

**No.MCI-5(3)/2003-Med./**

**MEDICAL COUNCIL OF INDIA**

**EXECUTIVE COMMITTEE**

Minutes of the special meeting of the Executive Committee held on Tuesday, the 2<sup>nd</sup> September,2003 at 11.00 a.m. in the Council office, Aiwan-E-Galib Marg, Kotla Road, New Delhi-110 002 where the members of the Adhoc Committee appointed as per the Hon'ble Supreme Court order dated 20.11.2002 were also present.

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**Present:**

Dr. P.C.Kesavankutty Nayar - President (Acting)  
Prof. P.N. Tandon ] Adhoc Committee  
Dr.(Mrs.) S. Kantha ] Members  
Dr. Ajay Kumar  
Dr. Mukesh Kr. Sharma  
Dr. Nitin S. Vora  
Dr. P.M. Jadhav  
Dr. D.K. Sharma

Lt. Col.(Retd.) Dr. A.R.N. Setalvad - Secretary

Apologies for absence were received from Prof. N. Rangabashyam, Dr. K.S. Chugh and Dr.V.K. Puri.

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

The minutes of the last meeting of the Executive Committee held on 23.8.2003 were confirmed.

2. **Minutes of the last meeting of the Executive Committee – Action taken thereon.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the action taken report on the various items included in the minutes of the last meeting held on 23.08.2003 shall be placed before the next meeting to be held on 19<sup>th</sup> September,2003.

3. **Pending inspections of the medical colleges for permission/renewal of permission for establishment of new medical colleges/increase of seats.**

Read : The letter dated 27.8.2003 received from Shri S.K. Rao, Director, Govt. of India, Ministry of Health & F.W. and a letter dated

30.8.2003 from the Govt. of India, Ministry of Health & F.W. conveying therein the recommendations of the Eighth Conference of Central Council of Health and Family Welfare on Medical Education.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council discussed the letter dated 27.8.2003 received from Shri S.K. Rao, Director(ME), Govt. of India, Ministry of Health & F.W. and noted that there are hardly any pending case on which the Executive Committee and members of the Adhoc Committee has not taken a decision and communicated to the Central Govt. There is a concern with regard to the Govt. Medical Colleges in Andhra Pradesh where Govt. of India has granted permission without any inspection by Medical Council of India. **The Council has already decided that the question of reinspection following receipt of compliance report needs to be systematized. The Council while reviewing the inspection reports should carefully assess if the deficiencies are of minor or major nature. In case of the latter, which the Executive Committee considers unlikely to be remedied in matter of days or weeks, reinspection may be carried out only after 3 months of the last inspection.**

**It was also noted by the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council that this practice would however require the approval of the General Body of the Council; hence, for the current academic year in view of the approaching deadline of 30<sup>th</sup> Sept.,2003 set in by the Hon'ble Supreme Court, it was decided that the inspection to verify the compliance may be carried out by the Council Inspectors on receipt of the compliance report and if the compliance is found in order and satisfactory.**

It is unfortunate that inspite of best efforts being made by the Council to expeditiously deal with every single request from the Govt. of India for inspection entailing calling of repeated meetings of the Executive Committee to enable the Council to forward the recommendations, the Council is being unfairly accused of inaction.

At the time of sending this letter, there is no case pending with the Council on which the action has not been taken or initiated by the Council.

The Committee also observed that number of meetings between officials of Govt. of India and MCI have taken place in the past regarding the proposed amendments to the Indian Medical Council Act,1956. Regarding the amendments to the Indian Medical Council Act and to the Regulations for opening of a new medical college and minimum requirements thereof along with other collateral regulations, a Study Group which is already constituted has formulated a thematic paper. The Council has decided to hold 3 regional workshops on 13<sup>th</sup> & 14<sup>th</sup> September,2003 at Bangalore, on 20<sup>th</sup> & 21<sup>st</sup> Sept.,03 at Calcutta, on 27<sup>th</sup> & 28<sup>th</sup> Sept.,03 at Mumbai and a National Workshop on 18<sup>th</sup> & 19<sup>th</sup> October,2003 at New Delhi to discuss the said thematic paper and finalise the recommendations in this regard for approval and notification by the Govt. of India.

The Committee also deliberated upon the suggestion of the Eighth Conference of Central Council of Health and Family Welfare on Medical Education that the Govt. Medical Colleges should not be equated with the institutions owned by the Private Managements. After detailed deliberations, the Committee was of the firm opinion that there cannot be separate parameters regarding the minimum infrastructure, staff etc. for the Govt. and Private Medical Colleges and further opined that the minimum standards prescribed without any discrimination are aimed at setting out specific standards which cannot be set out differently or diluted for Govt. or Private run Medical Colleges. If done so, the exercise would be discriminatory and self defeating in nature **and is likely to be challenged in the Court of Law.**

**The prescribed norms in any case are the basic minimum requirements. Further diluting this for any specific institution or group of institutions will adversely affect the educational standards. If, however the Government desires any changes in the existing requirements the same can be implemented through revision of the Regulations and still which would be common for all the medical colleges whether in public or private sector.**

The Committee was apprised that Dr. C.A. Desai, one of the Regional Inspectors of the Council has met with a severe accident while returning after carrying out an inspection and is temporarily indisposed. Another Regional Inspector Dr. K. Ananda Kannan is also indisposed with viral fever and may have to be hospitalized. Thus these two Regional Inspectors are not likely to be available for next 1-2 weeks, and one post of Whole-time Inspector is also lying vacant in the Council office. The Committee decided that in such a case of extreme urgency in order to meet the deadline given by the Central Govt., the Council may utilise the services of retired Whole-time Inspectors of the Council i.e. Dr. R.D. Bansal and Dr. J.K. Tandon. It was also decided that the services of Dr. M.S. Kekre, Retd. Dean of Municipal Medical College, Mumbai who had carried out number of inspections of the medical colleges on behalf of MCI in the past may also be utilised.

4. **Granting of Letter of Permission for establishment of National Instt. of Medical Sciences, Jaipur.**

Read : The minutes of the meeting held on 28.8.2003 in the office of Mr. R.N. Trivedi, Additional Solicitor General of India pertaining to the proceedings on the application of Indian Medical Trust and affidavits of Ms. Shyamli George, Dr. B.S. Tomar and Dr. Anurag Tomar.

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council in the meeting on 02.09.2003 noted as under:-

Their last meeting had taken place on 23.8.2003.

The present meeting on 02.09.2003 was scheduled when the Secretary of the Council had contacted the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee, informing them the further development which had taken place in the application of Indian Medical Trust before the Hon'ble Supreme Court. It was informed by him that, as had been desired by the Hon'ble Court, a

meeting of the Ld. Advocates appearing on behalf of the parties was held on 28.08.2003 at 1.00 p.m. in the office of Mr. R.N. Trivedi, Additional Solicitor General of India in the Supreme Court premises. The Secretary had informed the members about the minutes of the meeting thereby requesting for an emergent meeting of the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council.

With due deference to the desire of the Hon'ble Supreme Court and keeping in mind that it has been desired that, if possible, a meeting be held prior to 05.09.2003, the present meeting was fixed for 02.09.2003.

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the minutes of the meeting dated 30.8.2003 and also the contents of the three affidavits of Dr. B.S. Tomar, Dr. Anurag Tomar and Shyamli George.

**The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted with satisfaction that the affidavits confirm the contention of the Council that its inspectors had always acted impartially and objectively notwithstanding all the false insinuations on the part of the Trust.**

The Secretary of the Council who was there at the time of the meeting held in the office of the Ld. Additional Solicitor General of India on 28.08.2003 explained in details the discussions which had taken place and recorded in the minutes of the meeting dated 30.8.2003. He stated that the thrust of the proposal on behalf of the Indian Medical Trust was to the effect that let there be a fresh consideration of the case of this college for the present academic session itself i.e. 2003-2004, if the same becomes possible. The Secretary also stated that at the hearing before the Hon'ble Court on 27.08.2003 it was observed by the Hon'ble Court that if the confirmation report received by the MCI from the authorities of the State of Rajasthan to the effect that more than 30 declaration forms towards claim of employment of medical teachers are false is correct and further the claim that college has terminated their services and has made fresh appointments leaving no deficiency in that regard, **this can only be decided by the MCI as a competent authority under the Act (since the same cannot be decided by the Hon'ble Court).**

With a view to eliminate any possibility of anyone on behalf of the Indian Medical Trust to attempt to allege any bias against the Council on the basis of the earlier inspections, the members of the Executive Committee of the Council had desired that two members of the Ad-hoc Committee should, with an open mind, conduct an independent inspection of the college. The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court reiterated that two of them had personally inspected this college on 18.01.2003. They had examined the inspection report of the subsequent inspection held on 22<sup>nd</sup> & 23<sup>rd</sup> July, 2003. The findings of the inspection reports dated 18.01.2003 and 22 & 23 July, 2003 were looked at again. It was observed that most of the deficiencies that had been observed in the inspection held on 18.01.2003 had not been attended to. Taking this into consideration, the Committee was doubtful if the removal of the deficiencies

can now be achieved within two weeks as claimed/promised by the Trust in the meeting of the Advocates held on 28.08.2003.

The members of the Ad-hoc Committee were at pains to reiterate that there was complete objectivity and absence of any kind of bias, both at the time when the inspection was conducted on 18.01.2003 and also when the subsequent inspection report dated 22<sup>nd</sup> & 23<sup>rd</sup> July, 2003 had been considered by them on 28.7.2003.

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council reiterated that they are always open for any reasonable and permissible method for a fresh consideration with regard to any medical college but they find it difficult when they read the present proposal on behalf of the Indian Medical Trust that the Trust would be able to remove (besides their claim of removal of deficiencies with regard to number of medical teachers as per the minimum requirements) within a period of two weeks the gross deficiencies in the clinical material i.e. at least 600 patients attending the OPD every day, and 240 patients admitted in the hospital at any given point of time, number of operations/ surgeries, laboratory investigations for that number of patients. They observed that the kind and quantum of clinical material which has been found by the inspection team on 22<sup>nd</sup> & 23<sup>rd</sup> July, 2003, the removal of this deficiency within a period of two weeks as suggested in the proposal is doubtful.

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council, with due deference to the Hon'ble Court decided that in case the Central Govt. desires further processing of the case of the Trust and forwards the application of the Trust, Council shall take all necessary steps towards its consideration.

5. **Establishment of new medical colleges/increase of intake at undergraduate level – Regarding.**

Read : The letter dated 29.8.2003 received from the Director, Govt. of India, Ministry of Health & F.W. requesting to carry out the inspection for establishment of the medical colleges/increase of seats in light of letter dated 27.8.2003.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to carry out inspection of the colleges mentioned in Central Govt.'s letter No.U.12012/77/2002-ME(P-II) dated 29.08.2003.

6. **Appointment of Representative of Medical Council of India on the Committee for determining the Fee Structure and Regulating admission process in the private medical colleges.**

Read : The letter dated 16.08.2003 from the Principal Secretary to Government of Maharashtra, Mumbai requesting for appointment of representative of Medical Council of India on the Committee for determining the Fee Structure and Regulating admission process in the private medical colleges.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the

letter received from the Principal Secretary to the Govt. of Maharashtra regarding the appointment of representative of Medical Council of India on the Committee for determining the Fee Structure and Regulating admission process in the private medical colleges.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council authorised the President (Acting) to nominate representative of the Medical Council of India on the Committee for determining the Fee Structure and Regulating admission process in the private medical colleges proposed to be formulated by the Govt. of Maharashtra. It was further decided that in future whenever such a request is received from any State Govt. the President is authorised to nominate a representative of Medical Council of India on such Committees.

7. **Date & venue of the next meeting.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to hold their next meeting on 19<sup>th</sup> September,2003 at 11.00 a.m. in the Council office at New Delhi.

(Lt.Col.(Retd.) Dr. A.R.N. Setalvad)  
Secretary

New Delhi, dated the  
2<sup>nd</sup> Sept.,2003.

**A P P R O V E D**

(Dr. P.C. Kesavankutty Nayar)  
President (Acting)

