

No.MCI-5(2)/2006-Med./**MEDICAL COUNCIL OF INDIA****EXECUTIVE COMMITTEE**

Minutes of the meeting of the Executive Committee held on 24th July, 2006 at 12 Noon in the Council office at Sector 8, Pocket 14, Dwarka, New Delhi-110 075 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),]Former Dean,]Govt. Medical College,]Trivandrum
Prof. P.N.Tandon]Former Prof. & Head of Neuro-]Surgery,A.I.I.M.S,NewDelhi and]Member, Adhoc Committee]appointed by the Hon'ble Supreme Court
Dr. (Mrs.) S. Kantha]Former Vice-Chancellor,]Rajiv Gandhi University of Health]Sciences, Bangalore and]Member, Adhoc Committee]appointed by the Hon'ble Supreme Court
Dr. P.K. Sur]Director,]I.P.G.M.E.R.,]Kolkatta
Dr. Mukesh Kr. Sharma]Deptt. of General Surgery,]S.M.S. Medical College,]Jaipur
Dr. K.P. Mathur]Former Medical Superintendent,]Ram Manohar Lohia Hospital,]77, Chitra Vihar,]Delhi-110092
Dr. G.K. Thakur]Professor & Head,]Department of Radiodiagnosis,]S.K.Medical College, Muzaffarpur
Dr. G.B. Gupta]Professor & Head,]Department of Medicine,]Pt.J.N.M. Medical College,]Raipur (Chhattisgarh)
Prof. B.C. Das]Director,]State Institute of Health & Family]Welfare, Govt. of Orissa, Nayapalli,]Bhubaneshwar.
Lt.Col. (Retd.) Dr. A.R.N. Setalvad -]Secretary

The apologies for absence were received from Prof. N. Rangabhashyam, Adhoc Committee member and Dr. D.K. Sharma, member of the Executive Committee.

1. Minutes of the Executive Committee Meetings held on 14th & 15th June, 2006 and 10th July, 2006 - Confirmation of.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council confirmed the minutes of the Executive Committee meetings held on 14th & 15th June, 2006 and 10th July, 2006.

2. Minutes of the last meetings 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 the action taken on the minutes of the Executive Committee meetings held on 14th & 15th June, 2006 and 10th July, 2006.

3. Establishment of new medical college at Beed by Aditya Education Trust, Beed.

Read: The Council Inspectors report (18th & 19th July, 2006) carried out for establishment of new medical college at Beed by Aditya Education Trust, Beed u/s 10A of the IMC Act, 1956.

The members of the Executive Committee and of the Ad-hoc Committee appointed by the Hon'ble Supreme Court referred to the judgement of the Hon'ble Supreme Court dated 23.09.2003, (2003) 8 SCC 490, directed the action of the Central Govt. in granting permissions to a number of Govt. colleges and a private medical college without the recommendations of the Council, to be not proper and the MCI was directed to inspect the said medical colleges where permission was given by the Central Govt. against the recommendations of the MCI. The relevant portion of the order dated 23.9.2003 is reproduced below :-

‘.....16. As against this, it has been pointed out by Mr. Rakesh Dwivedi, learned Senior Counsel that under Section 10-A (iv) the Central Government has such powers.

17. Prima facie, we do not think that the Central Government has the power to issue such permission when the college is not complying with the requirements of the Regulations framed by the Medical Council of India or the requirements of the Act. As the permission is already granted and probably, it appears that the colleges might have given admissions on the basis of the so-called increase in the strength/renewal of permission for a college, we direct the Medical Council of India to carry out further inspection to find out whether there is compliance with the requirement of the Act and the Rules in all the colleges where increase of strength/renewal of permission for a college is permitted by the Central Government by its various orders issued in August 2003. The Medical Council of India is to carry out the inspection within a period of four weeks.

18. In the meantime, the Central Government is directed not to grant any further permission without following the procedure prescribed under Sections 10-A(i), (ii), (iii) and (vii).....?’

The time schedule framed by MCI for MBBS, PG and Super-speciality courses pursuant to the directions of the Hon'ble Supreme Court in the case of MCI Vs. Madhu Singh - (2002) 7 SCC 258, fell for consideration again before the Hon'ble Supreme Court again in WP(C) No.306/2004 - Mridul Dhar (Minor) & Anr. Vs. UOI & Ors. - (2005) 2 SCC 65, for bringing the entire admission process in all medical courses in accordance with the time schedule and also for ensuring that the All India Quota seats are utilised by the All India merit students. Further the aspects of declaration of results of 10+2 courses and the statutory time schedule set-out/prescribed in the Establishment of Medical Colleges Regulations of the MCI were also considered. The Hon'ble Supreme Court by its judgement dated 12.01.2005, while emphasizing the need of strict enforcement of the time schedule, directed that there should not be any mid-stream admission, or any admission in excess of the sanctioned intake capacity/quota fixed for State and Management seats. It also directed for strict compliance with the time schedule fixed right from the process of receiving of applications u/s 10A by the Central Govt. for opening of a new medical college to that of various stages of establishment thereof including annual renewals. The relevant portion of the directions of this Hon'ble Court are given hereunder : -

‘.....28. The time schedule for the receipt of applications for establishment of new medical colleges and processing of the applications by Central Government and the Medical Council of India is fixed under the schedule to 1999 Regulations. The said schedule is as under-

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA

	Stage of Processing	Last date
1.	Receipt of applications by the Central Govt.	From 1st August to 31st August (both days inclusive) of any year
2.	Receipt of applications by the MCI from Central Govt.	30 th September
3.	Recommendations of Medical Council of India to Central Government for issue of Letter of Intent	31st December
4.	Issue of Letter of Intent by the Central Government	31st January
5.	Receipt of reply from the applicant by the Central Government requesting for Letter of Permission	28th February
6.	Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission	15th March
7.	Recommendations of Medical Council of India to Central Government for issue of Letter of Permission	15th June
8.	Issue of Letter of Permission by the Central Government	15th July
Note: (1)	The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of intent by the Central Government.	
(2)	Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government.....	

.....35. Having regard to the professional courses into consideration, it deserves to be emphasized that all concerned including Governments, State and Central both, MCI/DCI, colleges, new or old, students, Boards, universities, examining authorities etc. are required to strictly adhere to time schedule wherever provided for; there should not be mid-stream admission; admission should not be in excess of sanctioned intake capacity or in excess of quota of any one, whether State or Management. The carrying forward of any unfilled seats of one academic year to next academic year is also not permissible.....”

.....Having regard to the aforesaid, we issue the following directions : -

1. All participating States and Union Territories, Board of Secondary Education shall declare 10 +2 result by 10th June of every year and make available the marksheet to the students by 15th June.

The aforesaid condition would not apply to West Bengal for the year 2005. As already noticed, the West Bengal would make available to the concerned students the marksheets by 15th June, 2005.

Heads of Boards would be personally liable to ensure compliance.

2. The time table mentioned in Notification dated 25th February, 2004 shall be strictly adhered to by all concerned including States and Union Territories and results of State Medical/Dental Entrance Examination shall be declared before 15th of June.

3. The States/Union Territories shall complete the admission process of first round of State Level Medical/Dental College admission by 25th July i.e. a week before start of second round counseling or allotment of seats under All India Quota. The correct vacancy position shall be intimated by the Chief Secretary to the DGHS by 26th July. It shall be verified by the Head of the Institution/or Head of the Medical Institution/Health Department in the State.
4. It shall be the responsibility of all concerned including Chief Secretaries of each State/Union Territories and/or Health Secretaries to ensure compliance of the directions of this Court and requisite time schedule as laid down in the Regulations and non-compliance would make them liable for requisite penal consequences.
5. All seats in All India Quota must be fully disclosed giving details of the date of recognition/renewal to DGHS before a date to be notified by DGHS and the same shall be duly published.
6. By 31st October, the State through Chief Secretaries/ Health Secretaries shall file a report in regard to admissions with the DGHS giving details about the adherence to a time schedule and admission granted as per the prescribed quota. The recalcitrant States, particularly officers personally will have to face consequences for violation.
7. The DGHS shall file by 31st January, 2005 report in regard to feasibility of conducting counseling through the process of video conferencing.
8. The DGHS shall file report within three months on the aspect of Section 10-A seats being subjected to 15 per cent All India Quota and about the increase of the quota from 15 per cent to 20 per cent.
9. The DGHS shall also file a report within three months on the aspect of constitution of high-power Committee/Ombudsman.
10. The seats allotted upto 15th July shall also be subjected to respective State Quotas.
11. If any private medical college in a given academic year for any reason grants admission in its management quota in excess of its prescribed quota, the management quota for the next academic year shall stand reduced so as to set off the effect of excess admission in the management quota in the previous academic year.
12. The time schedule for grant of admission to postgraduate courses shall also be adhered to.
13. For granting admission, the merit determined by competitive examination shall not be tinkered with by making a provision like grant of marks by mode by interview or any other mode.
- 14. Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.**
- 15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.**
16. Copy of the judgement shall be send to Chief Secretaries of all States/Union Territories for compliance....."

With reference to the above-mentioned principle of law laid down by the Hon'ble Supreme Court in Mridul Dhar's case, inter-alia, fixing the time schedule for admission process, opening of a new medical college to that of issuance of Letter of Permission on the recommendations of the MCI by the Central Govt. etc., the Govt. of India issued a communication dated 15.03.2005 addressed to MCI and dated 18.5.2005 to the DCI making it absolutely clear that all the recommendations of the MCI/DCI with regard to permission/renewal of dental colleges should be sent to the Central Govt. latest by 15.6.2005 and the Central Govt. will not accept any recommendations after 15.6.2005 and whereafter it shall be the sole responsibility of the MCI/DCI.

The relevant portion of the said letter dated 15.03.2005 of the Central Govt. which was addressed to the Medical Council of India, is reproduced below : -

"No.C-18018/1/2005-ME(P-I)
Government of India
Ministry of Health & Family Welfare,
Deptt. of Health

Nirman Bhawan, New Delhi-110 001
Dated the 15th March, 2005

To

The Secretary,
Medical Council of India,
Aiwan-E-Ghalib Marg, Kotla Road,
New Delhi-110 002.

Sub: Writ Petition (C) No.306 of 2004 in the Supreme Court of India – Mridul Dhar & Anr. Vs. UOI & Ors. – Directions of the Hon'ble Court for strict adherence to the Time Schedule for admission of students and grant of permission to the colleges – reg.

Sir,

I am directed to invite your attention to the directions of the Hon'ble Supreme Court dated 12.1.2005 in the above mentioned case with particular reference to the following observations made therein :-

‘.....Having regard to the professional courses into consideration, it deserves to be emphasized that all concerned including Governments, State and Central both, MCI/DCI, colleges, new or old, students, Boards, universities, examining authorities etc. are required to strictly adhere to time schedule wherever provided for; there should not be mid-stream admission; admission should not be in excess of sanctioned intake capacity or in excess of quota of any one, whether State or Management. The carrying forward of any unfilled seats of one academic year to next academic year is also not permissible.....’

You are requested to kindly bring the above directions of the Hon'ble Court to the notice of all the medical colleges/institutions and the authorities concerned in the country for strict adherence to the Time schedule prescribed in the Regulations of the Council for admission of students for the Undergraduate courses, and also the Time schedule prescribed for admission in the Postgraduate/Super Specialty courses indicated in this Ministry's letter No.V-11025/1/2003-ME(P.I) dated 14th May, 2003.

The Hon'ble Court has also directed that the Time schedule prescribed in the Regulations for Establishment of new Medical colleges, increase of intake capacity and for Opening of new or higher courses of study has also to be strictly adhered to. Similarly, the process of annual renewal of permissions have also to be completed in accordance with the Time schedule so that the Time schedule prescribed for admission of students is not disrupted. Therefore, as the Council is required to forward its recommendation in this regard to the Ministry and thereafter the Government is required to issue necessary permission/renewal of permission within the time prescribed for the same, the Council is requested to advise all the concerned colleges/institutions to get the inspections done well in time.

Yours faithfully,

Sd/-

(P.G. Kaladharan)

Under Secretary

Copy to :

1. The Secretary, Dental Council of India, Aiwan-E-Ghalib Marg, Kotla Road, new Delhi-110002 with the request to take similar action in respect of the Dental colleges and dental courses.
2. The Section Officer, PMS Section, Min. of Health & F.W., Nirman Bhawan, N.D.

Sd/-

(P.G. Kaladharan)

Under Secretary”

The contents of the letter dated 18.05.2005 addressed by the Govt. of India to the DCI for strict compliance with the judgement of the Hon'ble Supreme Court in Mridul Dhar's case, are reproduced as under : -

"F.No.V-12012/3/2004-PMS
GOVERNMENT OF INDIA
Ministry of Health & F.W.,
Department of Health
(PMS Section)

Nirman Bhawan,
New Delhi, the 18th May, 2005

To
The President,
Dental Council of India,
Combined Councils Building,
Aiwan-E-Ghalib Marg,
Kotla Road,
New Delhi-110 002.

Sub: Compliance of the direction passed by the Supreme Court of India on 12.1.2005 in Mridul Dhar Case (WP No.306/2004) – Receipt of the recommendations of DCI in respect of BDS Course.

Sir,

In order that the direction of the Hon'ble Supreme Court of India passed on 12.1.2005 in Mridul Dhar Case (WP No.306/2004) is complied with strictly in so far as it relates to BDS Course, I am desired to request you to arrange for sending the recommendations of DCI pertaining to BDS Course latest by 15.6.2005.

2.I am further desired to say that recommendation received after the above cut-off date will not be accepted in the Ministry and any consequence thereof will solely be the responsibility of DCI.

3.The above advisory may kindly be noted for strict compliance and receipt of this letter acknowledged.

4.The DCI is also advised to send the information in the attached format along with their recommendation.

Yours faithfully,
Sd/-
(Rajesh Bhushan)
Director"

It is to be observed that any application u/s 10A complete in all respects, as per the statutory time schedule, is to be submitted to the Ministry of Health, Govt. of India between 1st of August to 31st of August of the previous year, i.e. the year before the applicant is seeking to start admissions in the proposed new medical college to be established in accordance with law. If any application which is submitted during this period, fails to fulfil the minimum statutory pre-conditions such as, functional 300 beds hospital, 25 acres of land in contiguous piece, consent for affiliation by a recognised university, essentiality certificate by the competent state authority, it cannot be said that the application is submitted within the prescribed period.

As per the statutory time schedule, an institution which gets LOI on or before 31st January of a given year, can always make a request to the MCI for the conduct of the inspections for Letter of Permission immediately thereafter i.e. any time from 1st of January of any given academic year. It is stated that the Medical Council of India, after 12.01.2005, the date of the judgement of the Hon'ble Supreme Court in Mridul Dhar's case, has not processed applications u/s 10A which are received only for the first time by the Medical Council of India in the month of March of the year for which the college is seeking permission for admissions.

If the MCI is furnished compliance rectifying the deficiencies with a request for inspection for LOP in time, the MCI is able to carry out inspections immediately and by which process if there are deficiencies which have been found in such inspections, the colleges get further chances for removal of the deficiencies, reporting it to the MCI for a fresh compliance verification and thereby enabling the MCI to forward its recommendations to the Government of India regarding the removal of the deficiencies on or before 15th June of any academic year being the last date prescribed for the MCI for establishment of new medical colleges.

The experience in the recent past had shown that even when the colleges get their LOI between 1st of January to 31st of January of any academic year they keep on requesting the MCI for deferment of the inspections and ultimately reach very close to the date of 15th June thereby creating an unwarranted pressure for the MCI for conducting a large number of inspections which otherwise could have been carried out by the MCI in a staggered manner from January of any academic year.

Resultantly, if the inspections for LOP are requested only close to the date of 15th of June, naturally, and if the deficiencies are found, there is no time left as per the statutory time schedule for the college concerned to make another attempt for removal of deficiencies for securing the recommendations of the MCI for grant of permission/renewal for that very academic year.

Accordingly, in view of the judgement of the Hon'ble Supreme Court in Mridul Dhar's case and the letter dated 15.03.2006 of the Central Govt., MCI vide its letter dated 30.03.2006, while returning the original application u/s 10A of this college, recommended to the Central Govt. to disapprove the scheme of this College under Section 10A of the Indian Medical Council Act, 1956.

On 15.06.2006, the members of the Executive Committee and of the Ad-hoc Committee appointed by the Hon'ble Supreme Court had received the following legal advice on this subject : -

“.....Please refer to the legal advice sought in the above matter as to whether the Medical Council of India should carry out inspection of the proposed College referred to above. As per the time schedule laid down and approved by the Hon'ble Supreme Court in Mridul Dhar's case the last date for submission of application complete in all respects to the Central Government is 31st August. A Trust or Society in order to be eligible to make an application seeking permission to establish a Medical College, should have among other things consent of affiliation from the concerned University. In the present case I find that at the time the application was submitted, consent of provisional affiliation was not obtained or furnished and that it was only on 25.1.2006 consent of provisional affiliation was obtained from Maharashtra University of Health Sciences. In as much as the application said to have been submitted on 30th August 2005 was without the consent of provisional affiliation from the University concerned it cannot be regarded as a valid application. The Government of India also did not forward the application to the MCI by 30th September for its consideration as required by the Regulations. An application to be valid and to be considered further, should fulfil the essential pre-requisites such as owning a 300 bed hospital, 25 acres of land, essentiality certificate from the State Government and consent of affiliation from the University concerned etc. The Government of India may be informed accordingly.....”

The Medical Council of India had thereafter received the above-mentioned communication dated 13.07.2006. The office of the Council had sought the expert legal advice from the Id. Senior Counsel, who is representing the Medical Council of India before the Hon'ble Supreme Court. As per his advice, the office of the Council had forwarded to the Ministry of Health, Govt. of India, its letter dated 14.07.2006, inter-alia, stating as under : -

“No. MCI 34(41)/2006-Med./8371 Dated : 14th July 2006

To

The Secretary to the Govt. of India,
Ministry of Health & Family Welfare,
Nirman Bhawan,
New Delhi - 110 011.

In re: Letter of the Government of India dated 13.07.2006.

Sub: Establishment of new Medical College at Beed by Aditya Education Trust,
Beed – Permission of the Central Govt. – reg.

Sir,

Your letter dated 13.07.2006 was received on same day by fax at 3.39 p.m. In view of shortage of time we are not able to go through the opinion of the Ld. ASG in details. However, in view of his advice that we would not be violating the judgement of the Hon'ble Supreme Court of India in Mridul Dhar's case (2005) 2 SCC 65 and Madhu Singh's case (2002) 7 SCC 258, the Council would straightaway proceed to inspect the Aditya Education Trust Medical College at Beed. We have the application form with us and would therefore proceed to conduct the statutory inspection immediately upon appointment of the inspectors. You are aware that the inspections for LOP require 2 days.

The meeting of the Executive Committee alongwith the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court has been fixed on 24.7.2006, as the notice of 10 days is required as per the Regulations.

In view of your urgency in the matter, we would forward the recommendation immediately on the same day i.e. 24.07.2006.

We are extending ourselves particularly for this Institute in view of hope expressed by the Ld. ASG, that we will co-operate fully and we are certain that this would not expose us to charge of violation of abovementioned judgement of the Hon'ble Supreme Court.

Meanwhile, we have just come across the judgement of the Hon'ble Supreme Court which may have an application to the case and which does not appear to have been placed before the Ld. ASG. A copy of the same in the case of (National Council for Teacher Education and Anr. Vs. Committee of Management & Ors. (2006) 4 SCC 65) is enclosed herewith for your perusal and reference.

Yours faithfully”

In accordance therewith, the inspection of this college had been carried on 18th and 19th July, 2006. The inspection report was considered by the members of the Executive Committee and of the Ad-hoc Committee appointed by the Hon'ble Supreme Court, who has observed as under : -

1. (a) The following faculty were not counted while computing faculty deficiency as under:-

S. No.	Name	Designation	Department	Remarks
1.	Dr. Ambekar M.N.	Professor	Anatomy	No relieving order. Resigned from previous institution on 13.7.06. Not counted.
2.	Dr. S.G. Gokani	Professor	Biochemistry	He is M.Sc. from Science faculty not counted.
3.	Dr. Jagdish Jivan Rao Desh Pandey	Professor & Dean	PSM	No relieving order. Resigned from previous institution on 17.7.06 Not counted.

- (b) Dr. J.J. Deshpande, Dean of the College does not have the relieving order and has resigned from the previous institution on 17.7.2006. He has joined this college only on the date of inspection – i.e. 18th July 2006.
- (c) In view of the above, the shortage of teaching staff required for Letter of permission is as under:-
- (I) The shortage of teaching faculty is 42.3%
- i) Professor 04 (Anatomy-1, Pharma-1, Gen. Med.-1, Gen. Surgery-1)
- ii) Associate Professor 11 (Anatomy-2, Physiology-1, Biochem-1 pathology-1, Micro-1, Paeds.-1, Ortho-1, OBGY-1, Anaesthesia-1, Radio-1)
- iii) Assistant Professor 08 (Anatomy-3, Physiology-1, Forensic-1, PSM-1, ENT-1, Ophthal.-1)
- iv) Tutor 02 (Radiology-2)

- (II) The shortage of Residents is 79% as under :-
- i) Sr. Resident 9 (Gen. Med-4, Gen. Surgery-2, OBGY-1)
 - ii) Jr. Resident 21 (Gen. Med-8, Gen. Surgery-8, OBGY-1, ENT-1, Ophthal.-1, Ortho-2)

2. The clinical material is grossly inadequate as under:

	Daily average		Day of Inspection	
O.P.D. attendance	310		680	
Casualty attendance	Not available		Not available	
Bed occupancy %	58%		53%	
<u>Operative Work</u>				
Number of major surgical operations	0.8		--	
Number of minor surgical operations	6.8		8	
Number of normal deliveries	0.6		--	
Number of caesarian Sections	0.5		--	
Radiological Investigations	O.P.	I.P.	O.P.	I.P.
X-ray	05	11	8	--
Ultrasonography	--	--	--	--
Special Investigations	--	--	--	--
C.T. Scan	--	--	--	--
<u>Laboratory Investigations</u>				
Biochemistry	9	14	2	2
Microbiology	--	--	--	--
Serology	4	3	4	--
Parasitology	--	--	--	--
Haematology	5	1	6	--
Histopathology	--	--	--	--
Cytopathology	--	--	--	--
Others – Clinical Pathology	--	--	--	--

Observations :

- The clinical material is inadequate. The patients admitted in the wards are not of much clinical and teaching significance.
- The operative workload is grossly inadequate. The Orthopaedic operative work has not yet commenced.
- The central clinical laboratory is not having separate Biochemistry and Microbiology sections. Only the Pathology laboratory is functional in which all the clinical investigations are being done. The Blood Collection Centre is not properly equipped and is not following the laid down procedures for disposal of gloves and needles.
- The radiology department is having only one 300mA static X-ray machine and one black and white ultrasound. The radiological work load is grossly inadequate. BARC permission and dosimeters are not available.
- The casualty is ill equipped. The record of casualty is maintained alongwith general OPD register.
- The ICCU and Medical ICU had 3 & 5 patients respectively on the day of inspection. The patients did not warrant admission.

3. The infrastructure of the preclinical departments of Anatomy, Physiology and Biochemistry is inadequate as under:

a) Anatomy Department :

- The infrastructure is not as per Council Norms. The window panes are broken. The light and electrical fittings are not in place. There are no fans.
- There are 02 demonstration rooms on second floor, each having 30 seats which is inadequate. These demonstration rooms are separated out by a partition made of plywood with only one entrance.
- The departmental library is not furnished and has no books.

- Dissection hall has 80 seats which is inadequate and has no exhaust, no water supply and drainage facilities. Light connection is temporary.
- There are 03 storage tanks with no cadavers.
- Embalming room has no equipments. There is no band saw.
- Histology laboratory has 24 workplaces with 40 student microscopes.
- There is no cooling cabinet.
- Museum is having 07 articulated, 04 unarticulated skeletons, 5 models, 120 charts and no mounted specimens which is inadequate. Catalogues are not available in the museum. There are no CT and X-rays displayed for students.

b) Physiology Department :

- The infrastructure is not as per Council Norms. The demonstration room has capacity of 48 seats which is inadequate. The window panes are broken. The light and electrical fittings are not in place. There are no fans.
- The laboratories have 20 workplaces which is not adequate. They do not have proper water and sewage connection.
- Departmental library has no books.
- Research lab is ill equipped.

c) Biochemistry Department :

- The demonstration room has capacity of 38 seats which is inadequate.
- The gas cylinders need to be kept away in a separate enclosure.
- Departmental library has no books.

4. Central library facilities are grossly inadequate. The library is scantily furnished. There are only 400 books and no foreign and no Indian journals against the requirement of 1400 books, and 14 foreign & 6 Indian journals. No back volumes are available. Internet & Medlar facility is not available.

5. Hostels for boys, girls, residents and nurses are inadequate as under:

Hostels	No.	Rooms	Capacity	Furnished Yes / No	Mess Yes / No
Boys	01	27	54	Partially furnished	No
Girls	01	27	54	Partially furnished	No
Nurses	01	27	54	Partially furnished	No

- The accommodation in boys & girls hostel is inadequate for the present stage as civil work and furnishing are under process. Cupboards and writing tables are not provided in the rooms.

6. There is no residents hostel.

7. There is no CSSD. Only one horizontal and two vertical sterilizers are available in OT Block.

8. Hospital EPABX has 02 incoming and 12 extension lines is provided. Only the wards, O.T. and O.P.D's are connected. No EPBX facilities are available in college.

9. There is no mechanized laundry.

10. Separate septic labour room and Eclampsia room are not available.

11. Central clinical laboratory consists of only Pathology section. The blood collection is done inside the Pathology laboratory. Proper facilities for blood collection and disposal of gloves and needles are not available.

12. The casualty is not adequately equipped. Central oxygen supply, central suction, defibrillator, pulse oximeter, ambu bag, and disaster trolley are not available.
13. There is one registration counter manually operated for male, female, new, old and indoor admissions. In O.P.D. there are 2 clerks. There is a medical record department. The MRO is not qualified. The records are maintained manually. ICD X classification of diseases is not followed for indexing.
14. Doctor duty room, nurse duty room, pantry, examination/ procedure room, teaching area and side laboratory are not provided inside the wards. The nursing station in each ward consists of only a table and few chairs which is not as per norms.
15. Playground has not been earmarked for outdoor games.
16. No staff was available in the central workshop.
17. There is no equipment in the central photography department.
18. No incinerator is available. Biomedical waste disposal is non existent.
19. The Nursing staff is grossly inadequate as under:

Nursing Superintendent	:	2
Deputy Nursing Superintendent	:	3
Matron	:	7
Asstt. Nursing Superintendent	:	Nil
Nursing Sisters	:	--
Staff nurses	:	18
20. The availability of para-medical staff is grossly inadequate. Only 7 technical assistants and 14 other categories are employed as paramedical staff.
21. In the OPD, there is one registration counter manually operated for male, female, new, old and indoor admissions. Waiting area is inadequate. The patients are waiting in the lobby of the hospital. Each speciality is provided with 01 room except Medicine and Gynaecology which have got 02 rooms for examination of patients and accommodation for the doctors. No Clinical demonstration rooms are available in OPD and wards. Space for teaching area is not available in the OPDs of major departments like Medicine. Surgery, Paediatrics, Obstetrics & Gynaecology and Orthopaedics.
22. No staff quarters are available for teaching and non teaching staff.
23. In the Medical Education Unit, only space is available on the first floor of the main medical college building. It has got 03 tables and few chairs. There was no equipment.
24. In the OTs, TV with camera attachment is not available. Resuscitation and monitoring equipment is shared by the different O.T.s.
25. There is no separate Surgical and Neonatal ICU.
26. In Radiodiagnosis department, only one Static unit of 300mA and 1 mobile unit of 100mA are available which are inadequate. No C arm is available in the O.T. Protective measures as per BARC specification are not provided.
27. Other deficiencies / remarks in the report.....

In view of above, and Govt. of India letter dt. 15/3/2005 issued after the directions of the Hon'ble Supreme Court in case of Mridul Dhar V/s. UOI & Ors. requesting the Council to strictly adhere to the time schedule prescribed under the regulations, and as per the Schedule prescribed in the Establishment of Medical College Regulations, 1999, the last date for sending the recommendations of the MCI for grant of Letter of Permission to the Central Govt. being 15th June, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. to

disapprove the scheme for Establishment of new medical college at Beed by Aditya Education Trust, Beed received u/s 10A of the IMC Act, 1956.

4. Recognition of Chhatisgarh Institute of Medical Sciences, Bilaspur for the award of MBBS degree granted by Guru Ghasidas University.

Read: The Council Inspectors report (18th & 19th July, 2006) carried out to assess the undergraduate teaching and training facilities available at Chhatisgarh Institute of Medical Sciences, Bilaspur alongwith standard of examination held by Guru Ghasidas University for its recognition for the award of MBBS degree.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (18th – 19th July, 2006) and noted the following:-

1. The shortage of teaching faculty is as under:-

(a) Following faculty was not counted while computing faculty deficiency for reasons given as under:

No.	Name	Designation	Dept.	Remarks
1	Dr. S.K.B. Patil	Professor	Biochemistry	M. Sc. from Science faculty. Ph.D. from faculty of Life Science.
2	Dr. Govind Sharma	Phar. Chem.	Pharmacology	Had a degree of Bachelor in Pharmacy
3	Dr. Raj Kishor Mahto	Asst. Prof.	Pharmacology	Had no post graduate degree. Hence accepted as tutor.
4	Dr. K.K. Patel	Demonstrator Non-medical	Microbiology	No M.Sc. Microbiology degree available.
5	Dr. Vikrant Singh	Junior Resident	Medicine	Has provisional MCI registration vide letter No. MCI/16086, dated 25-08-01.
6	Dr. T. Shyam	Senior Resident	ENT	Did not produce MBBS & MS degree.

(b) In view of the above, the shortage of teaching faculty is 13.07% as under:-

- i) Professor - 3 (1 – Physiology, 1- Biochemistry & 1- Forensic Medicine)
- ii) Associate Professor - 5 (1- Pharmacology, 1 - Community Medicine, 2- General Medicine & 1 TB & Chest)
- iii) Assistant Professor - 7 (3-Anatomy, 1- Pharmacology, 1- Pharma-Chemst, 1- Community Medicine & 1 – TB & Chest.)
- iv) Tutor - 2 (1- Biochemistry & 1 – Microbiology)

(c) The shortage of Residents is 15.7% as under :-

- (i) Sr. Resident: 04 (1 Psychiatry, 3 General Surgery)
- (ii) Jr. Resident: 08 (3 General Medicine, 1 - Paediatrics, 2 - General Surgery, 2 ENT)

2. Clinical Material is inadequate in terms of bed occupancy, radiological examination and lab investigations as under:-

Bed occupancy %	Daily Average		Day of Inspection	
	60		64	
<u>Radiological Investigations</u>	O.P.	I.P.	O.P.	I.P.
X-ray	42	25	39	23
Ultrasonography	15	06	07	04
Special Investigations	01	0	0	0
C.T. Scan	05	03	09	06
<u>Laboratory Investigations</u>	O.P.	I.P.	O.P.	I.P.
Biochemistry	82	45	36	77
Microbiology	04	03	03	01
Serology	08	05	08	05
Parasitology	0	0	0	0
Haematology & Clinical Pathology	154	88	144	101

Histopathology	0	02	0	05
Cytopathology	01	01	0	0

3. Distribution of beds in Orthopedics Dept. is not as per MCI norms as only 50 beds are available against the requirement of 60 beds.
4. Teaching beds available are 490 against the requirement of 500.
5. Audio visual aid is not available in all the teaching area in the OPD.
6. Each O.T. is not having central oxygen & nitrous oxide supply and central suction.
7. Separate septic labour room and Eclampsia room are not available, which is not as per norms.
8. Burns, Paediatrics & Obstetrics ICU are not available. None of the ICU has central oxygen & central suction facility available.
9. Radiological facilities only 3 static units – (1 of 500 mA and 2 of 300 mA) and 02 mobile units (60 mA) which is not as per norms. One static machine of 800 mA is not available. Protective measures as per BARC specification are not provided.
10. There is no lecture theatre available in the hospital, which is not as per norms.
11. Hostels: One new block of nurses hostel has been constructed which is ground + four storied building having 70 double seated room. It is non-functional as water & electric connection are not provided. It has not been allotted to anyone. Hostel accommodation for UG students is inadequate as it is available for only 440 students against the requirement of 500.
12. Accommodation for the teaching and non- teaching staff does not have electrical and water connection. Hence they are non-functional and cannot be allotted. No boundary wall has been constructed around the houses. No accommodation is available for teaching faculty within the campus.
13. Separate interns' hostel is not available, which is not as per norms.
14. Separate residents hostel is not available within the campus, which is not as per norms. Even the available accommodation, which is shared with students, is available only for 92 residents against the requirement of accommodation for 114 residents within the campus at this stage.
15. Other deficiencies/remarks in the report.

In view of above, the members of the Adhoc committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided not to recognize Chhattisgarh Instt. of Medical Sciences, Bilaspur for the award of MBBS degree granted by Guru Ghasidas University.

5. Establishment of new medical college at Warangal by Medicare Educational Trust.

Read: The letter dated 10th July, 2006 received from the Govt. of India, Health and Family Welfare with regard to establishment of new medical college at Warangal by Medicare Educational Trust.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and the Executive Committee of the Council considered the letter of the Central Govt. dated 10th July, 2006 and observed as under:-

An inspection for establishment of new medical college at Warangal by Medicare Educational Trust, Warangal was carried out by the Council Inspectors on 22nd & 23rd Nov., 2005. Upon verification of the declaration

forms submitted at the time of above inspection, certain discrepancies were observed in the column of the teaching experience shown in the declaration forms of some teachers. The matter was considered by the Executive Committee and members of the Adhoc. Committee and it was decided to arrange an immediate inspection. Accordingly, inspection of the college was again carried out on 21st Dec., 2005. The inspection report was considered by the Executive Committee and members of the Adhoc. Committee in their meeting held on 28th Dec., 2005.

In view of the discrepancies in the declaration forms and other deficiencies pointed out in the inspection report, it was decided to return the application to the Central Govt. recommending disapproval the scheme for establishment of medical college at Warangal.

Decision of the Executive Committee/ Adhoc. Committee was communicated to the Central Govt. on 30.12.2005.

In reference to above, the Central Govt. vide letter dated 17th May, 2006 had forwarded the compliance report submitted by the college authorities vide letter dated 15th May, 2006. The matter was considered by the Executive Committee at its meeting held on 14th & 15th June, 2006 and it was decided as under:

“.....As per statutory time schedule, the consideration of any application under Section 10A for grant of LOI by MCI is only during the period between 30.9.2005 to 31.12.2005. In the present case the removal of deficiencies and readiness for inspection with all the required infrastructure, teachings and other facilities as per the regulations at this stage, is to be achieved before 15th of March and a communication to be sent to the MCI to this effect on or before 15th March and in the present case on or before 15.3.2006 for grant of Letter of Permission and where after it is neither permissible nor possible for any authority including MCI to take any action for consideration. It was decided to recommend to the Govt. of India for disapproval of the scheme of this applicant under Section 10A of the Act.”

It was further observed that approximately 10 colleges who had submitted their request, for conduct of the inspection for the academic year 2006-07, before 15.3.2006 in accordance with the statutory time schedule of the MCI. These 10 colleges are as under:-

S.No.	Name of College	Ref. Of letter received from College/Govt. requesting for inspection and Compliance submission
1.	Prathima Instt. of Medical Sciences, Prathima Educational Society Prathima House No. 6-3-252/2/6, Naveen Nagar, Erramanzil, Nagannur,	Request to conduct the inspection, as per the requirement of the time schedule, was received from the college authorities vide their letter dated 13.2.2006.
2.	Maharajah's Institute of Medical Sciences, D.No.31-15, Nellimarla-535217, Vizianagaram Dist., A.P	Request to conduct the inspection, as per the requirement of the time schedule, was received from the college authorities vide their letter dated 12.1.2006.
3.	Konaseema Instt. of Medical Sciences, by Mother Theresa Educational Society, Amlapuram, NH-24, Cheitanaya Nagar, Amlapuram-533 201, E.G. Distt. Andhra Pradesh.	Request to conduct the inspection, as per the requirement of the time schedule, was received from the college authorities vide their letter dated 9.1.2006.
4.	M.M. Institute of Medical Sciences and Research, Mullana-133 203 (Ambala) Haryana	Request to conduct the inspection, as per the requirement of the time schedule, was received from the college authorities vide their letter dated 10.12.2005.
5.	Establishment of Rohilkhand Medical College & Hospital, Bareilly by	Request to conduct the inspection, as per the requirement of the time schedule, was

	Rohilkhand Educational Charitable Trust, Bareilly	received from the college authorities vide their letter dated 25.11.2005.
6.	Establishment of new medical college at Jagdalpur, Chhattisgarh by Govt. of Chhattisgarh.	Request to conduct the inspection, as per the requirement of the time schedule, was received from the college authorities vide their letter dated 2.3.2006.
7.	Establishment of new medical college at Pond cherry, by Ramachandra Educational Trust, Chennai.	Request to conduct the inspection, as per the requirement of the time schedule, was received from the college authorities vide their letter dated 18.01.2006.
8.	Establishment of new medical college By Bhagwan Mahavir Memorial Trust, 10-1-1, Bhagwan Mahavir Marg, A.C. Guards, Hyderabad-500004(Andhra Pradesh).	Request to conduct the inspection, as per the requirement of the time schedule, was received from the college authorities vide their letter dated 11.2.2006.
9.	Establishment of new medical college at Panikhaiti, Kamrup Down Town Charity Trust. G. S. Road, Dispur, Guwahati – 781006 (Assam)	Request to conduct the inspection, as per the requirement of the time schedule, was received from the college authorities vide their letter dated 20.2.2006.
10.	Establishment of new medical college at Bhubaneswar by Sikshya – O-Anusandhan charitable Educational Society, 224, Dharma Vihar, Khandagiri, Bhubaneswar-751030(Orissa)	Request to conduct the inspection, as per the requirement of the time schedule, was received from the college authorities vide their letter dated 21.1.2006.

So as to ensure that these 10 colleges who had lodged their request for inspection, as per the statutory time schedule, before 15.3.2006 but deficiencies had been found – were sent a communication dated 8.5.2006 by the MCI for submitting their compliance to the MCI enabling the MCI to adhere to the next stage of 15.6.2006 in the statutory time schedule for sending recommendations to the Ministry of Health, Govt. of India. While sending the list of these 10 colleges alongwith the letter of the MCI dated 8.5.2006, on account of inadvertence, the name of Medicare Educational Trust, seeking to establish a new medical college at Warangal – which had not submitted its request for inspection for LOP before 15.3.2006, had got added in that list. In other words, if that inadvertence in preparing the list of the abovementioned 10 colleges sent by the MCI alongwith its letter dated 8.5.2006, had not taken place, the name of Medicare Educational Trust could not have been included in the said list and the letter dated 8.5.2006 was not to be sent to them inasmuch as request for the inspection of this college for LOP was only on 17.5.2006 and not before 15.3.2006. As stated above, it is only on account of inadvertence that the letter dated 8.5.2006 of the MCI, which had to be sent only to the abovementioned 10 colleges, had also got mailed to Medicare Educational Trust.

It was also observed that the provisions of the mandatory, statutory time schedule as per regulations, were considered and the schedule is reproduced as under:-

SCHEDULE FOR RECEIPT OF APPLICATIONS FOR ESTABLISHMENT OF NEW MEDICAL COLLEGES AND PROCESSING OF THE APPLICATIONS BY THE CENTRAL GOVERNMENT AND THE MEDICAL COUNCIL OF INDIA.

Stage of processing	Last date
1. Receipt of applications by the Central Govt.	From 1 st August to 31 st August (both days inclusive) of any year.
2. Receipt of applications by the MCI from Central Govt.	30 th September
3. Recommendations of Medical Council of India to Central Government for issue of Letter of Intent .	31 st December.
4. Issue of Letter of Intent by the Central Government.	31 st January.
5. Receipt of reply from the applicant by the Central Government requesting for	28 th February

- Letter of permission.
- | | |
|---|------------------------|
| 6. Receipt of Letter from Central Government by the Medical Council of India for consideration for issue of Letter of Permission. | 15 th March |
| 7. Recommendation of Medical Council of India to Central Government for issue of Letter of Permission. | 15 th June. |
| 8. Issue of Letter of Permission by the Central Government. | 15 th July. |

Note: (1) The information given by the applicant in Part-I of the application for setting up a medical college that is information regarding organization, basic infrastructural facilities, managerial and financial capabilities of the applicant shall be scrutinized by the Medical Council of India through an inspection and thereafter the Council may recommend issue of Letter of Intent by the Central Government.

- (2) Renewal of permission shall not be granted to a medical college if the above schedule for opening a medical college is not adhered to and admissions shall not be made without prior approval of the Central Government....."

It was observed that as per the above-mentioned mandatory time schedule prescribed for establishment of new medical colleges, the last date for receipt of applications – which are in order with all mandatory documents prescribed as per the Regulations such as registered sale deed for land, essentiality certificate by the State Govt. in the prescribed format, consent of University for affiliation etc. – by the MCI from the Central Govt. is 30th of September of the previous year. Thereafter, the process for consideration, the recommendations and issuance of Letter of Intent (LOI) has been prescribed in different stages, for all those applications which were received by the MCI from the Central Govt. by 30th September of the previous year. The recommendations by the MCI in relation to LOI are required to be sent to the Govt. of India before 31st December and in the present case 31/12/2005. The Govt. of India, on the basis of the recommendations of the MCI, is required to issue the LOI by 31st January of the year subsequent to the previous year in which the applications had been received i.e. 31/01/2006 in the present case.

It is to be emphasized here that thereafter the case is required to be considered for Letter of Permission (LOP). The college gets permitted for making admissions in the MBBS course only upon the grant of LOP by the Ministry of Health, Govt. of India – on the recommendations of the Medical Council of India. In other words, grant of LOI does not entitle any college to make admissions.

The last date of 15th of March in the subsequent year has been prescribed for receiving the letter from the Central Government by the MCI for consideration of the case for issuance of Letter of Permission.

The removal of deficiencies and readiness for inspection with all the required infrastructure, teachings and other facilities as per the regulations at this stage, is to be achieved before 15th of March and a communication to be sent to the MCI to this effect on or before 15th March and in the present case on or before 15/03/2006 for grant of Letter of Permission.

The following directions of the Hon'ble Supreme Court in Mridul Dhar's case dated 12/01/2005 were also noted :-

14. *Time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.*
15. *Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.*

It was observed that the Hon'ble Supreme Court had required the MCI to fix the time schedule for admissions in the medical courses in its judgement in madhu Singh's case, in para 23(vi) of the said judgement it had been specifically directed that there shall not be any variation in the said time schedule. Preceding further in this process for achieving discipline in the admissions in the medicine courses so as to ensure that the medical students are adequately exposed to the minimum required teaching and training with the availability of minimum required teaching, infrastructure and other facilities prescribed by the MCI Regulations – the Hon'ble Supreme Court then directed for strict discipline and adherence to time schedule beginning from the declaration of 10+2 results, strict adherence to the statutory time schedule for establishment of new medical colleges and without which adherence to the itme schedule for admissions in medicine courses, is impossible to be achieved.

One of the main reasons which had been considered and appreciated by the Hon'ble Supreme Court in certain cases which then resulted in issuance of directions dated 12/01/2005 in Mridul Dhar's case was that delay in grant of permissions/renewals for new medical colleges under section 10A had been exploited at number of places to the effect that in the chaos got created on that account, students lower in merit list had got admission in the medical courses and the students higher in the merit list had been kept out and were not granted admissions.

It had therefore been found by the Hon'ble Supreme Court that it is an imperative that the entire seat matrix of the medicine seats in all the medical colleges should become available to the admission authorities before the start of the process for admissions in as much as the admission authorities before the start of the admission authorities, invariably, is a combined admission process for MBBS, BDS, Homeopathy and Ayurveda seats. In the event of any delayed permission for any new medical or dental college, an unwarranted chain reaction becomes inevitable for the completion of the admission process thereby creating an unmanageable chaos and further harassment to the meritorious students and admission tot students with lesser merit.

It was some of these considerations, which resulted into the Hon'ble Supreme Court, getting compelled to issue directions no. 14 and 15 in Mridul Dhar's case making it abundantly clear that non-adherence to the time schedules, either for establishment of new medical colleges or for admission, by any authority shall invite personal liabilities/proceedings against the persons/authorities concerned.

The direction of the Hon'ble Supreme Court have been issued for strict adherence so as to eliminate aberrations in the admission process all over the country for admissions in the medical courses and for over all effective development of the medical education where the more meritorious students do not face any hardship or harassment and are not denied admission by the admission authorities by granting admissions to candidates lower in merit.

As per statutory time schedule, the consideration of any application under Section 10A for grant of LOI by MCI is only during the period between 30/09/2005 to 31/12/2005, in the present case the removal of deficiencies and readiness for inspection with all the required infrastructure, teachings and other facilities as per the regulations at this stage, is to be achieved before 15th of March and a communication to be sent to the MCI to this effect on or before 15th March and in the present case on or before 15/03/2006 for grant of Letter of Permission and where after it is neither permissible nor possible for any authority including MCI to take any action for consideration.

6. Request for inputs on the questionnaire received from the Chairman Expert Committee on AIIMS to look into the functioning of AIIMS.

Read : The communication dated 18th July 2006 from the Chairman Expert Committee on AIIMS enclosing therewith a questionnaire for providing inputs of the Council on the questionnaire.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 18th July,2006 received from the Chairman Expert Committee on AIIMS and decided to constitute a Sub-Committee with the following members to go through the questionnaire and submit its report:-

1. Dr. Ved Prakash Mishra, Chairman, P.G. Committee
2. Dr. K.P. Mathur, Member, Executive Committee
3. Dr. Sneh Bhargava, Member.
4. Dr. Mukesh Kumar Sharma, Member, Executive Committee

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

New Delhi, dated the
24th July,2006

A P P R O V E D

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