessment of the undergraduate teaching and training facilities available for recognition u/s 11(2) of the IMC Act, 1956/approval of Gian Sagar Medical College & Hospital, Patiala, Punjab under Baba Farid University of Health Sciences, Faridkot, Punjab.

The item was referred back to UG Committee for clarifications.

8. **Assessment of the undergraduate teaching and training facilities available for recognition u/s 11(2) of the IMC Act, 1956/ approval of Govt. Medical College, Thrissur against the increased intake i.e. from 100 to 150 under University of Calicut.**

Read: the matter with regard to assessment of the undergraduate teaching and training facilities available for recognition u/s 11(2) of the IMC Act, 1956/ approval of Govt. Medical College, Thrissur against the increased intake i.e. from 100 to 150 under University of Calicut.

The item was referred back to UG Committee for clarifications.

9. **Assessment of the physical and other teaching facilities available for recognition u/s 11(2) of the IMC Act, 1956/ approval of Mahatma Gandhi Medical College & Research Institute, Pondicherry against the increased intake i.e. from 100-150 under Pondicherry University.**

Read: the matter with regard to assessment of the physical and other teaching facilities available for recognition u/s 11(2) of the IMC Act, 1956/ approval of Mahatma Gandhi Medical College & Research Institute, Pondicherry against the increased intake i.e. from 100-150 under Pondicherry University.

The item was referred back to UG Committee for clarifications.

10. **Assessment of the physical and other teaching facilities available for recognition u/s 11(2) of the IMC Act, 1956/ approval of Sri Guru Ram Das Institute of Medical Sciences & Research, Amritsar, Punjab against the increased intake i.e. from 50-100 Baba Farid University of Health Sciences, Faridkot, Punjab.**

Read: the matter with regard to Assessment of the physical and other teaching facilities available for recognition u/s 11(2) of the IMC Act, 1956/ approval of Sri Guru Ram Das Institute of Medical Sciences & Research, Amritsar, Punjab against the increased intake i.e. from 50-100 Baba Farid University of Health Sciences, Faridkot, Punjab.

The item was referred back to UG Committee for clarifications.

11. **Continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik, in respect of students being trained at Govt. Medical College, Nagpur - Consideration of Assessment report regarding.**

Read: the matter with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik, in respect of students being trained at Govt. Medical College, Nagpur - Consideration of Assessment report regarding.

The item was referred back to UG Committee for clarifications.

12. Continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik, in respect of students being trained at Mahatma Gandhi Medical College, Sevagram, Wardha - Consideration of Assessment report regarding.

Read: the matter with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik, in respect of students being trained at Mahatma Gandhi Medical College, Sevagram, Wardha - Consideration of Assessment report regarding.

The item was referred back to UG Committee for clarifications.

13. Continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik, in respect of students being trained at Sh. Vasantrao Naik Govt. Medical College, Yavatmal - Consideration of Assessment report regarding.

Read: the matter with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik, in respect of students being trained at Sh. Vasantrao Naik Govt. Medical College, Yavatmal - Consideration of Assessment report.

The item was referred back to UG Committee for clarifications.

14. Continuance of recognition of MBBS degree granted by continuance of recognition of MBBS degree granted by The Tamil Nadu Dr. M.G.R. Medical College University in respect of students being trained at Chengalpattu Medical College, Chengalpattu - Consideration of Assessment report regarding.

Read: the matter with regard to continuance of recognition of MBBS degree granted by continuance of recognition of MBBS degree granted by The Tamil Nadu Dr. M.G.R. Medical College University in respect of students being trained at Chengalpattu Medical College, Chengalpattu - Consideration of Assessment report regarding

The item was referred back to UG Committee for clarifications.

15. Provision of Grace marks in various professional examinations of MBBS course and additional attempts – reg.

Read: the matter with regard to Provision of Grace marks in various professional examinations of MBBS course and additional attempts – reg.

The Board of Governors considered with regard to Provision of Grace marks in various professional examinations of MBBS course and additional attempts. The Board deliberated on the suggestions of the Vice-Chancellor, Chhatrapati Shahuji Maharaj University, Lucknow and recommendations of the UG Committee, and observed that suggestions to allow students to pass the examination without any further examination based on their previous performance as they had been failing for over many years is contrary to Regulations laid down by the Council, therefore, cannot be considered. The Board also took a serious view as such a recommendation from a Vice Chancellor is not warranted. One of the main objectives of MCI is to maintain standard of education and Graduate Medical Education Regulations are statutory and mandatory to follow. Regarding appointment of a

panel of examiners for conducting theory and practical examinations, so that the students do not allege caste basis discrimination by the University, the Board decided that it does not come under the purview of MCI. This matter may be taken up by the university itself. Regarding the matter grant of grace marks the Board decided to follow existing **regulation of five grace marks in one subject**

Regarding third suggestion about reconsideration of its earlier decision to allow the repeatedly failed students to appear in the examination indefinitely, the Board was informed that Graduate Medical Education Regulation was amended in 2010 and Regulation 7 under sub-Regulation restricting the number of attempts to not more than four chances (actual examination) was deleted. to separate heads of passing vs. aggregate passing needs detailed discussion and it was decided to refer the matter to the Academic Committee.

16. Approval of Expert Committee minutes held on 12th December, 2011 –Regarding admission of physical disabled persons for admission to Undergraduate & Postgraduate.

Read: the matter with regard to approval of Expert Committee minutes held on 12th December, 2011 –Regarding admission of physical disabled persons for admission to Undergraduate & Postgraduate.

The Board of Governors considered the matter with regard to approval of Expert Committee minutes held on 12th December, 2011 –Regarding admission of physical disabled persons for admission to Undergraduate & Postgraduate and Dr. Ashok Gupta, Member, Board of Governors was requested to examine the recommendations and present in the next meeting.

17. Consideration of request by the Principal, Rajendra Institute of Medical Sciences, Ranchi for adjustment of fees for starting of MD(Community Medicine) course.

Read: the matter with regard to consideration of request by the Principal, Rajendra Institute of Medical Sciences, Ranchi for adjustment of fees for starting of MD(Community Medicine) course.

The Board of Governors considered the matter with regard to consideration of request by the Principal, Rajendra Institute of Medical Sciences, Ranchi for adjustment of fees for starting of MD (Community Medicine) course and the Board was informed by the section that no assessment has been carried out and therefore, the Board allowed adjustment of fees for starting of MD (Community medicine) course.

18. Consideration of request by DME, Chennai and DGHS, Ministry of Health and Family Welfare regarding approval of excess admission made at Stanley Medical College, Chennai during the academic year 2011-12 and also consider the request by reducing one seat from the academic year 2012-13.

Read: the matter with regard to consideration of request by DME, Chennai and DGHS, Ministry of Health and Family Welfare regarding approval of excess admission made at Stanley Medical College, Chennai during the academic year 2011-12 and also consider the request by reducing one seat from the academic year 2012-13.

The Board of Governors considered the matter with regard to consideration of request by DME, Chennai and DGHS, Ministry of Health and Family Welfare regarding approval of excess admission made at Stanley Medical College, Chennai during the academic year 2011-12 and also consider the request by reducing one seat from the academic year 2012-13. The Board requested Dr. K Mohandas to go through the matter in detail.

19. Consideration for grant of provisional/permanent registration to the candidates of who have obtained their medical degree from University of Seychelles, American Institute of Medicine, Seychelles.

Read: the matter with regard to consideration for grant of provisional/permanent registration to the candidates of who have obtained their medical degree from University of Seychelles, American Institute of Medicine, Seychelles.

The Board of Governors considered the matter with regard to consideration for grant of provisional/permanent registration to 27 candidates who have obtained their medical degree from University of Seychelles, American Institute of Medicine, Seychelles and documents duly verified by the Indian High Commission. The Board noted that the degree granted by the University of Seychelles, American Institute of Medicine, Seychelles is a recognized by Seychelles Qualifications Authority by virtue of authority under Seychelles Qualifications Authority Act 2005. The Board also noted that in Seychelles some students have done entire course in Seychelles whereas some students had done course partly in India. The Board noted a letter from the President, University of Seychelles, American Institute of Medicine the list of 27 candidates who did their entire course in Seychelles, out of these five candidates had already been granted provisional or permanent registration. As it was in accordance with the requirements laid down in Regulations, the Board decided to grant registration to those candidates if the person has qualified the screening test.

The Board decided to take up the matter of candidates who had done studies partly in India and partly in Seychelles as and when their duly verified documents are received. Regarding The Board of Governors taking note of its earlier decision in the case of Indian citizens who had obtained medical qualification from Tanzania, Philippines decided to consider the case of the Indian citizens who had obtained medical qualifications from Seychelles on similar basis in view of the law laid down by the Hon'ble Supreme Court of India in Medical Council of India v. J. Saai Prasanna {Judgment dated 09/05/11}. The Medical Council of India in similar cases, namely, Priya Nair and Others before High Court of Delhi and Shri Shivaji Dnyandeo Patil and other filed before the Hon'ble High Court of Bombay has acceded to prayers and accordingly granted registration if the person has qualified the Screening Test. The Board also noted that in accordance with the provisions of "Eligibility Requirement for taking admission in an undergraduate medical course in a Foreign Medical Institution Regulations, 2002 the candidates who have been admitted after 16/04/2010 amendment in any foreign medical institution the candidates must have studied for the entire duration of the course in the same foreign medical institution.

20. Consideration for grant of registration to Sh. Mohammed Zakaullah Khan.

Read: the matter with regard to consideration for grant of registration to Sh. Mohammed Zakaullah Khan.

The Board of Governors considered the matter with regard to consideration for grant of registration to Sh. Mohammed Zakaullah Khan and the decision of the Registration & Equivalence Committee and Adhoc Committee appointed by the Hon'ble Supreme Court along with the opinion of the Law Officer wherein first year of the three clinical ordinatoria is considered as one year's internship. The candidate claims that he has completed his internship in Russia and is called clinical internatura. It was informed that candidates with MBBS qualification from China who have done internship in China are being granted permanent registration. The Board directed the council office to present details of China in the next meeting.

21. **W.A.No.1179 of 2011 in the High Court of Kerala at Ernakulam, titled State of Kerala & ors. vs. Dr. Bhavith R & Anr.**

Read: the matter with regard to W.A.No.1179 of 2011 in the High Court of Kerala at Ernakulam, titled State of Kerala & ors. vs. Dr. Bhavith R & Anr.

The Board of Governors considered the matter with regard to W.A.No.1179 of 2011 in the High Court of Kerala at Ernakulam, titled State of Kerala & ors. vs. Dr. Bhavith R & Anr. The Board directed the section to present details in the next meeting.

22. **Action Taken Report from 17th October, to 26th December, 2011.**

Read: the matter with regard to Action Taken Report from 17th October, to 26th December, 2011.

The Board of Governors noted the Action Taken Report from 17th October, to 26th December, 2011.

The meeting ended with the vote of thanks by Dr. Sangeeta Sharma, Secretary, MCI.

(Dr. P.Prasannaraj)
Addl.Secretary

(Dr. (Prof.) Sangeeta Sharma)
Secretary

(Dr.(Prof.) K.S. Sharma)
Member

(Dr. (Prof.) H S Rissam)
Member

(Dr. Rajiv C Yeravdekar)
Member

(Dr. Purshotam Lal)
Member

(Dr. (Prof.) Ashok Gupta)
Member

(Dr. (Prof.) K Mohandas)
Member

(Dr. (Prof.) K.K. Talwar)
Chairman