

No.MCI-5(3)/2001-Med./

MEDICAL COUNCIL OF INDIA

EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on Monday 4.3.2002 at 11.00 a.m. in the Council at New Delhi, based on the earlier decision taken on 18/2/2002 that the next Executive Committee meeting is to be held on or before 4/3/2002.

Present:

Dr. P.C.Kesavankutty Nayar
Dr. P.M.Jadhav
Dr. S.K. Sinha
Dr. C. Das
Dr. K.S. Chugh
Dr. Ushal Sharma

The Executive Committee members requested for an appointment with the Administrator, who declined to meet the members and sent words for the Vice-President alone. The Vice-President preferred to meet the administrator along with the members of the Executive Committee for which the latter refused. Following the refusal it was decided to request the Vice-President to Chair the meeting. The Vice-President asked for secretarial assistance which was also declined. So the entire meeting is recorded and written by hand by one of the members.

It is noted with regret that the above refusal is being done deliberately with a view to disable the Executive Committee from discharging its duties in accordance with the law and also in compliance with the orders of the Hon'ble Supreme Court and Hon'ble High Court of Allahabad.

The Executive Committee observed a minute silence to condole the sudden demise of Hon'ble Speaker of Lok Sabha Mr. C.M.C. Balayogi.

1. **Minutes of the last meeting of the Executive Committee meeting – Confirmation of.**

Since the reasons explained and recorded, the minutes of the meeting for the last meeting of the Executive Committee held on 18/2/2002 were got prepared by the Executive Committee themselves and were signed on the

same day, was processed and conformation of the minutes of the meeting of the last meeting of the Executive Committee is, therefore, not necessary in this case as the Executive Committee members had confirmed the same after the minutes got prepared by them only on 18/2/02 and were signed on the same day.

2. **Co-operative Medical College, Kochi – renewal of permission for admission of 2nd Batch of students.**

Read: The communication dated 11/2/2002 received by the Council from the Ministry of Health & Family Welfare, requesting to send the comments of the Council whether the present infrastructure available with the Co-operative Medical College, Kochi can be permitted for admission of 2nd batch of students with reduced intake of 50 students.

The Executive Committee considered the above mentioned communication from the Central Govt. and after examining the infrastructural teaching and other facilities available with Co-operative Medical College, Kochi, as per the compliance verification inspection report (22-23rd Nov. 2001) it is decided to recommend to the Central Govt. that the infrastructural teaching and other facilities available at this college is sufficient and adequate for 50 students and the Central Govt. may permit the admission of the 2nd batch with the reduced intake of 50 students in this college.

3. **Recognition of Academy of Medical Sciences, Pariyaram Kannur for the award of MBBS degree granted by Calicut University.**

Read: The compliance verification inspection report from the Principal dated 5/2/2002 and also letter from the Director of Medical Education, Govt. of Kerala, Kerala State, and sent by the Academy of the Medical Sciences, Pariyaram, Kannur for the award of MBBS degree granted by Calicut University.

Also Read: The letter dated 1/3/02 addressed by the Director of Co-operative Academy of professional education established by the Govt. of Kerala addressed to the Secretary, Ministry of Health & Family Welfare, Govt. of India, Nirman Bhavan, New Delhi and copy whereof sent to the Executive members of the Council. In this letter the said Director has relied upon the decision of the Hon'ble Supreme Court dated 18/1/02 in IA Nos. 7-8 and 9-10/2001 in SLP(C) No. 22042-43/01-Union of India Vs. Harish Bhalla of others. The attention has been invited to the direction of the Hon'ble Supreme Court that a decision will be taken on the applications of State of Kerala within a fortnight.

It has been further stated in the said letter dated 1/3/02 that although it is about one and a half months since the decision of the Supreme Court, no decision regarding the approval of these two colleges established and controlled by the Govt. of Kerala have been communicated.

The Executive Committee considered the above mentioned communication dated 1/3/02 decided to recommend to the Council for recognition of Academy of Medical Sciences, Pariyaram, Kannur for the award of MBBS degree granted by Calicut University.

4. **Subharati Medical College, Meerut – Renewal of Permission for admission of 2nd Batch of Students.**

Read : A copy of the order dated 22/2/02 passed by the Hon'ble Allahabad High court in Civil Misc. Writ Petition No.774/2002 Subharati K.K.B. Charitable Trust, Samarat Palace, Crash Road, Meerut Vs. MCI and others, wherein it has been recorded that the Council for the respondents had no objection in regard to convening of meeting and thus the respondents I and II, namely, MCI and Executive Council of MCI while directed to hold the meeting of the Executive Council within 2 weeks from the date of production of the certified copy of this order.

Read: The communication dated 1/3/2002, some of the members including Dr. Nayar & Dr. Jadhav stated that they did not receive communication addressed by the Secretary, MCI seeking its recommendation regarding K.K.B. Subharati Medical College. The Executive Committee felt it appropriate to refer to the relevant regulations of the MCI which are as under: -

The Medical Council of India
Regulations, 2000

4. Time and place of meeting of the Council – (1) The meetings of the Council shall ordinarily be held in Delhi on such dates as may be fixed by the Council:
Provided that the President may call a special meeting at any time after giving 15 days notice-
- a) To deal with any urgent matter requiring the attention of the Council:-
 - b) For the purpose referred to in the proviso to clause (b) of Sub-regulation (1) of regulation 8:

- c) On a requisition signed by not less than fifteen members for a purpose which is within a scope of the Council's functions, not being a purpose referred to in clause(b).

Regulation 39 reads as under:

39 Meetings of Executive Committee: - The meetings of the Executive Committee shall be ordinarily governed by the regulations applicable to the meetings of the Council.

The above mentioned regulation of the MCI clearly lay down that the meeting of the Executive Committee of the Council is to be fixed by the Executive Committee itself. In compliance with the orders of the Hon'ble Supreme Court the Executive Committee had met on 31/1/2002 and since all the cases were not considered, some of the items of certain colleges were deferred, it was decided by the Executive Committee to hold its next meeting on 18/2/2002. A meeting of 18/2/02 was held when with regard to Subharati Medical College the following recommendation was made by the Executive Committee :

“Read: The Council inspector's report (7th – 8th Jan. 02) carried out for renewal of permission of 2nd Batch of students at Subharati Medical College, Meerut.

The Executive Committee considered the Council inspector's report (7th – 8th Jan. 2002) and decided to recommend to the Central Govt. to renew the permission for admission of 2nd Batch of students at Subharati Medical College, Meerut”.

The above mentioned recommendations of the Executive Committee was sent to the Central Govt. in this view of the matter, and without repealing the unfortunate and impermissible functioning of the office of the Council, it is found, that the communication dated 1/3/02 which the Secretary has sent on some direction is not only contrary to the statutory regulations of the MCI but is also contemptuous in the light of the order of the Hon'ble Supreme Court and also the above mentioned orders passed by the Hon'ble Court Allahabad. The Committee is thankful to the Central Govt. for issuing letter of renewal of permission.

5. **Establishment of New Medical College at Karakonam, Kerala by C.S.T. Sought Kerala, South Kerala Medical Mission, Kerala under Section 10A of the IMC Act, 1956.**

Read: The communication dated 28/2/02 sent by the Secretary addressed to the Executive Committee and the so called inspection report stated to have been conducted on 12th - 13th Feb. 2002 by the Administrator and by a retired inspector of MCI namely Dr. J.K. Tandon, the Executive Committee considered the communication dated 28/2/02 Dr. Jadhav, Dr. Nayar & Dr. Sinha informed that they have neither received the letter 28/2/02 nor a copy of the inspection report dated 12th & 13th Feb. 2002. The inspectors of any college are required to be conducted as per the provisions of the Act and the Regulations. The inspection teams are required to consist of inspectors appointed by the Executive Committee of the Council as per section 17 of the Act Regulation 69(4) provide that “no person shall be appointed as an inspector unless he has taught students in one or other of the subjects for the relevant public examination or in cognate subjects for 5 years and has acted as examiners at examinations on such subjects.”

The Executive Committee observed as under:-

- (a) That there was no inspection team which was appointed by the Executive Committee of the Council for conducting the inspection of this private Medical College at Karakonam, Kerala.
- (b) The Administrator does not possess the necessary qualification as laid down by the regulation of MCI.
- (c) Dr. J.K. Tandon, at the time of so-called inspector was retired and no mere on 12th & 13th Feb. 2002 in the employment of MCI and has been superannuated prior thereto. He is also not a member of the MCI from any constituency.
- (d) It was also quite intriguing that the case of the Govt. College at Kochi, the observation of the Central Govt. is not circulated for which there is an order by the Hon'ble Supreme Court and the Administrator has found it to be preferable to circulate a case of a private Medical College for which no inspector as required under the rules and regulations and to be appointed by the Executive Committee was a part of the inspection team.

The Executive Committee had considered the inspection report dated 14th & 15th Feb. 2002 and had noticed that there are no beds allotted to Paediatrics and Obst. & Gynae. In view of this position the Executive Committee had decided to recommend to the Central Govt. not to issue Letter of Intent for the above medical college.

The Executive Committee to recommend to the Central Govt. to issue Letter of Intent for establishment of medical college at Karakonam, Kerala considering the fact that there was some mistake in the counting of distribution of beds in the inspection report and the actual beds available in different departments in the Hospital. However, the Executive Committee decided that this factor be clearly verified and confirmed again by the inspection team constituted by the Executive Committee at the time of conducting the inspection for the purpose of recommending to the Central Govt. for grant of Letter of Permission.

6. **Any other item with permission of the chair:**

- (a) The Executive Committee decided to hold it's next meeting on 8/4/2002 at 11.30 a.m. in the Council office, New Delhi.
- (b) The Executive Committee further directs the Secretary MCI to intimate the Hon'ble High Court Allahabad and the legal advisor MCI about the decision taken about Subharati Medical College, Meerut during the meeting held on 18/2/2002. It appears that this decision has not been intimated to all concerned yet which is highly objectionable. The office will be held responsible in case of any contempt.