

No.MCI-5(3)/2006-Med./MEDICAL COUNCIL OF INDIAEXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on Saturday, the 30th December, 2006 at 11.00 a.m. 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, New Delhi 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. D.K. Sharma]Former Professor & Head,]Department of Paediatrics,]L.L.R.M. Medical College,]Meerut
Dr. Mukesh Kr. Sharma]Deptt. of General Surgery,]S.M.S. Medical College,]Jaipur
Dr. P.K. Sur]Director,]I.P.G.M.E.R.,]Kolkatta
Dr. G.K. Thakur]Professor & Head,]Department of Radiodiagnosis,]S.K.Medical College, Muzaffarpur
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, member of the Adhoc Committee and Dr. K.P. Mathur & Dr. G.B. Gupta, members of the Executive Committee.

1. Minutes of the Executive Committee Meeting held on 02/12/2006 - 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 meeting held on 02.12.2006.

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 the action taken by the office on the various items included in the agenda of the Executive Committee meeting held on 2.12.2006.

3. Pending items arising out of the decisions taken by the Executive Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the list of pending items arising out of the decisions taken by the Executive Committee.

4. Establishment of new medical college at Jamia Hamdard, New Delhi (Hamdard University) by Jamia Hamdard University.

Read : The Council Inspectors report (15th & 16th Dec., 2006) for establishment of new medical college at Jamia Hamdard, New Delhi (Hamdard University) by Jamia Hamdard University.

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 (15th & 16th December, 2006) and noted the following.

1. The shortage of teaching staff required at present stage is as under:-

(1) Shortage of faculty is 45.45% as under:-

(i) Associate Professor : 3 (Anatomy-1, Physiology-1, Bio-chem.-1)

(2) The Dean is Dr. Mohd.Farooque. His date of birth is 8th July; 1940. He is more than 65 years of age as per MCI norms he is overage and cannot be considered.

(3) The superintendent Dr. Prem Kapur, is officiating at present. He does not have administrative experience. He cannot be considered as Medical Superintendent.

2. Distribution of beds is deficient as under:-

Speciality	Required Beds/Units	Present Beds/Units	Deficiency (if any)
Medicine & Allied Specialities			
General Medicine	80	50	There is a deficiency of 60 beds.
Paediatrics	30		
TB & Chest	--		
Skin & VD	--		
Psychiatry	--		
Total	--		
	110		
Surgery & Allied Specialities			
General Surgery		50	There is a deficiency of 90 beds.
Orthopaedics	90		
Ophthalmology	30		
ENT	10		
	10		
Total	140		

Obstetrics & Gynaecology			
Obstetrics	30	30	There is a deficiency of 20 beds.
Gynaecology	20		
Total	50		
Grand Total	300	130	

There is no distribution of beds among the medicine and allied specialities, surgery & allied specialties and Obst. and Gynae. Departments. Thus the qualifying criteria at Sr. No. 2(5) - “that the person owns and manages a hospital of not less than 300 beds with necessary infrastructural facilities capable of being developed into a teaching institution in the campus of the proposed medical college” is not met with, as there is deficiency of 170 beds in the affiliated teaching hospital.

3. Clinical Material is inadequate as under:-

	Daily Average		Day of Inspection	
O.P.D. attendance	328		304	
Bed occupancy%	64		40	
Number of major surgical operations	03		03	
Number of minor surgical operations	05		01	
Number of normal deliveries	01		0	
Number of caesarian Sections	01		02	
<u>Radiological Investigations</u>	<u>O.P.</u>	<u>IP</u>	<u>O.P.</u>	<u>I.P.</u>
X-ray	40	09	30	02
Ultrasonography	14	05	05	04
Special Investigations	01	00	-	-
C.T. Scan	-	-	-	-
<u>Laboratory Investigations</u>				
Biochemistry	61	49	70	26
Microbiology	09	07	22	08
Serology	12	09	06	05
Parasitology	05	02	04	01
Haematology	162	66	82	18
Histopathology	01	01	01	01
Cytopathology	0	0	0	00
Others	-	-	-	-

1. Bed occupancy is only 35.66% on the day of inspection.
2. Surgical operations are only three.
3. OPD attendance is poor.
4. No teaching areas are available in any OPD's. Two consulting rooms are available and used for Unani OPD's. Teaching areas and side laboratories are not available. No central oxygen supply and central suction is available. Space for teaching area is not available in the OPDs of major departments like Medicine, Surgery, Paediatrics, Obstetrics & Gynaecology and Orthopaedics.
5. O.Ts' are not having central oxygen & nitrous oxide supply and central suction.
6. There is no septic & eclamsia room available in labour room.
7. Para medical staff is inadequate as under:
Laboratory Technicians:08
Laboratory Assistants: 01
Laboratory Attendants: 02

8. Nursing Staff is grossly inadequate as under:-

Nursing Superintendent	:01	
Deputy Nursing Superintendent	: 01	
Matron	: Nil	
Asstt. Nursing Superintendent	:	Nil
Nursing Sisters	:	02
Staff nurses	:	46
Nurses on contract:	:	20

9. Other deficiencies in report.

In view of above, whereby it has been found that the applicant has failed to fulfil the mandatory and statutory precondition at Sr. No. 2(5) of the qualifying criteria of owning & managing of a functional hospital of not less than 300 beds, laid down in the Establishment of Medical College Regulations,1999, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return the file to the Central Govt. recommending disapproval of the scheme received u/s 10A of the I.M.C. Act,1956 for establishment of a new medical college at Jamia Hamdard, New Delhi (Hamdard University) by Jamia Hamdard University.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further decided to write a letter to the State Govt. of NCT, Delhi requesting to intimate as to how they have issued the Essentiality Certificate vide letter dated 31st Aug., 2006 certifying that the applicant owned and managed a functional hospital of 300 beds having adequate clinical material, when on inspection it has been found that only 130 beds are available.

5. Approval of Maharaja Agarsen Medical College, Agroha for the award of MBBS degree granted by Maharishi Dayanand University, Rohtak.

Read : The Council Inspectors report (8th & 9th Dec., 2006) for approval of Maharaja Agrasen Medical College, Agroha for the award of MBBS degree granted by Maharishi Dayanand University, Rohtak.

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 (8th & 9th December, 2006) and noted the following:-

1. Auditorium is not available.
2. One lecturer theatre having 250 capacities is not available which is not as per MCI norms.
3. R.H.T.C., Barwala is under the control of Haryana Government and the college is allowed to use its facilities which is not as per MCI norms.

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 approve Maharaja Agarsen Medical College Agroha for the award of MBBS degree granted by Maharishi Dayanand University, Rohtak.

6. Approval of M.N.R. Medical College, Sangareddy for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada

Read : The Council Inspectors report (24th & 25th Nov., 2006) for approval of M.N.R. Medical College, Sangareddy for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada.

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 (24th & 25th November, 2006) and noted the following.

1. (a) The shortage of teaching faculty is 9.62% as under:-
 - (i) Associate Professor – 3 (Biochemistry –1, Pathology –1, Anaesthesia –1)
 - (ii) Assistant Professor – 8 (Physiology–1, Pharmacology –2, Community Medicine –1, General Medicine –1, Obst. & Gyane –1, Anaesthesia –1, Radio Diagnosis –1)
- (b) The shortage of Residents is 7.14% as under:-
 - (i) Sr. Resident – 6 (Anaesthesia –3 & Radiology – 3)
2. Messing facilities are available but the mess is not functional at R.H.T.C.
3. Dr. V.V.V. Satyanarayana, Medical Superintendent has only 6 years of administrative experience.
4. Radiological facilities :- Only 3 static units – (1 of 300 mA, 2 of 500 mA;) and 1 mobile unit of 60 mA are available, which is inadequate and not as per norms.
5. Other deficiencies/remarks are in the main report.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and Executive Committee of the Council decided not to approve M.N.R. Medical College, Sangareddy for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada.

7. **Approval of Govt. Medical College, Anantapur for the award of MBBS degree granted by NTR University of Health Sciences, Vijayawada**

Read : The Council's Inspectors report (30th Nov., & 1st Dec., 2006) for approval of Govt. Medical College, Anantapur for the award of MBBS degree granted by NTR University of Health Sciences, Vijayawada.

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 (30th Nov. & 1st Dec., 2006) and noted the following.

1. (a) The shortage of teaching faculty is 8.8% is as under:-

i)	Professor	1(Anatomy-1)
ii)	Assoc. Prof.	1(Surgery-1)
iii)	Asstt. Prof.	7(Comm.med.-5, Radio Diag.-2)
iv)	Tutor	3(Anatomy-1, Pharma.-1, Pathology-1)
- b) The shortage of Residents is 30% as under :-

i)	Sr. Resident	7 (Gen. Med. – 2, TB & Chest–1, Derma- 1, Psychiatry – 1, Ortho – 1, Opthal - 1)
ii)	Jr. Resident	16 (TB & Chest – 1, Derma – 1, Gen. Surg.–8, Ortho- 3, E.N.T. – 2, OBG & Gy – 1)
- (c) 82 faculty members have joined the institute 3 days before inspection which is as under:-

i)	Professor	-	12
ii)	Assoc. Professor	-	17
iii)	Assistant	-	11
iv)	Tutor	-	42
	Total		82

It was also observed that the college was operating with less than 1/3rd regular faculty during the rest of academic year.

2. Clinical Material is inadequate in terms of X-ray and laboratory investigations as under:-

	Daily Average		Day of Inspection	
	O.P.	I.P.	O.P.	I.P.
<u>Radiological Investigations</u>				
X-ray	30	30	18	25
Ultrasonography	6	8	--	15
Special Investigations	--	--	--	--
C.T. Scan	--	7	--	7
<u>Laboratory Investigations</u>				
Biochemistry	100	138	95	177
Microbiology	47	20	36	16
Serology	--	--	--	--
Parasitology	--	--	--	--
Haematology	186	244	203	252
Histopathology	--	1	--	--
Cytopathology	4	2	1	--
Others	--	--	--	--

Serology, Parasitology, Histopathology and Cytopathology work load has not been reported.

3. The Hospital Budget is seen to be declining over successive years while the College Budget has declined in 2006-2007 as compared to the previous year.
4. No veterinary officer & Technicians are available in the animal house.
5. Total number of books are 4562 against the requirement of 7000 books. Total number of journals subscribed are 30 Indian and 7 Foreign against the requirement of 100 journals.
6. At RHTC No lecturer cum medical officer having M.D.{P.S.M.} is available. Other clinical departments like Medicine, Paediatrics, Obstetrics & Gynaecology do not participate in the outreach teaching programmes at R.H.T.C. Lecture hall cum seminar room is not available. No audiovisual aids have been provided and they are brought by the P.S.M. department at the time of the visit. No beds have been provided.
7. No lecturer cum medical officer having M.D.{P.S.M.} is posted at UHC.
8. Hostel accommodation is inadequate as total accommodation available is for 460 against the requirement of 600 students & interns. There is no separate hostel for Interns and Postgraduates. They are accommodated in the boys/girls/residents hotels.
9. Only 9 quarters are available within the campus for the teaching faculty which is inadequate. No staff quarters are available for non-teaching staff.
10. No gymnasium facilities are available.
11. Audiometry room is not soundproof & not Air-conditioned.
12. No disaster trolley and crash cots etc. are available in the casualty.
13. There are 7 operation theatres having total 9 tables which is inadequate and not as per norms as 10 OT are required at this stage and no OT should have more than 1 table.
14. ICCU is not available.
15. Bowl sterilizer, Glove inspection machine and instrument washing machine are not available in CSSD.
16. No canteen is available in the hospital for staff, students and patients' relatives.
17. Paramedical staff is grossly inadequate as under:-

Laboratory Technicians	:	2
Laboratory Assistants	:	2
Laboratory Attendants	:	2

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and Executive Committee of the Council decided not to approve Govt. Medical College, Anantapur for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada.

8. Approval of S.V. Medical College, Tirupati for the award of MBBS degree granted by NTR University of Health Sciences, Vijayawada against the increased intake i.e. 100 to 150 students.

Read : The Council Inspectors report (30th Nov., & 1st Dec., 2006) for approval of S.V. Medical College, Tirupati for the award of MBBS degree granted by NTR University of Health Sciences, Vijayawada for the increased number of seats i.e. 100 to 150 students.

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 (30th Nov. & 1st Dec., 2006) and noted the following.

1. The shortage of teaching staff is as under:-
 - (a) The teaching faculty : 12.55%.
 - i) Assoc.Prof. 7 (1 Physio, 1-Pharma, 1-Micro, 1-FM, 2-Radiology, 1-Dental).
 - ii) Asstt.Prof. 16 (1-Physio, 1-Biophysics, 2-Pharma, 1-Pharma Chem. ,1-Path, 1-F.M., 6-Medicine, 1-Statistician, 1-Radiology, 1-Dental.)
 - iii) Tutor 6 (2-Anat. & 4 F.M.)
 - (b) The shortage of Residents is 17.6% as under:-
 - i) Sr. Resident -20 (1-Paed., 1-TB, 1-Psy, 5-Surg, 3-Ortho, 1-ENT, 2-O&G, 1-Anaes., 5-Radiology)
 - ii) Jr.Resident -2 (2 Ophthal.)
2. In the Animal House, Guinea pig & large animals are not available.
3. At RHTC hostel facilities are inadequate. 2 boys in 1 room & 2 girls in 1 room are accommodated.
4. Hostel facilities for boys and girls are inadequate. Mess facilities are not available. The rooms are under furnished and crowded. There is no hostel facility for unmarried nurses. There is no separate interns hostel.
5. Only 10 quarters are available within the campus for teaching faculty which is inadequate. There is no accommodation for Class III and Class IV employees.
6. There is a medical record department which is not cross linked with OPDs. The Medical Record Officer is not qualified for this post.
7. In the Central Casualty, no crash cot is available.
8. The cooling cabinet is shared between Forensic Medicine and Anatomy departments which is not as per MCI norms. Band saw is non functional.
9. In the department of Biochemistry, there is no gas connections, only spirit lamps are used.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and Executive Committee of the Council decided not to approve S.V. Medical College, Tirupati for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada against the increased intake i.e. 100 to 150 students.

9. Establishment of new medical college at Villupuram, Tamil Nadu by Govt. of Tamil Nadu.

Read : The letter dt. 16.12.2006 of the Director Medical Education, Chennai with regard to conduct the inspection for LOI/LOP on the dates which will be intimated later on in light of time schedule prescribed u/s 10A of the IMC Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the council noted that the inspection for grant of Letter of Intent (LOI) was arranged to be carried out by the Council Inspectors on 19th & 20th December, 2006. However, the Director of Medical Education, Chennai vide letter dated 16.12.2006 had informed

that at present the institution is not ready for inspection and they would like to take up the inspection for issuance of Letter of Intent and Letter of Permission together in coming months and the tentative month & days will be informed accordingly.

The Committee further noted that as per the schedule prescribed in the Regulations the Council has to send its recommendations to the Central Govt. for issue of Letter of Intent by **31st December**. The members of the Adhoc Committee and of the Executive Committee also observed the judgement dated 12.1.2005 delivered by the Hon'ble Supreme court in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. in W.P. © Nos. 206 of 2004 wherein it was directed that:-

“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.

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 to return the application to the Central Government recommending disapproval of scheme for establishment of new medical college at Villupuram, Tamil Nadu by Govt. of Tamil Nadu u/s 10A of the Indian Medical Council Act, 1956.

10. Establishment of a new medical college at Sheikhpura, Patna by Indira Gandhi Institute of Medical Sciences(autonomous Institute of Govt. of Bihar).

Read : The letter dt. 16.12.2006 of the Director, Indira Gandhi Institute of Medical Sciences(autonomous Institute of Govt. of Bihar) with regard to conduct the inspection for LOI in the month of Feb., 2007 in light of time schedule prescribed u/s 10A of the IMC Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the council noted that the inspection for grant of Letter of Intent (LOI) was arranged to be carried out by the Council Inspectors on 19th & 20th December, 2006. However, the Director, Indira Gandhi Insitute of Medical Sciences, Patna vide letter dt. 16.12.2006 had informed that there is a winter vacation period in the institution with faculty members being on vacation to large extent. In addition faculty members are also out of station due to conference season and only availing year end balance of casual leave/other leaves. He has requested to reschedule the inspection for LOI at a suitable date (preferably in February 2007) with subsequent events proposed at per schedule.

The Committee further noted that as per the schedule prescribed in the Regulations the Council has to send its recommendations to the Central Govt. for issue of Letter of Intent by **31st December**. The members of the Adhoc Committee and of the Executive Committee also observed the judgement dated 12.1.2005 delivered by the Hon'ble Supreme court in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. in W.P. © Nos. 206 of 2004 wherein it was directed that:-

“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.

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 to return the application to the Central Government recommending disapproval of scheme for establishment of new medical college at Sheikhpura, Patna by Indira Gandhi Institute of Medical Sciences(autonomous Institute of Govt. of Bihar) u/s 10A of the Indian Medical Council Act, 1956.

11. Establishment of new medical college by the name Fathima Institute of Medical Sciences at Kadapa, Andhra Pradesh by Mohammadiya Educational Society.

Read: The letter dt. 16.12.2006 of the Secretary, Fathima Institute of Medical Sciences, Kadapa, Andhra Pradesh with regard to conduct the inspection for LOI/LOP in the month of March, 2007 in light of time schedule prescribed u/s 10A of the IMC Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the council noted that the inspection for grant of Letter of Intent (LOI) was arranged to be carried out by the Council Inspectors on 19th & 20th December, 2006. However, the Secretary, Fathima Institute of Medical Sciences, Kadapa, Andhra Pradesh vide letter dt. 15.12.2006 has requested to postpone the inspection for LOI/LOP during the month of March 2007.

The Committee further noted that as per the schedule prescribed in the Regulations the Council has to send its recommendations to the Central Govt. for issue of Letter of Intent by **31st December**. The members of the Adhoc Committee and of the Executive Committee also observed the judgement dated 12.1.2005 delivered by the Hon'ble Supreme court in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. in W.P. © Nos. 206 of 2004 wherein it was directed that:-

“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.

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 to return the application to the Central Government recommending disapproval of scheme for establishment of new medical college by the name Fathima Institute of Medical Sciences at Kadapa, Andhra Pradesh by Mohammadiya Educational Society u/s 10A of the Indian Medical Council Act, 1956.

12. Establishment of new medical college at Ramnagar, Patiala by Gian Sagar Educational & Charitable Trust.

Read: The letter dt. 12.12.2006 of the President, Gian Sagar Educational & Charitable Trust with regard to conduct the inspection for LOI/LOP on 15.03.2007 in light of time schedule prescribed u/s 10A of the IMC Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the council noted that the inspection for grant of Letter of Intent (LOI) was arranged to be carried out by the Council Inspectors on 15th & 16th December, 2006. However, the President, Gian Sagar Educational & Charitable Trust vide letter dt. 12.12.2006 has requested that LOI/LOP inspections may please be conducted jointly on 15.03.2007.

The Committee further noted that as per the schedule prescribed in the Regulations the Council has to send its recommendations to the Central Govt. for issue of Letter of Intent by **31st December**. The members of the Adhoc Committee and of the Executive Committee also observed the judgement dated 12.1.2005 delivered by the Hon'ble Supreme court in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. in W.P. © Nos. 206 of 2004 wherein it was directed that:-

“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.

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 to return the application to the Central Government recommending disapproval of scheme for establishment of new

medical college at Ramnagar, Patiala by Gian Sagar Educational & Charitable Trust u/s 10A of the Indian Medical Council Act, 1956.

13. Establishment of a new medical college at Azamgarh, U.P. by All India Children Care & Educational Development Society.

Read: The letter dt. 20.11.2006 and 20.12.2006 from the Founder Manager, All India Children Care & Educational Development Society, Azamgarh with regard to conduct the inspection for LOI/LOP in 2nd week of April in light of time schedule prescribed u/s 10A of the IMC Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council observed that the legal opinion was received by the Council on 7th Oct., 2005 in respect of the application for the previous academic year and the operative part of which reads as under:-

“One of the relevant facts in relation to the application u/s 10A of this applicant is that reliance has been placed by the applicant on a lease deed dated 29.3.1996 pertaining to 22 acres of land for satisfying the statutory requirement of ownership and possession of 25 acres of land for establishing a new medical college. In addition to the claim for the above mentioned lease deed for land ad-measuring 22.493 acres, the applicant has claimed ownership of further land ad-measuring 6.454 acres.

The lease deed for the substantial portion of the land constituting 22.493 acres dated 29.3.1996 is stated to have been executed in favour of the applicant by Shri Durgaji Mandir Trust, Chandesar, Azamgarh.

With reference to the above-mentioned lease deed dated 29.3.1996, the Council, inter-alia, had been earlier advised that there is a judgement of the Id. Additional District Judge dated 24.5.1997 wherein a finding has been given by the Id. ADJ that lease deed dated 29.3.1996 is void. Some of the relevant observations made in the judgement of the Id. ADJ are as under:-

- “(a) That there was a clear admission on the part of the respondents therein that the lease deed dated 29.3.1996 is null and void ab initio, even though it was the respondent's contention that the appellant Sh. Ram Patal Chaturvedi could not have challenged the same.
- (b) That the lease deed dated 29.3.1996 was in violation of the Zamindari Abolition and Land Reforms Act.
- (c) That the lease deed dated 29.3.1996 is void for want of prior permission of the Directorate of Education in terms of the relevant laws applicable to the State of U.P. in this respect.
- (d) That the facts clearly indicate that there was insufficient consideration for the transfer/execution of lease deed dated 29.3.1996 and the transfer has not taken place for the purpose of establishment of a medical college...”

It is also significant to notice that the said Shri Durgaji Mandir Trust, from whom the applicant is claiming to have a lease deed for more than 22 acres of land, has addressed a letter to the MCI received in the office of the Council on 11.11.2004, copy whereof is enclosed herewith for ready reference. Through this communication, Shri Durgaji Mandir Trust has informed the council that the land in question belongs to Shri Durgaji Mandir Trust, Chandesar, Azamgarh. Shri Bajrang Tripathy of All India Children Medicare & Educational Development Society, Azamgarh by concealing the fact that the lease deed dated 29.3.1996 has been declared to be null and void by the Id. ADJ, has fraudulently obtained a letter from the District Officer, Azamgarh and for nullification whereof shri Durgaji Mandir Trust has already submitted an application with the District Officer, Azamgarh. The said Trust has accordingly requested the MCI to initiate legal proceedings against Shri Bajrang Tripathy.

It is further to be seen that even earlier, this college had applied for permission u/s 10A of the Act. It admitted students without obtaining the permission of the Central Govt. u/s

10A of the Act, on the recommendations of the MCI. It claimed the benefit of deemed permission. Students were admitted. Subsequently, the Hon'ble Supreme Court set aside the judgement of the Hon'ble High Court.(UOI & Ors. Vs. All India Children Care & Educational Development society, Azamgarh & Anr.. – (2002) 3 SCC 649). The students who were admitted pursuant to the orders of the Hon'ble Supreme Court were then required to be adjusted in other medical colleges(Asheesh Pratap Sing & Ors. Vs. UOI & Ors. – (2002) 4 SCC 216).

As such, in my opinion, with such disputed documents on ownership of the land in question, it would not be permissible for the querist Council to entertain this application u/s 10A of the Act till documents establishing clear title/ownership and possession with regard to 25 acres of contiguous piece of land are furnished by the applicant, as required by the statutory regulations of the Council.

Under these circumstances, I am of the opinion that in the light of the above-mentioned communication of Shri Durgaji Mandir Trust received by the office of Council on 11.11.2004, the applicant cannot claim the ownership and possession of this 22 acres of land. In my view the applicant therefore, does not fulfil the statutory pre-condition of ownership of 25 acres of unitary piece of land. The querist Council is advised to take appropriate steps for return of the application of the applicant, to the Central Govt.”

The Central Govt. vide letter dated 13.11.2006 had forwarded the detailed compliance report submitted by the college authorities requesting to inspect the proposed college in the second week of April, 2007 for LOI and LOP both in this connection.

The Committee further observed the legal opinion of the Council Advocate dated 29.11.2006, the operative part which reads as under :-

“After perusing the various land documents/certificates as well as the application moved on behalf of Smt. Shyama Devi w/o late Ram Palat Chaturvedi, it has been observed by me that the certificate dated 3.11.2006 issued by the Tehsildar Sadar in which it has been certified by him that the said society is owning one consolidated piece of land measuring 28.947 acres situated at Village – itaura-Khemaupur, P.O. Chandeshwar Distt. Azamgarh.

Besides this, the certificate has also been issued by Chairperson Gram Sabha of District Azamgarh in which it has been certified that the lease deed executed by late Chandrabali bramchari Founder Manager of Shree Durga Ji Mandir Trust, Chandeshwar, Azamgarh (U.P.) in favour of All India Children Care & Educational Development Society, Azamgarh is duly registered in Book No. 1, Volume 5977, Page 149 to 168 Sr. No. 1259 dated 29.3.1996 for land area measuring 4.161 Acres. It also described Khasra No. 7,8 & 9 Khatauni No. 81 Village Itaura which come in Gram Panchayat of the said village, The Tehsildar of Sadar, Dist. Azamgarh U.P., has also certified the said certificate issued by Gram Panchayat.

It has been further observed by me that in both the certificates, the signature of the Tehsildar varies and there is no reference nos. in the certificates issued by the Chairperson, Gram Sabha of District Azamgarh U.P. and both the certificates have been signed by different heads of Gram Panchayat i.e. Teukher & Khemaupur. Besides this the application moved by Smt. Shyama Devi W/o Late Ram Palat Chaturvedi in Second Appeal No. 474 of 1997 for withdrawing the case is yet to be decided by the Hon'ble Court of Allahabad; as no order has been placed on record by the Founder Manager Sh. Bajrang Tripathi.”

The Committee noted that the applicant authority has failed to provide the required documents pertaining to owning and possessing of 25 acres of land and hence not fulfilled the qualifying criteria laid down in the “Establishment Medical College, Regulations, 1999”.

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 to reiterate its earlier decision taken at its meeting held on 14th and 15th June, 2005 recommending disapproval of scheme for establishment of new medical college at Azamgarh u/s 10A of the IMC Act, 1956 and to return the file to the Central Government.

14. Establishment of a new medical college at Munshiganj, Amethi by Sanjay Gandhi Memorial Trust, New Delhi- Request received from the Trust authorities to consider their application for the year 2008-2009.

Read: The letter dt. 01.12.2006 from the Administrator, Sanjay Gandhi Memorial Trust, New Delhi with regard to conduct the inspection for LOI/LOP before May/June 2007 and

considered the proposal for the academic year 2008-09 in light of time schedule prescribed u/s 10A of the IMC Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the letter dated 1/12/2006 received from received from the Administrator, Sanjay Gandhi Memorial Trust, New Delhi informing that the Trust may not be able to complete the requirements of first inspection before May/June 2007, hence the proposal need not be considered for the academic year 2007-08 and requested to consider their application for the academic year 2008-2009.

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 to return the application to the Central Govt. recommending disapproval of the scheme for establishment of new medical college at Munshiganj, Amethi by Sanjay Ganhi Memorial Trust, New Delhi.

15. Applications received u/s 10A of the IMC Act, 1956 from Govt. of India for Establishment of new medical colleges/increase of seats for the year 2007-2008-Request received from the colleges for carrying out the inspection after Dec., 2006 – Regarding.

Read: The request received from (i) Ragolu, Srikakulam Distt., Andhra Pradesh by Aditya Educational Society (ii) Noida, Uttar Pradesh by Sharda Education Trust (iii) Sitapur by Career Convent Educational & Charitable Trust, Lucknow (iv) Jamuhar, Rohtas, Bihar by Deo Mangal Memorial Trust, Rohtas, Bihar (v) Jadcherla, Mahbubnagar Distt., A.P. by the Governing council of the Mennonite Brethren Church of India for carrying out the inspections for Establishment of new medical colleges for the year 2007-2008 u/s 10A of the IMC Act, 1956 after Dec., 2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that as per schedule prescribed in the Regulations the Council has to send its recommendations to the Central Govt. for issue of Letter of Intent by **31st December**. The members of the Adhoc Committee and of the Executive Committee also observed the judgement dated 12.1.2005 delivered by the Hon'ble Supreme court in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. in W.P. © Nos. 206 of 2004 wherein it was directed that:-

“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.”

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 to return the following applications to the Central Government recommending disapproval of scheme for establishment of new medical college u/s 10A of the Indian Medical Council Act, 1956:-

- (a) Establishment of a new medical college at Ragolu, Srikakulam Distt., Andhra Pradesh by Aditya Educational Society - Requested to carry out the inspection in the last week of January 2007.
- (b) Establishment of new medical college at Noida, Uttar Pradesh by Sharda Education Trust - Requested to carry out the inspection in the month of March/April, 2007.
- (c) Establishment of new medical college at Sitapur by Career Convent Educational & Charitable Trust, Lucknow– Requested to carry out the inspection for LOI & LOP both in 3rd week of April, 2007.
- (d) Establishment of new medical college at Jamuhar, Rohtas, Bihar by Deo Mangal Memorial Trust, Rohtas, Bihar-Requested to carry out the inspection to 2nd week of May 2007.

- (e) Establishment of new medical college at Jadcherla, Mahbubnagar Distt., A.P. by the Governing council of the Mennonite Brethren Church of India -Requested to carry out the inspection before 31st March 2007.

Office Note: The office was directed to send the communications in respect of each of above college separately to the Central Government.

16. Benefits of Holders of Overseas Citizenship of India – Notification by MOIA in experience of powers conferred by sub section (1) of 7B of Citizenship Act, 1956.

Read: The letter from Shri B.C. Ahuja, Deputy Secretary (AIPMT), C.B.S.E. alongwith the letter no. 16011/10/2006 dated 13.10.2006 of Ministry of Overseas Indian Affairs, Govt. of India as forwarding by the Ministry of Human Resource Development vide their letter No. F.I-58/2006-Sch.3 dated 24th November 2006 for comments of MCI on Para 5 (vii) at page 10 of Note for Committee of Secretaries regarding the proposal for conferment of right to the OCI to take AIPMT Examination which relates to the CBSE.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council deliberated upon the matter and decided to agree with the proposal for the conferment of right to the OCI to take APIMT examination conducted by the CBSE provided that the minimum eligibility criteria as shown in the Graduate Medical Education Regulations, 1997 pertaining to eligibility for admission in the medical course are fulfilled by such candidates.

17. Revision of Syllabi for AIPMT examination.

Read: The minutes of the Sub-Committee held on 19/12/2006 together with letter dated 23/08/2006 from the controller of examination Central Board of Secondary Education, Preet Vihar, Delhi with regard to revise the syllabus of AIIPMT in light of national curriculum frame work for school education brought out by the NCERT in the year 2005.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the report of the Sub-Committee meeting dated 19.12.2006 together with letter dated 23/08/2006 from the Controller of Examination Central Board of Secondary Education, Preet Vihar, Delhi constituted with regard to revise the syllabus of AIIPMT in light of national curriculum frame work for school education brought out by the NCERT in the year 2005, which reads as under:-

"The Executive Committee in its meeting held on 15.9.2006 constituted a Sub-Committee consisting of Dr. Indrajit Ray, Kolkata and Dr. V.K. Jain, Rohtak for considering the matter with regard to proposed revision of Syllabi for AIPMET Examination. The Sub-Committee met at 11 a.m. on 19th December, 2006 in the Council Office at Dwarka, New Delhi.

The Sub-Committee perused the proposed Syllabi as well as the existing Syllabi alongwith all the relevant documents received from C.B.S.E. Board and noted as under:-

1. *In the subject of Biology (Botany and Zoology), the following has been included namely :-*
 - (i) *Genetics and Evolution*
 - (ii) *Reproduction, Growth and Movement in Plants*
 - (iii) *Reproduction and Development in Humans*
 - (iv) *Ecology and Environment*
 - (v) *Biology and Human Welfare*
 - (vi) *Biotechnology and its Applications*

2. *In the subject of Chemistry, the following has been included namely :-*
 - (i) *Environmental Chemistry*
 - (ii) *Chemistry in Everyday life*
 - (iii) *p-Block Elements*
 - (iv) *s-Block Elements*
 - (v) *Solid –State Chemistry*

After due deliberations, the Sub-Committee was of the opinion that the proposed changes as suggested by the C.B.S.E. Board are perhaps according to the need of the present day trend keeping in mind the vast advancement in the related discipline/subject and these may be made applicable from the session 2008."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to approve the above report of the Sub-Committee.

18. Establishment of new medical college at Chalaka, Ernakulam Distt., Kerala by Gurudeva Charitable Trust.

Read: The Essentiality Certificate and consent of affiliation in respect the application for establishment of new medical college at Chalaka, Ernakulam Distt., Kerala by Gurudeva Charitable Trust u/s. 10(A) of the IMC Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the application received through the Central Government for Establishment of a new medical college at Chalaka, Ernakulam Distt., Kerala by Gurudeva Charitable Trust for the academic year 2007-08 and observed that the application is deficient in terms of the following qualifying criteria laid down in the Establishment of Medical College Regulations, 1999:-

In the 'Essentiality Certificate' dated nil issued by the Govt. of Kerala at point (d) it is mentioned that "the applicant proposes to make available adequate clinical materials as per the norms of Medical Council of India ." This is at variance with the format of the Essentiality Certificate wherein at point (d) it is required to be certified that "adequate clinical material as per Medical Council of India norms is available" and also

"No consent of affiliation as prescribed in Format - 3 under the Regulations is attached, however in its place a 'No Objection Certificate' issued by the concerned University was attached with application. Consent of Affiliation was not made available to the Council on or before 30.09.2006 i.e. the last date prescribed under the Regulations for receipt of application complete in all respects, from the Central Govt. This is at variance with the qualifying criteria 2 (4) wherein such consent of affiliation is mandatorily required to be submitted alongwith the application."

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 to return the application to the Central Govt. recommending disapproval of scheme for establishment of a new medical college at Chalaka, Ernakulam Distt., Kerala by Gurudeva Charitable Trust for the academic year 2007-08.

19. Establishment of new medical college at Nettayam, Thiruvananthapuram by T.S. Arunachalam Pillai Memorial Educational and Charitable Trust.

Read: The Essentiality Certificate and consent of affiliation in respect the application for establishment of new medical college at Nettayam, Thiruvananthapuram by T.S. Arunachalam Pillai Memorial Educational and Charitable Trust u/s. 10(A) of the IMC Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the application received through the Central Government for Establishment of a new medical college at Nettayam, Thiruvananthapuram by T.S. Arunachalam Pillai Memorial Educational and Charitable Trust for the academic year 2007-08 and observed that the application is deficient in terms of the following qualifying criteria laid down in the Establishment of Medical College Regulations, 1999:-

In the 'Essentiality Certificate' dated 12.9.2004 issued by the Govt. of Kerala at point (d) it is mentioned that "the applicant proposes to make available adequate clinical materials as per the norms of Medical Council of India." This is at

variance with the format of the Essentiality Certificate wherein at point (d) it is required to be certified that “adequate clinical material as per Medical Council of India norms is available” and also

The consent of Affiliation from the concerned university attached with the application was for the year 2006-2007 on 12.01.2006. Thus not fulfilling the qualifying criteria 2 (4) wherein such consent of affiliation is mandatorily required to be submitted alongwith the application.”

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 to return the application to the Central Govt. recommending disapproval of scheme for establishment of a new medical college at Nettayam, Thiruvananthapuram by T.S. Arunachalam Pillai Memorial Educational and Charitable Trust for the academic year 2007-08..

20. Establishment of new medical college at Walayar, Kerala by V.N. Public Health & Educational Trust.

Read: The Essentiality Certificate in respect the application for establishment of new medical college at Walayar, Kerala by V.N. Public Health & Educational Trust u/s. 10(A) of the IMC Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the application received through the Central Government for Establishment of a new medical college at Walayar, Kerala by V.N. Public Health & Educational Trust for the academic year 2007-08 and observed that the application is deficient in terms of the following qualifying criteria laid down in the Establishment of Medical College Regulations, 1999:-

In the ‘Essentiality Certificate’ dated 24.1.2004 issued by the Govt. of Kerala at point (d) it is mentioned that “the applicant proposes to make available adequate clinical materials as per the norms of Medical Council of India.” This is at variance with the format of the Essentiality Certificate wherein at point (d) it is required to be certified that “adequate clinical material as per Medical Council of India norms is available.”

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 to return the application to the Central Govt. recommending disapproval of scheme for establishment of a new medical college at Walayar, Kerala by V.N. Public Health & Educational Trust for the academic year 2007-08..

21. Establishment of new medical college at Delhi Cantt., by Army Welfare Educational Society, New Delhi u/s 10A of the IMC Act, 1956.

Read: The Council Inspectors report (19th & 20th December, 2006) for establishment of new medical college at Delhi Cantt., by Army Welfare Educational Society, New Delhi u/s 10A of the IMC Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (19th & 20th December, 2006) and decided to recommend to the Central Govt. to issue Letter of Intent for establishment of new medical college at Delhi Cantt. by Army Welfare Educational Society, New Delhi u/s 10A of the IMC Act, 1956 with an annual intake of 100 students for the academic session 2007-2008.

22. Sree Balaji Medical College & Hospital, Chennai-Renewal of permission for admission of 5th batch of students for the academic session 2007-08.

To consider the Council Inspectors report (20th & 21st December, 2006) for renewal of permission for admission of 5th batch of MBBS students for the academic session 2007-2008 at Sree Balaji Medical College & Hospital, Chennai.

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 (20th & 21st December, 2006) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch of 100 MBBS students at Sree Balaji Medical College & Hospital, Chennai for the academic session 2007-08

23. Increase of MBBS seats from 100 to 150 at Mahatma Gandhi Medical College & Research Institute, Pondicherry.

Read: The Council Inspectors report (22nd & 23rd December, 2006) for Increase of MBBS seats from 100 to 150 at Mahatma Gandhi Medical College & Research Institute, Pondicherry.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (22nd & 23rd December, 2006) and decided to recommend to the Central Govt. to issue Letter of Permission for increase of seats in 1st MBBS course from 100 to 150 at Mahatma Gandhi Medical College & Research Institute, Pondicherry u/s 10A of the IMC Act, 1956 for the academic session 2007-2008.

24. To lay down the requirements for "Central Hospital Pharmacy" and Drug information center at teaching hospitals by MCI in its regulations.

Read: The letter dated 8.12.2006 received from the Registrar –cum-secretary, Pharmacy Council of India, New Delhi alongwith its enclosure with regard to changes in the requirements for "Central Hospital Pharmacy" and Drug information center at teaching hospitals by MCI in its regulations.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the council deliberated upon the matter at length and decided to form a Sub-Committee comprising of following members to look into the matter in detail and submit its report at the earliest:-

Dr. G.B. Gupta, Member, Executive Committee
Dr. Kamlesh Kohli, Whole-time Inspector

25. Proposal from Secretary, Ministry of Overseas Indian Affairs regarding establishment of a University for PIO in India by the Manipal Academy, i.e. Manipal Education and Medical Group.

Read: The letter dated 2nd May, 2006 from the Secretary, Govt. of India, Ministry of Health & F.W. for comments of MCI with regard to establishment of a University for PIO's in India by the Manipal Academy i.e Manipal Education & Medical Group.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the council deliberated upon the matter at length and decided to form a Sub-Committee comprising of following members to look into the matter in detail and submit its report to the President (Acting) at the earliest for further consideration in the matter:-

Dr. K.P. Mathur, Member, Executive Committee
Dr. Ved Prakash Mishra, Chairman, Postgraduate Medical Education Committee
Dr. Mukesh Kr. Sharma, Member, Executive Committee

26. Matter raised under Rule 377 by Smt. D. Purandeshwari, MP, regarding 'need to have a separate Geriatric Department in all the major Government hospitals and introduce a course on Geriatric Medicine as a part of MBBS curriculum – Regarding.

Read: The Central Govt. letter dated 22.8.2006 with regard to need to have a separate Geriatric Department in all the major Government hospitals and introduce a course on Geriatric Medicine as a part of MBBS curriculum.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the council deliberated upon the matter at length and decided to form a Sub-Committee comprising of following members to look into the matter in detail and submit its report at the earliest:-

Dr. Sneh Bhargava, Ex-Director, AIIMS & Member, PG Committee, MCI
 Dr. C.V. Bhirmanandham, Chairman, TEQ Sub-Committee, MCI
 Dr. Indrajit Ray, Member, PG Committee, MCI
 Dr. P.K. Sur, Member, Executive Committee

The Committee further decided that the President, Geriatric Society of India and Professor of Geriatrics, AIIMS, New Delhi be also invited for the meeting of the Sub-Committee.

Office Note:

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council directed the Secretary of the Council to find out from the Secretary, University Grants Commission, New Delhi regarding the fate of the proposal with the UGC. The Secretary was further directed to find out why there has been a delay in replying to the Govt. in respect of items 25 & 26 and place the facts before the President (Acting) for appropriate action in the matter.

27. Transfer of student from one affiliated College to another affiliated College within the jurisdiction of Maharashtra University of Health Sciences, Nashik.

Read: The letter dated 23.11.2006 from Vice-Chancellor, Maharashtra University of Health Sciences, Nashik with regard to Transfer of student from one affiliated College to another affiliated College within the jurisdiction of Maharashtra University of Health Sciences, Nashik.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the Regulations of the Council regarding Migration and changes suggested by the University vide its letter dated 23.11.2006 are as under:-

Regulations of the Council regarding Migration Chapter-II	Changes suggested by University
<u>Migration Rules</u>	
<p>6. <u>Migration</u></p> <p>1. Migration from one medical college to other is not a right of student However, migration of students from one medical college to another medical college in India may be considered by the Medical Council of India, only in exceptional cases on extreme compassionate grounds, provided following criteria are fulfilled. Routine migration on other grounds shall not be allowed.</p> <p>2. Both the colleges i.e. one at which the student is studying at present and one, to which migration is sought are recognized by the Medical Council of India.</p> <p>3. The applicant candidate should have passed first professional MBBS examination.</p>	<p>Rules for migration-</p> <p>Rules of Migration will be exactly as per guidelines of MCI only. However the University proposes to amend rules of transfer in the following way which is also exactly as per basis of MCI guidelines.</p> <p>Rules for transfer-</p> <p>1. Transfer of the students is a shifting of the students from one affiliated Medical College to another affiliated Medical College within the jurisdiction of the University after passing 1st MBBS examining.</p> <p>2. Number of students transfer from one Medical College shall not exceed the limit of 5% of its sanctioned intake as per merit.</p> <p>3. The transfer is permissible only if both the Colleges are affiliated to the same</p>

<p>4. The applicant candidate submits his application for migration, complete in all respects to all authorities concerned within a period of one month of passing (declaration of results) the first professional Bachelor of Medicine and Bachelor of Surgery (MBBS) examination.</p> <p>5. The applicant candidate must submit an affidavit stating that he/she will pursue 18 months of prescribed study before appearing at IInd professional Bachelor of Medicine and Bachelor of Surgery (MBBS) examination at the transferee medical college, which should be duly certified by the Registrar of the concerned University in which he/she is seeking transfer. The transfer will be applicable only after receipt of the affidavit.</p> <p>Note:-</p> <p>i) Migration during clinical course of study shall not be allowed on any ground</p> <p>ii) All applications for migration shall be referred to Medical Council of India by college authorities. No institution/University shall allow migrations directly without the approval of the Council.</p> <p>iii) Council reserves the right, not to entertain any application which is not under the prescribed compassionate grounds and also to take independent decisions where applicant has been allowed to migrate without referring the same to the Council.</p> <p><u>Note-2: Compassionate grounds criteria.</u></p> <p>i) Death of a supporting guardian.</p> <p>ii) Illness of the candidate causing disability.</p> <p>iii) Disturbed conditions as declared by Government in the Medical College area.</p>	<p>the Colleges are affiliated to the same University and Colleges have issued No Objection Certificate to the student. The transfer will be dealt by the University as per above norms.</p> <p>Procedure for transfer of student:-</p> <p>The student, desirous for transfer from one medical college to another Medical College affiliated to the University, has to apply to the University in prescribed form (available on University website) within 30 days from the date of declaration of result through the Dean of the parent College alongwith following documents and fees;</p> <p>a) NOC of Reliving College(Original); b) NOC of receiving College(Original); c) HSC Marksheet(Attested copy); d) 1st MBBS Marksheet(Attested copy); e) Reason for transfer(With truecopies of supporting documents); f) DD of Rs.500/- in favour of Registrar, MUHS, Nashik.</p> <p>On receipt of application alongwith all necessary documents and fees the University will scrutinize the application and as per rules the transfer will be allotted to the student in the College within the jurisdiction of University</p>
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It was further noted that the Regulations pertaining to Migration as contained in the Graduate Medical Education Regulations,1997 have been notified in the Gazette after obtaining the due approval of the Govt. u/s 33 of the I.M.C. Act,1956 and therefore, they are Statutory Regulations being mandatory and binding in character and to the extent the rules of transfer as

framed by Maharashtra University of Health Sciences, Nashik which are not consistent with the Regulations on migration framed within Graduate Medical Education Regulations, 1997, they are ultra vires and contrary to the statutory, mandatory and binding Regulations.

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 approve the changes as suggested by the MUHS, Nashik in the Regulations of the Council regarding migration and further directed that MUHS, Nashik be advised to follow the Regulations pertaining to Migration as contained within the Graduate Medical Education Regulations, 1997 strictly.

28. Compilation of Supplement to the Indian Medical Register for the year 2006 in Microsoft Access Database Format – Regarding.

Read: The matter with regard to Compilation of Supplement to the Indian Medical Register for the year 2006 in Microsoft Access Database Format and to call a meeting of the authorities of 13 State Medical Councils in this regard.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the Council vide its letter dated 22.06.2006 requested the authorities of all the State Medical Councils to furnish the IMR data electronically in Microsoft Access Database format current year (2006) quarter-wise. The format/blank Microsoft Access Database file is available on Medical Council of India website using the ULR ([Http://mciindia.org/index.htm](http://mciindia.org/index.htm)).

It was further noted that out of the 20 State Medical Councils, the following 13 State Medical Councils have not responded so far in spite of reminders:-

- | | |
|--------------------|-----------------|
| 1. Andhra Pradesh | 8. Rajasthan |
| 2. Assam | 9. U.P. |
| 3. Haryana | 10. West Bengal |
| 4. Jammu & Kashmir | 11. Goa |
| 5. Karnataka | 12. Punjab |
| 6. Tamil Nadu | 13. Jharkhand |
| 7. Orissa | |

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also observed that the Parliamentary Committee for Examination of estimates relating to the Ministry of Health and Family Welfare (Department of Health) - 'Medical Council of India' has also observed that “.....as the publication of IMR for the year 1994 to 2004 in the Gazette has been pending for a long time, the Committee recommend that Government should release the grant required for its publication as early as possible. They also stress that MCI should ensure that there is no lapse on its part in printing and publication of IMR which being a Statutory requirement, viz. supplements to the IMR to be published every year and revision and publication of the Register to be undertaken once in five years. It was further noted that the Parliamentary Committee had also made an observation regarding compilation of Indian Medical Register.....”.

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 that a meeting of all the State Medical Councils be called to resolve the issue. It was further decided that a letter be sent to the Health Secretary of all the States requesting them to direct the State Medical Councils for updating their data base as per the format suggested by the Council so as to have uniformity across the country.

29. Establishment of new medical college at Calicut, Kerala by Kunhitharuvai Memorial Charitable Trust, Kozhikode.

Read: The letter dated 22.12.2006 of the Chairman, Kunhitharuvai Memorial Charitable Trust, Kozhikode with regard to conduct the inspection together before the scheduled date for Letter of Permission. in light of time schedule prescribed u/s 10A of the IMC Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the council noted that the inspection for grant of Letter of Intent (LOI) was arranged to be carried out by the Council Inspectors on 26th & 27th December, 2006. However, the Chairman, Kunhitharuvai Memorial Charitable Trust, Kozhikode vide letter dt. 22.12.2006 has requested to postpone the inspection for LOI/LOP together before the scheduled date for Letter of Permission.

The Committee further noted that as per the schedule prescribed in the Regulations the Council has to send its recommendations to the Central Govt. for issue of Letter of Intent by **31st December**. The members of the Adhoc Committee and of the Executive Committee also observed the judgement dated 12.1.2005 delivered by the Hon'ble Supreme court in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. in W.P. © Nos. 206 of 2004 wherein it was directed that:-

“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.

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 to return the application to the Central Government recommending disapproval of scheme for establishment of new medical college at Calicut, Kerala by Kunhitharuvai Memorial Charitable Trust, Kozhikode u/s 10A of the Indian Medical Council Act, 1956.

30. India Singapore Comprehensive Economic Cooperation Agreement(CECA) – MRA Negotiations between professional bodies.

Read: The visitation report (8th & 9th September, 2006) with regard to India Singapore Comprehensive Economic Cooperation Agreement(CECA) – MRA Negotiations between professional bodies.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the visitation report (8th & 9th September, 2006) submitted by the members of the visiting Committee with regard to India Singapore Comprehensive Economic Cooperation Agreement(CECA)-MRA Negotiations between professional bodies.

31. Establishment of new medical college at Pondicherry, by Ramachandra Educational Trust, Chennai u/s 10A of the I.M.C. Act, 1956 .

Read: The Council Inspectors report (27th & 28th December, 2006) for Establishment of new medical college at Pondicherry by Ramachandra Educational Trust, Chennai u/s 10A of the I.M.C. Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (27th & 28th December, 2006) and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Pondicherry by Ramachandra Educational Trust, Chennai with an annual intake of 150 students for the academic session 2007-2008 u/s 10A of the I.M.C. Act, 1956.

32. SRM Medical College Hospital & Research Centre, Kattankulathur - Renewal of permission for admission of 3rd batch of students for the academic session 2007-2008.

Read: The Council Inspectors report (26th & 27th December, 2006) for renewal of permission for admission of 3rd batch of MBBS students for the academic session 2007-2008 at SRM Medical College Hospital & Research Centre, Kattankulathur.

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 (26th & 27th December, 2006) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of 150 MBBS students at S.R.M. Medical College Hospital & Research Centre, Kattankulathur for the academic session 2007-08.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council observed that in relation to certain Declaration Forms submitted on behalf of the Medical teachers and endorsed by the Principal of the medical college, it was observed/found that teaching experience shown in those Declaration Forms is incorrect and in certain cases, it was seriously doubted. The office of the Council had undertaken the exercise of verifying the individual particulars regarding the claimed teaching experience from the Medical institutions concerned and found their claim to be fake. The following teaching faculty cannot be considered as the experience certificates submitted by them are forged as shown below:

#	Name	Designation	Department	Remarks
1	Dr. S. Premalatha	Asso. Prof.	Gen.Surg.	In declaration form, she has shown experience at P.S.G. Instt. of Medical Sciences & Research, Coimbatore as Asst. Prof. from Jan.1990 to Nov. 2000. P.S.G. Instt. Of Medical Sciences & Research, Coimbatore has stated that she has never worked in the college. Thus the experience certificate submitted by her is forged and that experience cannot be considered. She is not eligible to be considered as Assoc. Prof.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council were, therefore, were clearly of the view that the Council should take steps for referring the case to the Police authorities for registration of FIRs and conducting investigation in all such cases. It was also observed that in the complaint to be sent to the Police authorities, it should also be clearly requested that all those cases where there is a collusion and conspiracy of such persons with the management of the colleges, the necessary action should also be taken against the management of those colleges. It was further decided that appropriate action be taken against these Doctors in accordance with Professional Conduct (Etiquette and Ethics) Regulations 2002.

33. Proposal for establishment of the Distance Education Council(DEC).

Read: The letter dated 26th December, 2006 received from the Under Secretary, Govt. of India alongwith copy of Draft Cabinet Note on the Proposal for establishment of the Distance Education Council(DEC).

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the powers and functions of the Distance Education Council as shown in the proposal for the establishment of Distance Education Council contains, interalia, read as under:-

- (i) *to develop a network of open universities/distance education institutions in the country in consultation with the State Governments, Universities, and other concerned agencies;*
- (ii) *to identify priority areas in which distance education programmes should be organized and to provide such support as may be considered necessary for organizing such programmes;*
- (iii) *to identify the specific client groups and the types of programmes to be organized for them and to promote and encourage the organization of such programmes through the network of open universities/distance, education institutions;*
- (iv) *to promote an innovative system of University level education, flexible and open, in regard to methods and pace of learning, combination of courses, eligibility for*

enrolment, age of entry, conduct of examination and organize various courses and programmes.

The members also observed that the training in graduate and postgraduate medical courses requires hands on practical training which would not be available in distance learning mode and would be a serious flaw in introducing distance education learning system for graduate and postgraduate medical courses. The members also observed that a major reason why Indian medical graduates are in prominence and in great demand all over the world is the clinical expertise acquired by them because of abundance of clinical material of different and complex varieties available in the Indian hospitals.

It was further observed that use of such a vital and important teaching material for undergraduate and postgraduate medical studies cannot be effectively utilized in distance learning mode where there is no direct interaction between the teacher, student and patient.

The members also observed that a mechanism for regulating the graduate and postgraduate medical courses in the country already exists within the framework of Indian Medical Council Act.

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 that the Central Govt. be requested not to include the graduate and postgraduate medical courses within the purview of the Distance Education Council.

34. Confirmation of Employee of Medical Council of India.

Read : The recommendation of the Departmental Promotion Committee for confirmation of employee of Medical Council of India.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the recommendation of the Departmental Promotion Committee meeting held in the Council office on 28.12.2006 for considering the case of Council employee Mrs. Veena Bisht, Record Keeper-cum-Librarian for confirmation in her Entry Grade.

The Committee observed from the service record that Mrs. Veena Bisht, Record Keeper-cum-Librarian has completed her probation period, after completion of 3 months period of EOL, on 23.08.2006. Annual Confidential Reports of Mrs. Veena Bisht, Record Keeper-cum-Librarian do not contain any adverse remarks. No vigilance case is pending against her. The Committee recommends that Mrs. Veena Bisht, Record Keeper-cum-Librarian may be confirmed in her entry grade with effect from the date of completion of her probationary period, i.e. on 23.08.2006.

35. Departmental Promotions to the post of Assistant in the office of the Medical Council of India.

Read : The recommendation of the Departmental Promotion Committee to the post of Assistant in the office of the Medical Council of India.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the recommendation of the Departmental Promotion Committee meeting held on 28.12.2006 to the post of Assistant in the office of the Medical Council of India as under:-

“A list of 4 departmental candidates in the Grade of U.D.C. was put before the Committee. It has been observed that there is one post of Assistant lying vacant in the Council. After perusal of the records/data submitted before the Committee, the Committee noted that the Annual Confidential Reports of the employees do not contain any adverse remarks and no vigilance case is pending against them.

The Committee recommends the following for promotion to the post of Assistant:-

Sl.No.	Name	Category
1.	Shri Ashok Kumar	General

36. Departmental Promotions to the post of U.D.C. in the office of the Medical Council of India.

Read :The recommendation of the Departmental Promotion Committee to the post of U.D.C. in the office of the Medical Council of India.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the recommendation of the Departmental Promotion Committee meeting held on 28.12.2006 to the post of U.D.C. in the office of the Medical Council of India as under:-

“A list of 4 departmental candidates in the Grade of L.D.C. was put before the Departmental Promotion Committee. It has been observed that there are four posts of U.D.C. (2-Gen., 1-S.T. & 1 SC) and one post of Store Keeper (1-Gen.) lying vacant in the Council. After perusal of the records/data submitted before the Committee it has been observed that all the L.D.Cs. mentioned in the list have rendered the qualifying services of 8 years. Annual Confidential Reports of the following employees do not contain any adverse remarks and no vigilance case is pending against them.

“The Committee recommends for promotion of the following L.D.Cs. to the post of U.D.C.:-

Sl.No.	Name	Category
1.	Shri Sanjeev Puri	General
2.	Shri Gajender Kumar	SC
3.	Smt. Rinki Bhateja	General
4.	Shri Vinod Kumar Meena	ST

37. Departmental Promotions to the post of Gestetner Operator in the office of the Medical Council of India.

Read : The recommendation of the Departmental Promotion Committee to the post of Gestetner Operator in the office of the Medical Council of India.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the recommendation of the Departmental Promotion Committee meeting held on 28.12.2006 to the post of Gestetner Operator in the office of the Medical Council of India as under:-

“A list of 2 departmental candidates in the Grade of Daftary was put before the Departmental Promotion Committee. It has been observed that there is one post of Gestetner Operator lying vacant in the Council. After perusal of the records/data submitted before the Committee, the Committee noted that Annual Confidential Reports of the employees do not contain any adverse remarks and no vigilance case is pending against them.

The Committee recommends the following for promotion to the post of Gestetner Operator:-

Sl.No.	Name	Category
1.	Shri Bhola Ram	General

38. Establishment of a new medical college at Gram Morodhat, Distt. Indore Madhya Pradesh by Mayank Welfare Society u/s 10A of the I.MC. Act, 1956.

Read: The Council Inspectors report (29th December, 2006) for Establishment of new medical college at Gram Morodhat, Distt. Indore Madhya Pradesh by Mayank Welfare Society u/s 10A of the I.M.C. Act, 1956 .

The Executive Committee at its meeting held on 30/12/2006 where the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present considered the Council Inspectors on 29th December, 2006 and noted the following : -

1. The shortage of teaching faculty is 18.18% as under:-
 - (1) Associate Professor – 2 (Anatomy -1 & Physiology –1)
2. Clinical Material is inadequate as under:-

	Daily Average		Day of Inspection	
O.P.D. attendance	379		150	
Bed occupancy%	68%		36%	
Operative work				
Number of major surgical operations	Nil		Nil	
Number of minor surgical operations	Nil		Nil	
Number of normal deliveries	Nil		Nil	
Number of caesarian Sections	Nil		Nil	
<u>Radiological Investigations</u>	O.P.	I.P.	O .P.	I.P.
X-ray	56	23	4	10
Ultrasonography	30	11	nil	nil
C.T. Scan	(Not Available)			
<u>Laboratory Investigations</u>			NIL	
Biochemistry	Nil		Nil	
Microbiology	Nil		Nil	
Serology	Nil		Nil	
Parasitology	Nil		Nil	
Haematology	227		41	
Histopathology	Nil		Nil	
Cytopathology	Nil		Nil	
Others	nil		Nil	

3. There is no registration counter separate for male and female patients. There is no proper registration counter at the entrance of the corridor, three make shift tables were kept having three computers. The records of indoor patients was not available from Sept.06 till date. There is no medical record department.
4. In wards, there is no nursing station, no pantry, no examination / procedure room, no teaching area and no side laboratory. No clinical demonstration area has been provided in the wards.
5. In Wards - All the indoor patients in the different wards were of no clinical importance and did not require hospitalization. No registers were maintained for the indoor patients and no treatment records were available for majority of the patients. There were no nursing staff and very few doctors were available on duty. There were no arrangement for waste disposal. The beds were arranged too close to each other.
6. Central Casualty Service is not functioning. There were no beds, No equipment, no doctors and nursing staff available in the casualty.
7. Clinical Laboratories - Central clinical laboratory caters to the out-patient as well as in patients; however there were no records available There was hardly any equipment. It is under the control of pathologist who was unaware of any investigations being done in the lab. There were no microbiological investigations and pathological investigations being done in the lab.
8. No Post-operative recovery room and no post-operative ward is available outside the O.T. complex. Resuscitation equipment is not available.
9. Intensive care: The area designated as ICU was non functional with no specialized equipment available. Facilities and equipment in ICUs are not available.
10. Central sterilization department does not exist.
11. Other deficiencies/remarks are in the main report.

In view of above the members of the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and the Executive Committee of the Council decided to recommend to Central Govt. not to issue Letter of Intent for establishment of new medical college at Gram Morodhat, Distt. Indore Madhya Pradesh by Mayank Welfare Society u/s. 10A of the I.M.C. Act, 1956.

39. Establishment of a new medical college at Pune, Maharashtra by Sinhgad Technical Education Society u/s 10A of the I.M.C. Act, 1956.

Read: The Council Inspectors report (29th December, 2006) for Establishment of new medical college at Pune, Maharashtra by Sinhgad Technical Education Society u/s 10A of the I.M.C. Act, 1956.

The Executive Committee at its meeting held on 30/12/2006 where the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present considered the Council Inspectors on 29th December, 2006 and noted the following : -

1. The shortage of teaching faculty is 11% as under:-
Associate Professor – 1 (Biochemistry –1)
2. The distribution of beds is not as per MCI norms as there is deficiency of 57 beds – i.e. 7 beds in Gen. Surg., 30 in Orthopaedics, 10 beds in Ophthalmology and 10 beds in ENT. Thus, the applicant has failed to fulfil the mandatory and statutory precondition at Sr. No. 2(5) of the qualifying criteria of owning & managing of a functional hospital of not less than 300 beds, as laid down in the Establishment of Medical College Regulations,1999
3. Clinical material is inadequate as under:-

	Daily Average	Day of Inspection
O.P.D. attendance	150	110
Casualty attendance	-	-
Bed occupancy%	-	-
<u>Operative work</u>		
Number of major surgical operations	-	-
Number of minor surgical operations	-	-
Number of normal deliveries	-	-
Number of caesarian Sections	-	-
<u>Radiological Investigations</u>	O.P. + I.P.	O.P. + I.P.
X-ray	25	15
Ultrasonography	10	05
Special Investigations	-	-
C.T. Scan	-	-
<u>Laboratory Investigations</u>		
Biochemistry	Total 30 samples per day (average 150 lab investigations)	Total 20 samples (average 100 lab investigations)
Microbiology		
Serology		
Parasitology		
Haematology		
Histopathology		
Cytopathology		
Others		

- Only OPD services are functional. No OPD records are available in the individual departments. No surgical procedures are conducted. Presently, minimal number of X-rays and laboratory investigations are conducted.

4. Only the OPD Block, Central Lab and Casualty are functional. No inpatients are admitted. Only beds have been placed in the wards. No other facilities and equipment are available in the wards.

5. In Wards, each ward is not provided with doctor's duty room, nurse's duty room, pantry, examination / procedure room, teaching area and side laboratory.
6. Registration and Medical Record Section - One computer is provided but It is not operationalised. There is no Indoor registration counter. There is no medical record department.
7. Central Casualty Service - There is no Casualty OT. There were no patients in the casualty on the day of the inspection. No record of patients in casualty was available.
8. Operation theatre unit is not available. Space is earmarked. Flooring and furnishing have not been done.
9. Intensive care: Presently no Intensive Care Areas are available. Space is earmarked for ICCU.
10. Labour room - One labour room is available with one bed, which is not as per norms.
11. There is no pharmacy.
12. Central sterilization department Is available in the OT Block but is not functional.
13. Intercom facilities is not available.
14. Para medical staff is grossly inadequate as under:
 1. Laboratory Technicians: 5
 2. Laboratory Attendants: 4
15. Nursing Staff is grossly inadequate as under:-

Nursing Superintendent	:	1
Nursing Sisters	:	2
Staff nurses	:	20
16. Anatomy Department is in the process of being established.
17. Other deficiencies/remarks are in the main report.

In view of above, whereby it has been found that the applicant has failed to fulfil the mandatory and statutory precondition at Sr. No. 2(5) of the qualifying criteria of owning & managing of a functional hospital of not less than 300 beds, as laid down in the Establishment of Medical College Regulations,1999, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return the file to the Central Govt. recommending disapproval of the scheme received u/s 10A of the I.M.C. Act,1956 for establishment of a new medical college at Pune, Maharashtra by Sinhgad Technical Education Society.

40. Establishment of new medical college at Bishnupur Distt. Manipur by College of Medical Society, Bishnupur u/s 10A of the I.M.C. Act, 1956.

Read: The letters dated 21/12/2006 and 28/12/2006 received from the Secretary, College of Medical Sciences, Bishnupur regarding inspection of the institute.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that as per schedule prescribed in the Regulations the Council has to send its recommendations to the Central Govt. for issue of Letter of Intent by **31st December**. The members of the Adhoc Committee and of the Executive Committee also observed the judgement dated 12.1.2005 delivered by the Hon'ble Supreme court in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. in W.P. © Nos. 206 of 2004 wherein it was directed that:-

“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.

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 to return the application to the Central Government recommending disapproval of scheme for establishment of new medical college at Bishnupur Distt. Manipur by College of Medical Sciences, Society, Bishnupur u/s 10A of the Indian Medical Council Act, 1956.

41. Notice of the meeting dated 16th January, 2007 regarding proposal of MCI for amendment of MCI regulation on Minimum Standard for opening of Medical Colleges with 100 seats annually.

Read : The letter dated 26th December, 2006 received from the Under Secretary, Govt. of India with regard to meeting dated 16th January, 2007 regarding proposal of MCI for amendment of MCI regulation on Minimum Standard for opening of Medical Colleges with 100 seats annually.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided that Dr. Ved Prakash Mishra, Vice-Chancellor, Datta Meghe Instt. Of Medical Sciences (Deemed University), Nagpur & Chairman, Postgraduate Committee; Dr. Indrajit Ray, Dean, Medical College, Kolkatta & Member, PG Committee and Dr. A.R.N. Setalvad, Secretary will attend the meeting dated 16th January, 2007 regarding proposal of MCI for amendment of MCI regulation on Minimum Standard for opening of Medical Colleges with 100 seats annually.

42. Representation of Sh. Anupam Dhua, Computer Programmer for next higher pay scale-Consideration regarding.

Read: The letter dated 5.10.2006 from Sh. Anupam Dhua, Computer Programmer with regard to next pay scale of Rs. 10000-15200.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to constitute a Grievance Redressal Committee comprising of Dr. Ved Prakash Mishra, Chairman, PG Committee and Dr. Indrajit Ray, Member, PG Committee as its members and decided to refer the matter to the said Committee.

It was further decided to defer the consideration of the matter till then.

43. SLP © No. 11452/2004- Indian Medical Association Vs. Rajesh Kumar Srivastava & Ors.

Read: The matter regarding SLP © No. 11452/2004- Indian Medical Association Vs. Rajesh Kumar Srivastava & Ors.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council deliberated at length on the matter and observed that it is not clear whether the order of the Hon'ble High Court of Allahabad would be applicable only to those doctors who are registered with U.P. Medical Council or to those doctors who are practicing in the State of U.P. and registered with any State Medical Council/MCI (including U.P. State Medical Council).

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further observed that Section 21 of the Indian Medical Council Act, 1956 pertaining to 'Indian Medical Register' reads as under:

“21 (1) The Council shall cause to be maintained in the prescribed manner a register of medical practitioners to be known as the Indian Medical Register, which shall contain the names of all persons who are for the time being enrolled on any State Medical Register and who possess any of the recognised medical qualifications.

(2) *It shall be the duty of the Registrar of the Council to keep the Indian Medical Register in accordance with the provisions of this Act and of any orders made by the Council, and from time to time to revise the register and publish it in the Gazette of India and in such other manner as may be prescribed.*

(3) *Such register shall be deemed to be public document within the meaning of the Indian Evidence Act, 1872 and may be proved by a copy published in the Gazette of India."*

It was further observed that Section 27 of the IMC Act pertaining to 'Privileges of persons who are enrolled on the Indian Medical Register' reads as under:

"27. Subject to the conditions and restrictions laid down in this Act, regarding medical practice by persons possessing certain recognised medical qualifications, every person whose name is for the time being borne on the Indian Medical Register shall be entitled according to his qualifications to practice as a medical practitioner in any part of India and to recover in due course of law in respect of such practice any expenses, charges in respect of medicaments or other appliances, or any fees to which he may be entitled."

It was further observed that Section 23 of the IMC Act pertaining to "Registration in the Indian Medical Register" reads as under:

"23 The Registrar of the Council, may, on receipt of the report of registration of a person in a State Medical Register or on application made in the prescribed manner by any such person, enter his name in the Indian Medical Register:

Provided that the Registrar is satisfied that the person concerned possesses a recognised medical qualification."

It was further observed that Section 28 of the IMC Act pertaining to "Persons enrolled on the Indian Medical Register to notify change of place of residence or practice" reads as under:

"28 Every person registered in the Indian Medical Register shall notify any transfer of the place of his residence or practice to the Council and to the State Medical Council concerned, within thirty days of such transfer failing which his right to participate in the election of members to the Council or a State Medical Council shall be liable to be forfeited by order of the Central Government either permanently or for such period as may be specified therein."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further observed that the General Body of the Council at its meeting held on 27.2.1997 had decided as under with regard to Renewal of Registration:-

"The Council considered the recommendations of the Parliament Committee on Subordinate Legislation as well as the National Workshop on Medical Education on this subject and made the following decisions:-

- 1. There should be renewal of registration every five years. However, those medical practitioners who have attained the age of 65 years, when they become due for renewal, may be exempted from renewal thereafter.*
- 2. However, the renewal of registration can be started only after amending the Indian Medical Council Act since in the existing Section 15(i) there is no provision for periodical renewal of registration.*
- 3. The State Medical Council concerned or where there is no State Medical Council, the MCI shall make re-registration.*
- 4. The Central Govt., State Governments and the Medical Council of India/State Medical Councils may identify the bodies who will provide Continuing Medical Education. While doing so they may take into account the various authorities and organizations who are already providing such CME programmes namely Medical Council of India, State Medical Councils, Indian Medical Association & its State Chapters, National Academy of Medical Sciences, Specialists Associations, National institutions such as AIIMS & PGIMER, Govt. Health/Family Planning Training Centres, Open Universities System/IGNOU etc. such bodies may be authorized to conduct CME programmes and issue certificates of credits to medical practitioners.*
- 5. Each doctor has to attend a minimum of 30 credit hours per year to be eligible for renewal of registration.*
- 6. There should be structured curriculum for each CME programme.*
- 7. The CME programmes should be arranged by the identified bodies throughout the year so as to cover all registered medical practitioners throughout the country which will include Govt. doctors, general practitioners, specialists etc.*
- 8. The Central Govt./State Govts. should provide funds for conducting CME programmes.*

The Council noted that renewal of registration after every five years will require amendment of the Indian Medical Council Act as existing Section 15(i) does not give power for periodical renewal of registration. It urged the Govt. to take immediate steps for amending the Act in this regard."

The decision of the Council was duly communicated to the Govt. of India in April,1997. However, no substantial progress has been made in the matter till date.

It was further observed that it is well-settled law that whenever a field is occupied by Parliamentary enactment, the provisions of any State legislation are redundant to the extent

covered under the Parliamentary Statute. It has also been the consistent stand of the Council that such duplicate registration must not be encouraged as they lead to distortion in the data being maintained in the Indian Medical Register.

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 to support the contentions raised on behalf of the Indian Medical Association that the conditions sought to be imposed by the State of U.P. requires each registered medical practitioner who is holding recognized medical qualification to seek continuance/renewal of registration on annual basis is not only not in conformity with the provisions of the Indian Medical Council Act but, would also be too onerous task which may not serve any useful purpose as there is no provision under the Indian Medical Council Act,1956 by which registered medical practitioners whose name is borne on the strength of the Indian Medical Register by virtue of his registration either with State Medical Council or with Medical Council of India is required to renew his registration.

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

New Delhi, dated the
30th December, 2006

APPROVED

(DR. P.C. KESAVANKUTTY NAYAR)
PRESIDENT (ACTING)