

Steno2/word/EC Minutes/August 28, 2002

MCI No.5(3)/2002-Med./

MEDICAL COUNCIL OF INDIA

EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on Wednesday, the 28th August, 2002 at 11.00 a.m. in the Council office at New Delhi.

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Present:

Maj Gen (Retd) SP Jhingon, Kirti Chakra, VSM - Administrator
Dr. P.C. Kesavankutty Nair, Vice President
Dr. P.M. Jadhav
Dr. Ajay Kumar
Dr. Mukesh Kumar Sharma
Dr. D.K. Sharma
Dr. F.U. Ahmed
Dr. Nitin S.Vora

Dr.(Mrs.) M. Sachdeva - Secretary.

Apologies for absence were received from the following members-

Dr. B.P. Dubey
Dr. K.S. Chugh
Dr. V.K. Puri.

At the outset the members of the Committee brought to the notice that they have neither received the main agenda or the supplementary agenda for the meeting being held today which was a lapse on part of the office as pointed out by Dr. D.K. Sharma.

It was informed that six copies of the supplementary agenda were sent to IMA late in the evening on 26th August, 2002 through a messenger to be distributed to the members who were staying in IMA. It was also informed that three copies of the main agenda were sent to Vice President at Kerala House. However, the members informed that the agenda papers were not received by them hence it is not possible for them to take

up the agenda provided, and it was decided to defer all the items to the next date of the meeting as may be fixed by the Executive Committee today.

The Committee further decided that the matters pertaining to court cases being urgent in nature be taken up in today's meeting.

The Administrator then informed the members to take up the items.20 and 25 as both are pertaining to court cases.

20. **Establishment of National Instt. of Medical Sciences & Research, Jaipur by Indian Medical Trust, Jaipur – to ratify the action taken by the Administrator regarding carrying out the inspection of the college on 26.8.2002 in view of the Hon'ble High Court order dt. 20.8.2002.**

Dr. Ajay Kumar observed that item no.20 pertains to establishment of National Instt. of Medical Sciences & Research, Jaipur by Indian Medical Trust at Jaipur. This college on previous occasion has not been permitted by the Council because of fraud played at the hands of the management in giving wrong information pertaining to the medical faculty (staff of various departments) said to be working in the institution.

The members desired to know the complete details of the court matter i.e. the order passed by the Single Bench on 23rd April, 2002 and subsequent orders thereafter. It was also pointed out that the Single Bench judgment was delivered on 23rd April, 2002, hence was any matter discussed pertaining to this college in any of the Executive Committee held during the period 23rd April to 15th July, 2002. It was also pointed out that this was not an ordinary and routine case hence it should have been brought before the Executive Committee for discussions.

Dr. Mukesh Kr. Sharma desired to know the name of the Advocate appearing on behalf of the Council in the matter when it was informed that Sh. Bharat Vyas, Sr. Central Govt. Standing Counsel had been engaged in this case to defend MCI in Rajasthan High Court at Jaipur.

Dr. D.K. Sharma pointed out that the office gave wrong information regarding the stay order granted by the Division Bench of the Rajasthan High Court on the order passed by the Single Bench on 23rd April, 2002. Dr. Mukesh Sharma informed that MCI was not represented at all and the stay on the judgment of the Single Bench was granted on an application moved by a public man through a lawyer. He further informed that Sh. Bharat Vyas never appeared before the Double Bench on the day when the application was moved seeking stay of the order passed by the Single Bench.

The members pointed out that there is no co-ordination in the office and the matter has not been defended properly by the Council, hence the responsibility be fixed on the person who has not taken due care for defending this case. The members felt that the office had been sitting silent after receiving the order of the Single Bench and the matter went unrepresented in the Hon'ble High Court at Jaipur.

The members were informed that the matter was being defended on behalf of the Council for which Council had engaged Mr. Bharat Vyas as its Advocate and it may not be correct to say that the matter has not been defended by the office. Members pointed out that someone should have been deputed to go to Jaipur to deal with this important case.

Discussions also took place with regard to the appointment of Inspectors for this inspection by the Administrator and carrying out immediate inspection thereafter. Members were of the opinion that the matter should have been brought to the Executive Committee for appointment of inspectors as was also conveyed by the Vice President Dr. Keshvankutty Nayar and Dr. Usha Sharma by their fax messages. The Administrator informed that inspection was arranged by him seeing the urgency of the case it being a court matter.

The Executive Committee considered the matter at length and decided

1. to obtain legal opinion from the Additional Solicitor General Shri Kirit Rawal whether only report of the said institution is to be submitted or the report is to be submitted alongwith the decision of the Executive Committee.
2. Whether preliminary information gathered on 25th August by Dr. Achal Gulati is to form part of the report or not.
3. The Committee further decided to carry out a surprise inspection and seek a legal opinion on the same.
4. The Executive Committee further decided that under the reported circumstances Dr. Keshvankutty Nayar shall suggest the names of the inspectors in case the legal opinion says that surprise inspection can be carried out. The action on the legal opinion should be started immediately.

The Committee requested the Legal Monitoring Committee consisting of Dr. Ved Prakash Mishra and Dr. D.K. Sharma to go into the details of the agenda item no.20 and the report may be submitted before the next meeting of the Executive Committee on 6th September, 2002.

25. **Establishment of Pushpagiri Instt. of Medical Sciences & Research Centre at Tiruvalla, Kerala by Pushpagiri Medical Society, Tiruvalla .**

Read: the Council Inspectors report (26th August, 2002) for grant of LOP for establishment of Pushpagiri Instt. of Medical Sciences & Research Centre at Tiruvalla, Kerala by Pushpagiri Medical Society, Tiruvalla.

The Executive Committee considered the Council Inspectors report (25th & 26th August, 2002) and decided to recommend to the Central Government to issue Letter of Permission for establishment of Pushpagiri Instt. of Medical Sciences & Research Centre, Tiruvalla (Kerala) with an annual intake of 100 (hundred) students u/s. 10A of the Indian Medical Council Act, 1956 for the academic session 2002-2003.

On an inquiry made by the members as to whether any other court matter requires to be dealt urgently by the Executive Committee, it was informed that High Court of Kerala on 13.8.2002 in OP Nos. 16142 and other connected matters had passed an order directing the Medical Council of India to carry out immediate inspection of the Co-Op. Medical College, Kochi any time after 26.8.2002 and the report shall also include the conclusion of the MCI as to whether inspite of marginal deviation, it would be possible to continue medical education in the respondent college provided the deficiencies are cured within a stipulated period of time. Such report shall be filed in this Court by the Medical Council of India not later then 9.9.2002.

The Executive Committee was informed that the matter with regard to appointment of inspectors for Co-operative Medical College, Kochi for renewal of permission for admission of 3rd batch of students is already in the agenda under item no.8 pertaining to appointment of inspectors for carrying out various inspections.

The Executive Committee appointed the following inspectors for carrying out this inspection in compliance of the orders of the Hon'ble High Court at Kerala:-

1. Dr. J.V. Hardikar,
Prof. & Head, Deptt. Of Surgery,
Seth G.S. Medical College & KEM Hospital,
Parel, Mumbai-400012.
2. Dr.(Mrs.) S. Kantha,
707, Ramya Rajiv,
7th Main, J.P. Nagar,
III Phase, Bangalore-500 078.
3. Dr. R.D. Bansal, MCI

The members of the Executive Committee also passed the following resolutions:

Resolution:

- In future, no inspector shall be appointed by the Administrator but only by the Executive Committee as already decided earlier. If the Executive Committee is not meeting then Dr. Keshvan Kutty Nayar, Vice President in consultation with all the members of the Executive Committee is authorized to appoint inspectors.
- A resolution on the panel of lawyers by the Sub-Committee consisting of Dr. Keshvankutty Nayar, Dr. Ved Prakash Mishra and Dr. D.K. Sharma was approved by all the members of the Executive Committee except the Administrator who gave a note of dissent.

The panel of the Advocates is as under:

1. Mr. Maninder Singh
2. Miss. Bina Madhavan
3. Mr. Ashok Mahajan
4. Mr. A.D.N. Rao
5. Mr. Mariarputham & Co.

List of Sr. Advocates

1. Mr. Harish Salve, Learned Solicitor General of India
 2. Mr. Kirit Raval, Addl. Solicitor General
 3. Mr. Mukul Rohatgi, Addl. Solicitor General
 4. Mr. Arun Jaitley
 5. Mrs. Kamini Jaiswal
 6. Mr. Mahender Ahnand
- Dr. Jadhav inquired from the Chair – whether he has made any representation to the Central Government to change the special leave petition that the non-medical person cannot become as head of the institution and in reply to this, the Chairman said yes and he informed that he has requested the Central Govt. to either withdraw or modify the SLP accordingly.

The Executive Committee decided to fix its next meeting on 6th September, 2002.

(Dr. M. Sachdeva)
Secretary

New Delhi, dated the
28th August, 2002.

A P P R O V E D

(Maj Gen (Retd) SP Jhingon)
Administrator

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- For appointment of Advocates outside Delhi the Advocates on-record in Delhi and members of the Council representing the State Government/University in that area may be consulted.
- In emergency situation if none of the Advocate on record is available, the Monitoring Committee is empowered to appoint the advocate.
- The Executive Committee noted that the following bills though were raised and approved by the Administrator for payment:-

I.A.No.5-6 in CA Dr. Ketan Desai Vs. Dr. Harish Bhalla & Ors
SLP No.5354-5358/2002-Dr.P.C.Kesavankutty Nayar Vs.Dr.K.P.Agarwal
CWP No. 3976/2002 – Dr.R.S.Kumar Vs. Sh.S.P. Jhingon, Maj.Gen.Retd.

The Executive Committee resolved that the above mentioned bills shall not be paid by the office till further directions by the Executive Committee.

21. Kurnool Medical College, Kurnool – renewal of permission for admission of 5th batch of students against the increased intake i.e. 130 to 150.

Read: Council Inspectors report (23rd and 24th August, 2002) for renewal of permission for admission of 5th batch of students against the increased intake i.e. from 130 to 150 at Kurnool Medical College, Kurnool.

The Executive Committee considered the Council Inspectors report (23rd and 24th August, 2002) for renewal of permission for admission of 5th batch of students against the increased intake i.e. from 130 to 150 at Kurnool Medical College, Kurnool and noted the following:

1. The institution is running postgraduate courses in almost all the subjects but some of the PG courses are still not recognised.
2. The deficiency of faculty staff is more than 5%.
3. Non-teaching staff is inadequate in most of the departments.
4. Central Unified Lab. not established in the teaching hospital.
5. No residential quarters in the campus for teaching and non-teaching staff except for RMO-2 and Hostel wardens. Nurses are not provided quarters in the campus.
6. The incinerator is not functional.

In view of above, the Committee decided to recommend to the Central Government not to renew the permission for admission of 5th batch of students against the increase intake i.e. from 130 to 150 at Kurnool Medical College, Kurnool.

22. Kakatiya Medical College, Warrangal – Renewal of permission for admission of 5th batch of students against the increased intake i.e. 100 to 150.

Read: Council Inspectors report (20th & 21st August, 2002) for renewal of permission for admission of 5th batch of students against the increased intake i.e. from 100 to 150 at Kakatiya Medical College, Warangal.

The Executive Committee considered the Council Inspectors report (20th & 21st August, 2002) for renewal of permission for admission of 5th batch of students against the increased intake i.e. from 100 to 150 at Kakatiya Medical College, Warangal and noted the following:-

1. The faculty staff shortage is more than 5%
2. Shortage of space in the laundry.
3. No computerization of medical record department.
4. There is no proper layout area for the activities of a proper CSSD.

5. There is shortage of nursing staff in the hospital and specially in both the Maternity hospital.
6. There is shortage of residential quarters for all categories of staff.
7. There is an acute shortage of water supply in the college as well as in the hostels.
8. College building has very old construction and maintenance of building in general is very poor.
9. Furniture in the college and the pre and para clinical departments particularly students laboratory is very old.
10. The two CKM Maternity Hospital and GMH Maternity Hospital are more than 100 years old building which requires demolition and new construction
11. Operation theatres though renovated are still in a cramped situation.

In view of above, the Committee decided to recommend to the Central Government not to renew the permission for admission of 5th batch of students against the increased intake i.e. from 100 to 150 at Kakatiya Medical College, Warangal.

23. MR Medical College, Gulbarga – Renewal of permission for admission of 2nd batch of students against the increased intake i.e. 100 to 150.

Read: Council Inspectors report (20th and 21st August, 2002) for renewal of permission for admission of 2nd batch of students against the increased intake i.e. 100 to 150 at MR Medical College, Gulbarga.

The Executive Committee considered the Council Inspectors report (20th and 21st August, 2002) and decided to recommend to the Central Government to renew the permission for admission of 2nd batch of students against the increased intake i.e. 100 to 150 at MR Medical College, Gulbarga for the academic session 2002-2003.

24. Khaja Banda Nawaz Instt. of Medical Sciences, Gulbarga – Renewal of permission for admission of 3rd batch of students.

Read: Council Inspectors report (22nd and 23rd August, 2002) for renewal of permission for admission of 3rd batch of students at Khaja Banda Nawaz Instt. of Medical Sciences, Gulbarga.

The Executive Committee considered the Council Inspectors report (22nd and 23rd August, 2002) for renewal of permission for admission of 3rd batch of students at Khaja Banda Nawaz Instt. of Medical Sciences, Gulbarga and noted the following:

1. Non-teaching staff is adequate in all the departments.
2. Overall space in the OPD is inadequate.
3. In most of the wards space between two beds is not sufficient to take the clinical rounds and for shifting of the patient.
4. Audiometry rooms is not sound proof.
5. No kitchen in the hospital.
6. There is no blood bank in the hospital.

7. There is no computerization in the record section.
8. There is no central oxygen supply and vacuum in Operation theatre, ICCU, ICU and Casualty.
9. There is no modern electric/diesel fired incinerator.
10. No hostel for resident doctors.
11. There is no exhaust fans in the dissection room.

In view of above, the Committee decided to recommend to the Central Government not to renew the permission for admission of 3rd batch of students at Khaja Banda Nawaz Instt. of Medical Sciences, Gulbarga.

26. MBBS (Rajiv Gandhi University of Health Sciences) – Continuance of recognition in respect of students being trained at Bangalore Medical College, Bangalore.

Read: the compliance report on rectification of the deficiencies pointed out in the inspection report (Nov.2001)

The Executive Committee considered the compliance report on rectification of the deficiencies pointed out in the inspector report of November, 2001 and decided to verify the compliance by way of inspection.

The Committee appointed the following inspectors for carrying out the inspection:

1. Dr. R.D. Bansal.
2. Dr. Sujathan, Prof. of Forensic Medicine, Trivandrum.
3. Dr. S. Rao, Prof. of Surgery, Hyderabad.

27. Inspectors to be appointed for carrying out the compliance verification inspection for recognition of M.S.(ENT) qualification at Rangaraya Medical College, Kakinada.

The Executive Committee appointed Dr. R.S. Pagare, Prof. of ENT, Bhopal for carrying out the compliance verification inspection for recognition of M.S.(ENT) qualification at Rangaraya Medical College, Kakinada.

28. Extension to Dr. R.D. Bansal as Whole Time Inspector on consolidated salary.

Read: the matter with regard to extension of the services of Dr. R.D. Bansal on consolidated salary.

The Executive Committee noted that the process for filling up the post of Whole Time Inspector is in progress. However, taking into consideration the work load of the inspections, the Committee decided to grant extension of service to Dr. R.D. Bansal as Whole Time Inspector on a consolidated salary w.e.f. _____ for a further period of six months.

8. S.R.T.R. Medical College, Ambajogai – appointment of inspectors regarding.

The Executive Committee appointed the following inspectors for carrying out the inspection of SRTR Medical College, Ambajogai as per direction of the Hon'ble High Court of Bombay, Bench at Aurangabad:-

Dr. R.D. Bansal
 Dr. S.K. Agarwal
 Dr. Naresh Bhatia, Prof & Head of ENT, K.G.M.C., Lucknow.

10. Inspectors to be appointed in the following subjects for the purposes as mentioned against each institution.

The Executive Committee appointed the following inspectors for carrying out the inspection in the following subjects for consideration of recognition of qualification as mentioned against each:

1. Vijaynagar Instt. of Medical Sciences, Bellary – Recognition u/s 11(2)
 - MD (Derm.Ven.& Leprosy) & DVD - Dr. Hema Jaya Rajni.
2. Rajah Muthiah Medical College, Annamalainagar – Recognition u/s 11(2)
 - D.O. - Dr. Lavshetwar
 - D. Ortho. – Dr. Pankaj Patel
 - D.A. – Dr. Kiran Mehrotra, Kanpur.
 - D.C.H. – Dr. Noyel Noryan
 - D.G.O. – Dr. Davar
 - D.M.R.D. – Dr. Suresh Shah

Adichunchanigiri Instt. of Medical Sciences, Bellur-Recognition u/s 11(2)
 - M.D.(Gen.Medicine) – Dr. Asha Shah

JLN Medical College, Ajmer – Recognition u/s 11(2)
 - M.D.(Obst.& Gynae) – Dr.
 - M.S. (ENT) – Dr. Anup Raj S. Chopra

JJM Medical College, Davangere – Recognition u/s 11(2)
 - MD (Psychiatry) & DPM – Dr. Hitendra Gandhi.

Vivekananda Instt. of Medical Sciences, Calcutta – Recognition u/s 11(2)
 - MD (Paed.) & DCH – Dr. Rajiv Saran, Allahabad.
 - MD (Obst.& Gynae) & DGO – Dr. R. Idnani, Meerut
 - MS (Ophthalmology) & DO – Dr. Sandeep Mittal, Meerut.
 - MS (ENT) & DLO – Dr. Vikas Sinha

Malar Hospital Ltd., Adyar,

- Housemanship & Internship - Dr. Mathew Thomas, Prof. of Medicine, Trivandrum

Rangaraya Medical College, Kakinada – Recognition u/s 11(2)

- D.V. – Dr. S.R. Shukla.

14. SVS Medical College, Mahboobnagar – Renewal of permission for admission of 4th batch of students.

Read: Compliance verification inspection report (5th September, 2002) for renewal of permission for admission of 4th batch of students at SVS Medical College, Mahboobnagar.

The Executive Committee considered the compliance verification inspection report (5th September, 2002) and decided to recommend to the Central Government to renew the permission for admission of 4th batch of students at SVS Medical College, Mahboobnagar for the academic session 2002-2003.

15. Establishment of Medical College at Guntur, A.P. by Vignan Education Foundation Bangalore u/s 10A of the IMC Act, 1956.

Read: Council Inspectors report (3rd and 4th Septe.2002) for establishment of Medical College at Guntur, A.P. by Vignan Educational Foundation, Bangalore u/s 10A of the IMC Act,1956.

The Executive Committee considered the Council Inspectors report (3rd and 4th September, 2002) and decided to recommend to the Central Government to issue Letter of Permission for establishment of Medical College at Guntur, AP by Vignan Education Foundation, Bangalore u/s 10A of the IMC Act, 1956 with an annual intake of 100 students from the academic session 2002-2003.

16. Regarding relaxation in age limit for admission to MBBS course in the State of Gujarat.

Read: letter dated 10th July, 2002 from Ms. Jigar D. Kapadia requesting relaxation of age limit for admission to MBBS course in the medical college in Gujarat.

The Executive Committee considered the letter of Ms. Jigar D. Kapadia and noted that the candidate was born on 12.1.1986 and will complete the age of 17 years on 12.1.2003. The Committee also noted that as per Regulations of the Council on Graduate Medical Education Regulations, 1997 the candidate for admission to MBBS course shall complete the age of 17 years on or before 31st December of the year of admission to the MBBS course, hence the Committee decided not to grant relaxation in age limit to the candidate.

