

No.MCI-5(2)/2009-Med/MEDICAL COUNCIL OF INDIAEXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on 10th February, 2009 at 11.30 a.m. in the Council office at Sector 8, Pocket 14, Dwarka, New Delhi where the members of the Adhoc Committee appointed as per the Hon'ble Supreme Court order dated 20.11.2002 were also present.

Present:

| | |
|-------------------------------------|--|
| Dr.P.C. Kesavankutty Nayar | President (Acting), Former Dean, Govt. Medical College, <u>Thiruvananthapuram (Kerala)</u> |
| Prof. P.N.Tandon | Former Prof. & Head of Neuro-Surgery, A.I.I.M.S, <u>New Delhi</u> and Member, Adhoc Committee appointed by the Hon'ble Supreme Court |
| Dr. (Mrs.) S. Kantha | Former Vice-Chancellor, Rajiv Gandhi University of Health Sciences, <u>Bangalore (Karnataka)</u> and Member, Adhoc Committee appointed by the Hon'ble Supreme Court |
| Dr. Ketan Desai | Professor & Head, Deptt. of Urology, B.J.Medical College, <u>Ahmedabad</u> |
| Dr. K.P. Mathur | Former Medical Superintendent, Ram Manohar Lohia Hospital, New Delhi, 77, Chitra Vihar, <u>Delhi-110092</u> |
| Dr. Ved Prakash Mishra | Vice Chancellor, Datta Meghe University of Medical Sciences, <u>Nagpur (Maharashtra)</u> |
| Dr. Bhanu Prakash Dubey | Prof. & Head of Department of Forensic Medicine, Gandhi Medical College, <u>Bhopal (Madhya Pradesh)</u> |
| Dr. Mukesh Kr. Sharma | Professor of General Surgery, S.M.S. Medical College, <u>Jaipur (Rajasthan)</u> |
| Dr. S.D. Dalvi | Prof. & Head, Department of PSM, Govt. Medical College, <u>Nanded (Maharashtra)</u> |
| Dr. G.K. Thakur | Professor & Head, Department of Radiodiagnosis, S.K.Medical College, <u>Muzaffarpur</u> |
| Lt.Col. (Retd.) Dr. A.R.N. Setalvad | Secretary, MCI |

Apologies for absence were received from Dr. V.N. Jindal and Dr. P.K. Das, Members of the Executive Committee.

At the outset, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court expressed that this would be their last Executive Committee meeting and the task assigned to them as per the order of the Hon'ble Supreme Court is completed and thanked all the members of the Executive Committee for the courtesy and cooperation shown to them.

The members of the Executive Committee also took the privilege of extending a warm sense of gratitude to the Hon'ble members of the Adhoc Committee.

1. Minutes of the Executive Committee Meeting held on 30th December, 2008 - 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 30th December, 2008.

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 30th December, 2008.

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 pending items arising out of the decisions taken by the Executive Committee.

4. Information about the decisions on the matters circulated to the members of the Adhoc Committee and of the Executive Committee after the meeting of the last Executive Committee dated 30.12.2008.

Read: The decisions on the matters circulated to the members of the Adhoc Committee and of the Executive Committee after the meeting of the last Executive Committee dated 30.12.2008.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted and approved the following decisions on the matters circulated to them after the meeting of the last Executive Committee dated 30.12.2008 as under:-

1. N.R.I. Medical College, Guntur

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 (23rd & 24th January, 2009) and decided that the Council should process the applications for starting of Postgraduate course for further necessary action.

2. Dr. P.S.I. Institute of Medical Sciences & Research Foundation Chinoutpally.

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 (21st & 22nd January, 2009) and decided that the Council should process the applications for starting of Postgraduate course for further necessary action.

3. Chalmeda Anand Rao Institute of Medical Sciences, Karimnagar.

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 (23rd & 24th January, 2009) and decided that the Council should process the applications for starting of Postgraduate course for further necessary action.

5. Inspection of People's College of Medical Sciences & Research, Bhanpur, Bhopal to verify the teaching faculty, residents & clinical material - Pursuant to order of Hon'ble High Court dated 08.12.2008 in WP No. 10263/2008.

Read: The Council Inspectors report (2nd January, 2009) to verify the teaching faculty, residents & clinical material at People's College of Medical Sciences & Research, Bhanpur, Bhopal.

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 (2nd January, 2009) and observed that there is a shortage of Residents (14.91%) as per the requirement prescribed under the Minimum Standard Requirements for the Medical College for 50/100/150 Admissions Annually Regulations, 1999.

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 inspection was caused as per the following order dated 19.12.2008 of the Hon'ble High Court of Madhya Pradesh in Writ Petition No. 10263/2008 (PIL) – Arvind Kumar Mishra Vs. Union of India & Ors. :-

".....The petitioner has alleged in this writ petition that the private Medical and Dental Colleges in the State of Madhya Pradesh do not have the required faculty members on their permanent rolls.

We direct that the Medical Council of India, the respondent No.1 and the Dental Council of India, the respondent No. 3 will carry out the inspection of all the private medical and dental Colleges in the State of Madhya Pradesh and report this Court whether the teaching staff has been permanently employed by the private Medical and Dental Colleges in the State of Madhya Pradesh, or such teaching staff has only been shown in the rolls of these Colleges for purposes of permission or recognition.

The inspection be carried out and report be submitted by 05.01.2009. List the matter on 06.01.2009."

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 that the inspection report (2nd January, 2009) be placed before the Hon'ble High Court of Madhya Pradesh at Jabalpur.

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 Office to send the communication to the Council Advocate at Jabalpur immediately.

6. Inspection of Index Medical College Hospital & Research Centre, Indore to verify the teaching faculty, residents & clinical material - Pursuant to order of Hon'ble High Court dated 08.12.2008 in WP No. 10263/2008.

Read: The Council Inspectors report (2nd January, 2009) to verify the teaching faculty, residents & clinical material at Index Medical College Hospital & Research Centre, Indore.

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 (2nd January, 2009) and observed as under:-

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

(a) The shortage of teaching faculty is 61.2% (i.e. 79 out of 129) as under:-

- | | | | |
|-------|---------------------|----|---|
| (i) | Professor | 7 | (Biochem-1, Pharma-1, Gen.Med.-1, Paeds.-1, Gen.Surg.-1, OBGY-1, Radio-diagnosis-1). |
| (ii) | Associate Professor | 23 | (Anatomy-2, Physiology-3, Bio-Chemistry-1, Pharmacology-2, Pathology-4, Microbiology-2, FMT-2, Gen.Med.-1, Paediatrics-1, Dermatology-1, Orthopaedics-1, Anesthesia-2, Radio-Diagnosis-1) |
| (iii) | Assistant Professor | 19 | (Anatomy-4, Physiology-2, Bio-Chemistry-2, Pharmacology-2, Pathology-1, Microbiology-2, FMT-2, TB & Chest -1, OBGY-1, Anesthesia-1, Dentistry -1) |
| (iv) | Tutor | 30 | (Anatomy-6, Physiology-5, Bio-Chemistry-1, Pharmacology-5, Pathology-9,, FMT-3, PSM-1) |

(b) The shortage of Residents is 65% (i.e. 49 out of 76) as under:-

- | | | | |
|------|--------------|----|--|
| (i) | Sr. Resident | 7 | (Gen.Med.-1, Paediatrics-1, Gen.Surg-5, |
| (ii) | Jr. Resident | 42 | (Gen.Med.-10, Paediatrics-4, TB Chest-1, Dermatology-2, Psychiatry-2, Gen.Surg.-10, Ortho-4, ENT-2, Ophthal-2, OBGY-5) |

2. Clinical material is grossly inadequate as under:-

| | Day of Inspection |
|-------------------------------------|-------------------|
| O.P.D. attendance | 129 |
| Casualty attendance | - |
| Bed occupancy% | 26.7% |
| Operative work | |
| Number of major surgical operations | 6 |
| Number of minor surgical operations | 10 |
| Number of normal deliveries | - |
| Number of caesarian Sections | - |
| <u>Radiological Investigations</u> | |
| X-ray | 26 |
| Ultrasonography | 12 |
| Special Investigations | - |

| | |
|----------------------------------|-----|
| C.T. Scan | - |
| <u>Laboratory Investigations</u> | |
| Biochemistry | 142 |
| Microbiology | 12 |
| Serology | 11 |
| Parasitology | 2 |
| Haematology | 138 |
| Histopathology | - |
| Cytopathology | - |
| Others | - |

Observations -

- On actual verification and as per ward census, bed occupancy was found to be 26.7% on the day of inspection.
 - There were no patients in casualty, Paediatrics ICU & NICU on the day of inspection.
 - There was no delivery/LSCS on the day of inspection.
 - The admission/discharge registers were found to be incomplete. There were no entries in Surgery admission register after 29.12.2008, in Ortho register after 30.12.08, in Paediatrics register after 2.1.09 and the Medicine registers were not available.
 - In most of the wards, approximately 50% of the admissions were done on the day of inspection.
 - In all major departments, patients who were admitted did not warrant hospitalization.
 - In most of the case sheets, there were no OPD slips, no IPD registration number and history sheets were not written. Only treatment notes were found to be written.
3. It was found that the 4 doctors presented as Tutors in Pharmacology were not doctors. However, they signed the declaration certificate that they were working full time in Index Hospital. On questioning, they also certified that they are not doctors. However, the Dean did not submit the declaration forms and refused to countersign on the aforesaid declaration certificate. It was signed by the other two Inspectors who were also present at the time of head count. Their names are as under:-
- a) Mr. Jeetendra Tiwari
 - b) Mr. Pradeep Solanki
 - c) Mr. Om Prakash Prajapati
 - d) Mr. Sandeep Thakur
4. Dr. Kolpe Dayanand Vasant Rao, had presented himself as Asstt. Prof., Forensic Medicine. However, on questioning, he failed to give satisfactory reply pertaining to his qualifications. On further questioning, he admitted that he is not a doctor which was signed by him on the declaration form and was countersigned by the Dean and three Inspectors. Thus he has submitted a false declaration form with relevant enclosures which is countersigned by the Dean.

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 inspection was caused as per the following order dated 19.12.2008 of the Hon'ble High Court of Madhya Pradesh in Writ Petition No. 10263/2008 (PIL) - Arvind Kumar Mishra Vs. Union of India & Ors. :-

“.....The petitioner has alleged in this writ petition that the private Medical and Dental Colleges in the State of Madhya Pradesh do not have the required faculty members on their permanent rolls.

We direct that the Medical Council of India, the respondent No.1 and the Dental Council of India, the respondent No. 3 will carry out the inspection of all the private medical and dental Colleges in the State of Madhya Pradesh and report this Court whether the teaching staff has been permanently employed by the private Medical and Dental Colleges in the State of Madhya Pradesh, or such teaching staff has only been shown in the rolls of these Colleges for purposes of permission or recognition.

The inspection be carried out and report be submitted by 05.01.2009. List the matter on 06.01.2009.”

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 that the inspection report (2nd January, 2009) be placed before the Hon'ble High Court of Madhya Pradesh at Jabalpur.

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 Office to send the communication to the Council Advocate at Jabalpur immediately.

7. Inspection of Sri Aurobindo Institute of Medical Sciences, Indore to verify the teaching faculty, residents & clinical material - Pursuant to order of Hon'ble High Court dated 08.12.2008 in WP No. 10263/2008.

Read: The Council Inspectors report (2nd January, 2009) to verify the teaching faculty, residents & clinical material at Sri Aurobindo Institute of Medical Sciences, Indore.

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 (2nd January, 2009) and observed as under:-

1. The shortage of teaching staff is as under:-
 - (a) The shortage of teaching faculty is 14.05% { 17 out of 121}
 - i) Professor Nil
 - ii) Associate Professor 06 (Anatomy-1,Physiology-1, TBChest-1
Derma-1,Psychiatry-1, Radiodiagnosis-1)
 - iii) Assistant Professor 06 (Pharmac-1,Ph.Chemist-1, LectBioph-1,
Community Med-1,Pschiatry-1,Ortho-1,)
 - iv) Tutor 05 (Physiology-2,Community Med-3
 - (b) The shortage of Residents is 40% {34 out of 85}as under :-
 - i) Sr. Resident 05 (TBChest-1,Ortho-1,Anaes-3)
 - ii) Jr. Resident 29 (GenMed-6,Paediatrics-3,TBChest-2,Derma-2,
Psychiatry-2,GenSurg-4,Ortho-6,ENT-3,
Ophthal-1)
2. Clinical material is grossly inadequate as under:-

| | Day of Inspection |
|---------------------|-------------------|
| O.P.D. attendance | 550 |
| Casualty attendance | Nil |
| Bed occupancy% | 40.8 |

| | |
|-------------------------------------|-----|
| Operative work | |
| Number of major surgical operations | 08 |
| Number of minor surgical operations | 03 |
| Number of normal deliveries | 01 |
| Number of caesarian Sections | 02 |
| <u>Radiological Investigations</u> | O.P |
| X-ray | 40 |
| Ultrasonography | 32 |
| Special Investigations | 01 |
| C.T. Scan | 04. |
| <u>Laboratory Investigations</u> | |
| Biochemistry | 760 |
| Microbiology | 162 |
| Serology | 21 |
| Parasitology | - |
| Haematology | 315 |
| Histopathology | - |
| Cytopathology | - |
| Others | - |

Remarks : Clinical material is grossly inadequate in terms of OPD attendance, casualty attendance and bed occupancy, no. of major and minor surgical operations, number of normal deliveries, radiological investigations and lab. Investigations. [No Histopathology and cytopathology tests are done one day previous to inspection as well as on the day of inspection).

The bed occupancy has been calculated on the basis of teaching beds available i.e.392, out of which 160 were occupied on the day of inspection.[40.8%]. The bed occupancy would be 32% when calculated on the basis of 500 beds as per MCI requirements.

3. There is a deficiency of 108 teaching beds in the hospital against the requirement of 500 beds as per MCI norms as under:-

| Speciality | Required Beds/Units | Present Beds/Units | Deficiency. |
|---|---------------------|--------------------|-------------|
| Medicine & Allied Specialities | | | |
| General Medicine | 120/4 | 93/3 | 27/1 |
| Paediatricas | 60/2 | 50/2 | 10/0 |
| Skin & VD | 10/1 | Nil/Nil | 10/1 |
| Psychiatry | 10/1 | Nil/Nil | 10/1 |
| Total | | | 57/3 |
| Surgery & Allied Specialities | | | |
| General Surgery | 120/4 | 75/4 | 45/0 |
| ENT | 20/1 | 14/1 | 06/0 |
| Total | | | 51/0 |
| Grand Total | | | 108/3 |

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 inspection was caused as per the following order dated 19.12.2008 of the Hon'ble High Court of Madhya Pradesh in Writ Petition No. 10263/2008 (PIL) - Arvind Kumar Mishra Vs. Union of India & Ors. :-

".....The petitioner has alleged in this writ petition that the private Medical and Dental Colleges in the State of Madhya Pradesh do not have the required faculty members on their permanent rolls.

We direct that the Medical Council of India, the respondent No.1 and the Dental Council of India, the respondent No. 3 will carry out the inspection of all the private medical and dental Colleges in the State of Madhya Pradesh and report this Court whether the teaching staff has been permanently employed by the private Medical and Dental Colleges in the State of Madhya Pradesh, or such teaching staff has only been shown in the rolls of these Colleges for purposes of permission or recognition.

The inspection be carried out and report be submitted by 05.01.2009. List the matter on 06.01.2009."

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 that the inspection report (2nd January, 2009) be placed before the Hon'ble High Court of Madhya Pradesh at Jabalpur.

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 Office to send the communication to the Council Advocate at Jabalpur immediately.

8. Inspection of Ruxmaniben Deepchand Gardi Medical College, Ujjain to verify the teaching faculty, residents & clinical material - Pursuant to order of Hon'ble High Court dated 08.12.2008 in WP No. 10263/2008.

Read: The Council Inspectors report (2nd January, 2009) to verify the teaching faculty, residents & clinical material at Ruxmaniben Deepchand Gardi Medical College, Ujjain.

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 (2nd January, 2009) and observed as under:-

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

- (a) Faculty 8.2% i.e. (10 out of 121)
 - i) Professor : 3 (Anatomy.-1,Bichem.-1, Pharma-1)
 - ii) Associate Professor: 5 (Anat.-1,Physio-2, FMT-1,Dent.-1)
 - iii) Assistant Professor: 2 (Anatomy-2)
 - iv) Tutor: Nil
- (b) Resident - 5.9% i.e. (5 out of 85)
 - i) Sr. Resident: 5 (Med.-2, Anaest.-3)
 - ii) Jr. Resident: Nil

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 inspection was caused as per the following order dated 19.12.2008 of the Hon'ble High Court of Madhya Pradesh in Writ Petition No. 10263/2008 (PIL) - Arvind Kumar Mishra Vs. Union of India & Ors. :-

“.....The petitioner has alleged in this writ petition that the private Medical and Dental Colleges in the State of Madhya Pradesh do not have the required faculty members on their permanent rolls.

We direct that the Medical Council of India, the respondent No.1 and the Dental Council of India, the respondent No. 3 will carry out the inspection of all the private medical and dental Colleges in the State of Madhya Pradesh and report this Court whether the teaching staff has been permanently employed by the private Medical and Dental Colleges in the State of Madhya Pradesh, or such teaching staff has only been shown in the rolls of these Colleges for purposes of permission or recognition.

The inspection be carried out and report be submitted by 05.01.2009. List the matter on 06.01.2009.”

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 that the inspection report (2nd January, 2009) be placed before the Hon'ble High Court of Madhya Pradesh at Jabalpur.

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 Office to send the communication to the Council Advocate at Jabalpur immediately.

9. Chettinad Hospital & Research Institute, Kanchipuram - Renewal of permission for admission of 4th batch of students for the academic session 2009-2010.

Read: The Council Inspectors report (16th & 17th January, 2009) for Renewal of permission for admission of 4th batch of MBBS students for the academic session 2009-2010 at Chettinad Hospital & Research Institute, Kanchipuram.

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 (16th & 17th January, 2009) and noted the following:-

1. (a) The following staff members cannot be considered as the teaching faculty because of the reasons mentioned below:-

| # | Name | Department | Designation | Reasons |
|----|------------------------|---------------|--------------|---|
| 1. | Dr. Shalik Bhaurao Ade | Radiology | Assoc.Prof. | He has been promoted with only 4 years 11 months experience which is not as per Regulations. |
| 2. | Dr. Ramesh Rao K. | Pathology | Prof. & Head | He has been promoted to the post of Assoc.Prof. without any teaching experience of Asstt.Prof. |
| 3. | Dr. Mita Sarkar | Physiology | Asstt.Prof. | She is appointed as Asstt.Prof. without any teaching experience as Tutor. |
| 4. | Dr. Roseline F.W. | Comm.Medicine | Assoc.Prof. | She is promoted as Assoc.Prof. with only 3 years 10 months experience as Asstt. Prof. against the requirement of 5 years. |

| | | | | |
|----|-----------------------|-----------------|-------------|---|
| 5. | Dr. Sandeep U. | General Surgery | Asstt.Prof. | He does not possess any experience as Resident as shown in the Declaration Forms. |
| 6. | Dr. Kailash K. Jawade | General Surgery | Asstt.Prof. | He has been appointed as Asstt.Prof. with only 2 years 11 months as Resident. |

(b) In view of above, the shortage of teaching faculty is 7.1% (i.e. 10 out of 171) as under:-

- (i) Professor-1 (Microbiology-1)
- (ii) Assoc.Prof.-4 (Anatomy-1, Pathology-1, TB Chest-1, Community Medicine-1)
- (iii) Asstt.Prof.-4 (Anatomy-1, Physiology-1, Surgery-2)
- (iv) Lect. Biophysics-1

(c) The shortage of Residents is more than 5% (i.e. 6 out of 115) as under:-

- (i) Sr. Residents-5 (Medicine-2, TB Chest-1, Anaesthesia-1, Radiology-1)
- (ii) Jr. Residents-1 (General Medicine-1)

2. Clinical material is inadequate as under:-

- (i) Bed occupancy 60%
- (ii) Number of surgical operation on the day of inspection are less (major-4, minor-6)

3. Hostel construction work is not fully functional.

4. Other deficiencies/remarks pointed out in the inspection report.

In view of the above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 4th batch of MBBS students for the academic year 2009-10 at Chettinad Hospital & Research Institute, Kanchipuram.

10. Adesh Institute of Medical Sciences, Bhathinda - Renewal of permission for admission of 4th batch of students for the academic session 2009-10.

Read: The Council Inspectors report (21st & 22nd January, 2009) for renewal of permission for admission of 4th batch of MBBS students for the academic session 2009-2010 at Adesh Institute of Medical Sciences, Bhathinda.

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 (21st & 22nd January, 2009) and noted the following:-

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

| | | | |
|---|---------------------------|--------|--|
| A | Teaching Faculty | 21/171 | 12.28 % |
| | i Professor : | 2 | Psychiatry-1, Opth-1 |
| | ii Associate Professor : | 12 | Anatomy-1, Physio-1, Patho-1, Forensic-1, Medicine-2, Pediatrics-2, TB-1, Surgery-1, Ortho-1, Radiology-1, |
| | iii Assistant Professor : | 5 | Biophysics-1, Pharma-1, OBG-1, Pharma-chem-1 |

| | | | | |
|--|----|---------------|---------|---|
| | iv | Tutor : | 2 | Forensic-2 |
| | b | Residents | 32 /115 | 27.82 % |
| | i | Sr. Residents | 13 | Med-3, Surg-2, Anaesthesia-7, Radiology-1 |
| | ii | Jr. Residents | 19 | Med-4, Ped-3,Surg-5, Ortho-4, OBG-3 |

2. Clinical material is grossly inadequate in terms of bed occupancy which is 6.20% and is not adequate as per MCI norms.
3. Out of the Patients / Persons who were lying in beds in various wards , most of them appeared not genuine patients but they were found healthy individuals on asking and there were no case sheets or admission records for them and most of them had no apparent symptoms and were brought to the different wards on the day of inspection.
4. Examination/procedure room, teaching area and side laboratory are not provided in all the wards.
5. At RHTC, accommodation is not available for students. No mess facility is available.
6. Other deficiencies/remarks pointed out in the inspection report.

In view of the above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 4th batch of MBBS students for the academic year 2009-10 at Adesh Institute of Medical Sciences, Bhathinda.

11. Gian Sagar Medical College & Hospital, Ramnagar, Patiala - Renewal of permission for admission of 3rd batch of students for the academic session 2009-10.

Read: The Council Inspectors report (21st & 22nd January, 2009) for Renewal of permission for admission of 3rd batch of MBBS students for the academic session 2009-2010 at Gian Sagar Medical College & Hospital, Ramnagar, Patiala

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 (21st & 22nd January, 2009) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of 100 (One Hundred) MBBS students at Gian Sagar Medical College & Hospital, Ramnagar, Patiala for the academic session 2009-10.

12. Approval of SDM College of Medical Sciences & Hospital, Dharwad for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore.

Read: The Council Inspectors report (16th, 17th & 18th January, 2009) for approval of SDM College of Medical Sciences & Hospital, Dharwad for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore.

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 (16th, 17th & 18th January, 2009) and decided to recommend that SDM College of Medical Sciences & Hospital, Dharwad be approved for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore with an annual intake of 100 (One Hundred) students per year.

13. Recognition of Bharati Vidyapeeth's Medical College, Pune for the award of MBBS degree against the increased intake from 120 to 150 granted by Bharati Vidyapeeth University, Pune.

Read: The Council Inspectors report (21st, 22nd & 23rd January, 2009) for recognition of Bharati Vidyapeeth's Medical College, Pune for the award of MBBS degree against the increased intake from 120 to 150 granted by Bharati Vidyapeeth University, Pune.

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 (21st, 22nd & 23rd January, 2009) and observed that Bharati Vidyapeeth's Medical College, Pune has already been recognized u/s 11(2) of the Indian Medical Council Act,1956 for 120 seats and now the matter is for recognition of the increased intake from 120 to 150 MBBS students.

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 MBBS degree granted by Bharati Vidyapeeth University, Pune in respect of students being trained at Bharati Vidyapeeth's Medical College, Pune be recognized and included in the 1st Schedule to the Indian Medical Council Act,1956 against the increased intake from 120 to 150 students per year.

14. Nomination of Selection Committee members for the post of Additional Inspector.

Read: The matter with regard to Nomination of Selection Committee members for the post of Additional Inspector.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to nominate the following members as Selection Committee members for the post of Additional Inspector in the Council Office:-

1. Dr. Ved Prakash Mishra, Vice Chancellor, Datta Meghe Institute of Medical Sciences (Deemed University), Nagpur. (Maharashtra)
2. Dr. D.J. Borah, Principal, Jorhat Medical College, Jorhat (Assam)
3. Dr. Nirbhay Srivastav, Dean, Gandhi Medical College, Bhopal (Madhya Pradesh)

15. Nomination of Selection Committee members for the post of Whole Time Inspector.

Read: The matter with regard to Nomination of Selection Committee members for the post of Whole Time Inspector.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to nominate the following members as Selection Committee members for the post of Whole Time-Inspector in the Council Office :-

1. Dr. Ved Prakash Mishra, Vice Chancellor, Datta Meghe Institute of Medical Sciences (Deemed University), Nagpur. (Maharashtra)
2. Dr. D.J. Borah, Principal, Jorhat Medical College, Jorhat (Assam)
3. Dr. Nirbhay Srivastav, Dean, Gandhi Medical College, Bhopal (Madhya Pradesh)

16. Kamineni Institute of Medical Sciences, Narketpally - Renewal of permission for admission of 4th batch of students against increased intake i.e. from 100 to 150 for the academic session 2009-10.

Read: The Council Inspectors report (30th & 31st January, 2009) for Renewal of permission for admission of 4th batch of students against increased intake i.e. from 100 to 150 for the academic session 2009-10 at Kamineni Institute of Medical Sciences, Narketpally

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 & 31st January, 2009) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of MBBS students against the increased intake i.e. from 100 to 150 at Kamineni Institute of Medical Sciences, Narketpally for the academic session 2009-2010.

17. Mahatma Gandhi Medical College & Research Institute, Pondicherry - Renewal of permission for admission of 3rd batch of students against increased intake i.e. from 100 to 150 for the academic session 2009-10.

Read: The Council Inspectors report (30th & 31st January, 2009) for renewal of permission for admission of 3rd batch of students against increased intake i.e. from 100 to 150 for the academic session 2009-10 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 Council Inspectors report (30th & 31st January, 2009) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e. from 100 to 150 at Mahatma Gandhi Medical College & Research Institute, Pondicherry for the academic session 2009-2010.

18. Admission of excess students under management quota at various private Medical colleges in the State of Karanatak for the academic year 2008-09.

Read: The letter dated 24.12.2008 received from the DME, Bangalore with regard to admission of excess students under management quota at various private Medical colleges in the State of Karanatak for the academic year 2008-09

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council observed that at its meeting held on 10.11.2008, after detailed deliberations had decided that suitable communication be sent to the concerned State Govt. for the respective medical colleges/institutions where the admissions have been made by them in excess for the academic year 2008-09 by calling upon them to correspondingly reduce the admissions in Management quota for such colleges for the academic year 2009-2010 and for corresponding increased allocation of the free seat candidates by the concerned State Govt. for the academic year 2009-2010 so as to set-off the undue advantage gained by such medical colleges/institutions by making excess admissions in the management quota in the academic year 2008-09.

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 Director of Medical Education, Karnataka vide letter No. MCS/80/08-09, dated 24th December, 2008 has stated as under:-

“

I wish to inform you that Government of Karnataka had notified “ The Karnataka Selection of candidates for admission to Government seats in Professional Education Institutions Rules, 2006” vide Notification No. ED. 10 TEC 2006 dated 28-02-2006. Sub rule 15 of Rule 10 of the said rules states as follows:

“The seats that remains unfilled after completion of the casual vacancy round under sub-rule (9) to (13) may be transferred to the respective colleges by the concerned Directors after reconciliation meeting”.

Accordingly, after conducting reconciliation meeting, the above mentioned five Private Medical Colleges were permitted by this Directorate to fillup the unalloted and unfilled Government vacant seats before the last date for admission fixed by Medical Council of India and Rajiv Gandhi University of Health Sciences.

Further Para (4) (VI) of the consensual agreement between the Government of Karnataka and the Association of unaided professional colleges for the academic year 2008-09 reads as follows:

“All the seats remaining unfilled at the end of second round/ final round of counseling, by all the agencies shall be made over to the respective Private Professional Colleges, to be filled up from amongst other eligible General Merit candidates seeking admission to individual colleges, so as to avoid any wastage of available seats”.

In view of the circumstances explained above, it is obvious that the question of reducing the admission in the management quota and increase allocation free seats in Governments quota during the academic year 2009-10, does not arise”

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 no further action is required to be taken in the above matter.

19. To Consider the letter received from (EPSI) Education Promotion Society for India regarding Entrance Examination for Higher Education in various disciplines including Medical Education.

Read: The letter dated 20.08.2008 received from the (EPSI) Education Promotion Society for India regarding Entrance Examination for Higher Education in various disciplines including Medical Education alongwith the Sub-Committee report enclosed.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 20.08.2008 received from the (EPSI) Education Promotion Society for India and perused the following report of the Sub-Committee:-

“The Committee perused the relevant documents wherein it is observed that there is a communication from Education Promotion Society for India dated 24th April, 2008 pertaining to creating single window entrance examination for higher education in various disciplines including medical education.

In this context, the matter was considered by the Postgraduate Committee of the Council wherein a Sub-Committee was constituted comprising of Dr .D.G.Mhaisekar & Dr.(Mrs.) Rani Bhaskaran, members of the Postgraduate Committee. The said Committee in its report had observed that upon thorough evaluation, they were of the opinion that entrance examination for higher education i.e. medical education including All India Entrance Examination conducted by the respective authorities as of now has got its own merit.

The Committee further observed that in view of the court matters & litigations, they were of the opinion that in the present scenario conducting entrance examinations at various State level and at the All India level is found to be satisfactory.

The said report was considered by the Postgraduate Committee and it was decided to refer the matter to the Executive Committee.

It was a primarily this consideration vide, which the Executive Committee constituted the present Sub-Committee. The Committee would like to place on record that the Council in one of its explicit disposition has brought out the concept that, in principle there should be a 'standing mechanism' for working out 'National Objectives' of medical education, 'National' curriculum and its periodic update commensurate with the National objectives, single National Entry, and single National exit tests.

The Committee noted that the basic consideration which was availed by the Hon'ble Supreme Court for prescribing entrance test was, that the standards by various examining authorities cannot be considered to be 'unitary' and inter-se merit out of them had various variables.

Multiple Entrance tests are resulting in various hardships, especially to the aspiring students, who are required to be running from pillar to post, incurring wastage of precious time and also the monetary resources. It was primarily for ameliorating this poignant situation, the Council appropriately proposed the idea of a single National entrance test to be conducted by the designated authority, and the merit generated thereof to be availed by all the admitting agencies all over the country.

This will not only entail competitive uniformity, but would also save students from multiple appearances at multiple entrance tests. Effective implementation of this modality suggested by the Council, renders proposition of the EPSI redundant."

After due deliberations, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided as under:-

"...Multiple Entrance tests are resulting in various hardships, especially to the aspiring students, who are required to be running from pillar to post, incurring wastage of precious time and also the monetary resources. Hence, it is proposed that a single National entrance test to be conducted by the designated authority, and the merit generated thereof to be availed by all the admitting agencies all over the country. Effective implementation of this modality would render proposition of the EPSI redundant."

20. Draft Action Plan of Ministry of Human Resource Development on the "Convergence and Co-ordination of Government Plan for Gender Equality and Fighting Social Evils."

Read: The letter dated January, 2009 received from the Central Govt. with regard to Draft Action Plan of Ministry of Human Resource Development on the "Convergence and Co-ordination of Government Plan for Gender Equality and Fighting Social Evils."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council accepted the proposal of the Central Government, as suggested in the Draft Action Plan of Ministry of Human Resource Development on the "Convergence and Co-ordination of Government Plan for Gender Equality and Fighting Social Evils" that day care centers and crèches for infants be provided in the medical colleges as it would be of great help to women students, working female personnel, and women patients. It was further decided that suitable amendments be made in the Minimum Standard Requirements for 50/100/150 MBBS admissions Annually Regulations, 1999 and the matter be placed before the General Body of the Council.

21. Medical Council of India Regulations, 2000 - Amendment in the Regulations.

Read: The matter with regard to Medical Council of India Regulations, 2000 - Amendment in the Regulations alongwith Sub-Committee report.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the matter with regard to Medical Council of India Regulations, 2000 - Amendment in the Regulations and perused the following report of the Sub-Committee:-

"The Committee noted that the Council vide a decision by its General Body at its meeting dated 21st & 22nd June had proposed an amendment to Section 43 of the MCI Regulations, 2000, wherein the terms of the member of the Executive Committee of the Council was proposed to be raised from existing two years to three years and justification thereof was incorporated. The said amendment of the General Body of the Council was communicated to the Govt. of India vide community dated 31.3.2008 by the Secretary of the Council.

In response to the said communication, the Govt. of India, through their letter dated 10.6.2008 addressed to the Secretary of the Council communicated that the MCI Regulations, 2000 are more than eight years old as of now. It may be needing some amendments, so as to ensure that it becomes contemporary and suitable to the existing demands of the medical education in the country and, therefore, they sought a comprehensive look/review of the said Regulations by the Council.

The Executive Committee considering the aforesaid communication from the Govt. of India constituted the present Committee. The Committee is of the considered view that the Regulations, as a whole needs to be looked afresh so as to ensure it is updated in a manner whereby it becomes commensurate with the expectations and requirements of the medical education specially with reference to the areas which falls squarely within the governance of the present Regulations.

Accordingly, the Committee upon critical deliberation is proposing the following amendments to the existing MCI Regulations, 2000:-

1. *Para - 39 of the Regulations be substituted by the clause "the meeting of the Executive Committee shall be held atleast four times in a year at such place, date and time as may be decided by the President of the Council who is the Ex-officio Chairman of the Executive Committee."*
2. *Section 43 would read "The term of office of an elected member of the Executive Committee shall be three years or until his membership in the Council is over, whichever is shorter. A member shall be eligible for re-election."*
3. *At the end of Section - 62, it be added "failure thereof shall result in imposition of such fine payable by the erring State Medical Council as would be prescribed by the Council from time to time."*

After due deliberations, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate the decision of the General Body regarding amendment of Section 43 that *"The term of office of an elected member of the Executive Committee shall be three years or until his membership in the Council is over, whichever is shorter. A member shall be eligible for re-election."*

It was further decided to recommend that at the end of Section - 62, the following be added:

3. *"failure thereof shall result in imposition of such fine payable by the erring State Medical Council as would be prescribed by the Council from time to time."*

22. Establishment of new medical college at Bokaro, Jharkhand by Council for Agriculture Industrial and Rural Employment, Bokaro, Jharkhand.

Read: The Central Govt. letter dated 7th January, 2009 with regard to the Establishment of new medical college at Bokaro, Jharkhand by Council for Agriculture Industrial and Rural Employment, Bokaro, Jharkhand.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Central Government letter dated 7th January, 2009 and observed that the Consent of Affiliation dated 4.12.2008 issued by Vinoba Bhave University, Hazaribag is issued after the last date prescribed in the time schedule i.e. 30th September for receipt of the application complete in all respect in the office of the Council. Thus, the Institute does not fulfill the Qualifying Criteria 2(3) pertaining to Essentiality Certificate, as prescribed under the Establishment of Medical College Regulations, 1999.

It was further observed that vide order dated 12.01.2005 in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. (W.P. [C] No. 206 of 2004), Hon'ble Supreme Court has directed as under:-

“

35.

.....

14. *Time schedule for Establishment of New Colleges or to increase intake in existing colleges shall be adhered to strictly by all concerned.*

15. *Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.*

.....”

It was further observed that pursuant of the order of the Hon'ble Supreme Court stated above, the Govt. of India vide letter dated 15.03.2005 had directed the Council to strictly adhere to the time schedule prescribed under the Regulations. As per the Schedule prescribed in the Establishment of Medical College Regulations, 1999, the last date for receipt of applications complete in all respects to the Council being 30th September, 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 Bokaro, Jharkhand by Council for Agriculture Industrial and Rural Employment, Bokaro, Jharkhand for the academic year 2009-2010.

23. Establishment of new medical college at Aziznagar, R.R. Distt., Andhra Pradesh by VRK Educational Society, Aziznagar, R.R. Distt., Andhra Pradesh.

Read: The Central Govt. letter dated 07.01.2009, 20.01.2009 and 29.01.2009 with regard to the Establishment of new medical college at Aziznagar, R.R. Distt., Andhra Pradesh by VRK Educational Society, Aziznagar, R.R. Distt., Andhra Pradesh.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council observed that the application of VRK Educational Society, Aziznagar for the establishment of new medical college at Aziznagar, R.R. Distt., Andhra Pradesh was received in the Office of the Council vide Central Government letter dated 3.7.2008 requesting to evaluate the proposal for the academic year 2009-10 alongwith copy of the Essentiality Certificate which was not in the format, as prescribed under the Regulations and the Consent of Affiliation issued by Dr. N.T.R. University of Health Sciences, Vijayawada which would expire on 26.6.2009.

Subsequently, the Central Government vide letters dated 7.1.2009, 20.1.2009 and 29.1.2009 have forwarded the copies of the revalidated Essentiality Certificate which is in the prescribed format and the Consent of Affiliation revalidated for the academic year 2009-10.

It was further observed by the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council that the applications which are received in the office of the Council on or before 30th September i.e. the last date for receipt of the application in the office of the Council alongwith documents which were defective and if the applicant subsequently fulfilled the eligibility criteria in terms of Essentiality Certificate and the Consent of Affiliation, by removing the defects, have been processed by the Council if such documents in order, are received in the office of the Council through the Central Government. It was observed that the following proposals were considered and processed by the Council for the academic year 2008-09 when the documents in-order were received through the Central Government after removing the defects later while the applications were received in the office of the Council with defective documents before 30th September:-

1. Establishment of New Medical College at Kollam, Kerala by Podikunju Musaliar Memorial Charitable & Educational Trust, Kollam, Kerala
2. Establishment of new medical college at Kalahandi, Orissa by Selvam Educational & Charitable Trust, Tamilnadu.
3. Saraswathi Institute of Medical Sciences, NH-24, Anwarpur, Hapur,-Distt. Ghaziabad by Saraswathi Ammal Educational & Charitable Trust, Chennai

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 process of the application for establishment of new medical college at Aziznagar, R.R. Distt., Andhra Pradesh by VRK Educational Society, Aziznagar for further necessary action for the academic year 2009-10.

24. To consider the applications for Establishment of New Medical College (LOP) u/s 10A of IMC Act, 1956 which fulfills the Essential Eligibility Criteria, as laid down in Regulation for establishment of new medical college.

Read: The matter with regard to establishment of New Medical College (LOP) u/s 10A of IMC Act, 1956 which fulfills the Essential Eligibility Criteria, as laid down in Regulation for establishment of new medical college.

It was further observed by the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council that the applications which are received in the office of the Council on or before 30th September i.e. the last date for receipt of the application in the office of the Council alongwith documents which were defective and if the applicant subsequently fulfilled the eligibility criteria in terms of Essentiality Certificate and the Consent of Affiliation, by removing the defects, have been processed by the Council if such documents in order, are received in the office of the Council through the Central Government. It was observed that the following proposals were considered and processed by the Council for the academic year 2008-09 when the documents in-order were received through the Central Government after removing the defects later while the applications were received in the office of the Council with defective documents before 30th September:-

1. Establishment of New Medical College at Kollam, Kerala by Podikunju Musaliar Memorial Charitable & Educational Trust, Kollam, Kerala
2. Establishment of new medical college at Kalahandi, Orissa by Selvam Educational & Charitable Trust, Tamilnadu.
3. Saraswathi Institute of Medical Sciences, NH-24, Anwarpur, Hapur,-Distt. Ghaziabad by Saraswathi Ammal Educational & Charitable Trust, Chennai

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 following applications for establishment of new medical colleges be considered and processed by the Council for the academic year 2009-10 wherein the applications have been received before 30th September with defective documents and the documents in-order have been received through the Central Government subsequently:-

1. Establishment of new medical college at Gurgaon, Haryana by Dashmesh Educational Charitable Trust, New Delhi.
2. Establishment of new medical college at Chalaka, Ernakulam Distt., Kerala by Gurudeva Charitable Trust.
3. Establishment of new medical college at Aziznagar by Dr. VRK Educational Society, Hyderabad.

It was further decided that the applications in respect of the following institutions be returned to the Central Government recommending disapproval of the scheme as the applications received in the office of the Council before the last date prescribed under the Regulations were not complete in as much as the Consent of Affiliation from the concerned university was not enclosed with the application at all as under:-

| # | Name of the college | Reasons |
|----|--|---|
| 1. | Establishment of New medical college at Chennai namely D.D. Medical College & D.D. Hospital, Chennai, Tamil Nadu by Deen Dayal Medical & Educational Trust, Chennai, Tamil Nadu. | Consent of Affiliation was not enclosed with the application and it has been issued on 29.10.2008 by the Tamilnadu Dr. M.G.R. University of Health Sciences, Chennai. |
| 2. | Establishment of New Medical College at Bokaro, Jharkhand by Council for Agriculture Industrial and Rural Employment, Bokaro, Jharkhand. | Consent of Affiliation was not enclosed with the application and it has been issued on 4.12.2008 by the Vinoba Bhave University, Hazaribag. |
| 3. | Establishment of new medical college at Chennai, Tamil Nadu by Sri Muthukumaran Educational Trust, Chennai | Consent of Affiliation was not enclosed with the application and it has been issued on 29.10.2008 by the Tamilnadu Dr. M.G.R. University of Health Sciences, Chennai. |

25. Appeal against the order dated 31.08.2007 passed by Delhi Medical Council made by Mr. Arun Kumar Jha.

Read: The matter with regard to appeal against the order dated 31.08.2007 passed by Delhi Medical Council made by Mr. Arun Kumar Jha alongwith the recommendation of the Ethic Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the following decision of the Ethics Committee:-

"The Ethics Committee went through all the documents in this meeting of 11th & 12th December, 2008 and the recording pertaining to this case and also have taken note of the sentiments expressed by the Hon'ble Members of the Executive Committee before the Chairman of the Ethics Committee. In view of above, the Ethics Committee finally recommends the following:-

In view of the causes already enumerated in the minutes of the previous meeting; it is established that Dr.Daljeet Singh has acted negligently in the management of this case and was also found to be deficient of the reasonable skill which he is expected to possess in dealing with this type of case. The Ethics Committee also notes the policy guidelines laid by the General Body of the Council for remedial measures which are a matter of record.

The Ethics Committee therefore unanimously decided that Dr.Daljeet Singh name shall be removed from the Indian Medical Register for a period of 30 days. However, the punishment awarded to Daljeet Singh shall remain suspended and no entry shall be made against him in the I.M.R. for six months subject to the fulfillment of the following conditions:-

Dr. Daljeet Singh shall undergo –

I) Rehabilitative course in Gen.Surgery and Orthopaedic Surgery for 4 weeks in a recognized medical college as per the policy guidelines laid down by the General Body of the Council.

II) He will attend one National level CME in the speciality during this period.

If he completes these Rehabilitative measures, the punishment given to him shall be withdrawn and no remark will be put against his name in the I.M.R. But in case he fails to do so at the end of six months from the date of confirmation by the General Body, his name shall be removed from the I.M.R for a period of 30 days and it shall be recorded against his name in the I.M.R. The Secretary, MCI shall be able to take this decision on production of proof of the Rehabilitative measures taken by him without any further reference of the Ethics Committee."

At this item, Dr. D.J. Borah, Chairman, Ethics Committee was also invited to remain present in the meeting of the Executive Committee. Dr. D.J. Borah explained in detail about the procedure being adopted by the Ethics Committee for arriving at a decision.

After detailed deliberations, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the above stated decision of the Ethics Committee further stipulating that such rehabilitative procedure shall be followed as a norm by the Ethics Committee in all such cases where it deems fit that the rehabilitative measures would serve the cause of justice.

26. Recognition of MBBS degree granted by Meenakshi University, Chennai in respect of the students being trained at Meenakshi Medical College & Research Institute, Enathur, Kanchipuram - Provisionally recognized under The Tamil Nadu Dr. MGR Medical University, Chennai.

Read: The matter with regard to recognition of MBBS degree granted by Meenakshi University, Chennai in respect of the students being trained at Meenakshi Medical College, Kanchipuram - Provisionally recognized under The Tamil Nadu Dr. MGR Medical University, Chennai.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Central Govt. letter dated 31.12.2008 enclosing therewith the letter dated 02.12.2008 from the Registrar, Meenakshi University and observed that the Executive Committee at its meeting held in June,1988 had decided as under:-

"No inspection is required where there is change of name and change of affiliation of the University or the college whose medical qualifications are already recognized and included in the 1st Schedule to the I.M.C. Act,1956 unless the Executive Committee decides otherwise."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further noted that Meenakshi Medical College & Research Institute, Enathur, Kanchipuram was provisionally recognized under the Tamilnadu Dr. MGR Medical University, Chennai.

In view of above, the Executive Committee decided that the degree of MBBS granted by Meenakshi University, Chennai in respect of Meenakshi Medical College & Research Institute, Enathur, Kanchipuram be recognized and included in the first scheduled to the IMC Act, 1956 and forwarded to the Govt. of India for appropriate notification of the same.

The Committee further decided to place the matter before the General Body of the Council.

27. Approval of Minutes of the Finance Committee held on 4th February, 2009.

Read: The minutes of the Finance Committee Meeting held on 4th February, 2009.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following minutes of the Finance Committee Meeting held on 4th February, 2009:-

"Minutes of the meeting of the Finance Committee held on 4th February, 2009 at 2.30 p.m. in the Council Office at Dwarka, New Delhi.

Present:

| | | |
|-------------------------------------|---|-----------|
| Dr. Ved Prakash Mishra | - | Chairman |
| Dr. Kharangute Anant Y | - | Member |
| Dr. B.C. Das | - | Member |
| Lt. Col.(Retd.) Dr. A.R.N. Setalvad | - | Secretary |

Leave of absence was granted to Dr. M.M. Deka & Dr. Bijoy Mukherjee.

1. Minutes of the last meeting - Confirmation of.

The Finance Committee confirmed the minutes of the last meeting held on 3rd November, 2008.

2. Minutes of last meeting of Finance Committee - Action Taken thereon.

The Finance Committee noted and approved the action taken by the Office on the various items included in the minutes of the meeting held on 3rd November, 2008.

3. New TA Rules for MCI Inspectors/Others.

Read: The matter with regard to consider the new TA rules for Council's Inspectors, who carry out the inspections on behalf of Medical Council of India & others to attend the meeting.

The Travelling Allowance Rules have been revised on implementation of sixth Central Pay Commission's recommendations. Therefore it is pertinent to revise the TA rules for Inspectors, who carry out the Inspections on behalf of MCI & others, for attending the meetings of Council, which are as under:

TA on Tour/Inspection

TA on Tour/Inspection is from duty point/residence at headquarters to the distant station/airport & vice-versa. It comprises -

- 1) Fare for journey performed by Air/Rail/Sea/Bus as per entitled class by the direct & shortest route.*
- 2) Taxi Fare for road journey if not travelled by Air/Bus/ Rail/ Sea by the direct & shortest route.*
- 3) Taxi Fare for local journey from duty point/residence at head quarter to the nearest Railway Station/Bus Station/Airport and vice-versa.*

Journey by Air

All inspectors will be entitled to travel by Air of economy class.

Journey by Private Airlines

The air travel, both domestic and overseas on official account is permissible on private airlines based on better and more competitive ticket fare.

Journey by Rail

All inspectors will be entitled for journey on fare of AC First Class in Rajdhani & other train & Executive Class in Shatabdi Express.

Journey by Taxi/Bus

All inspectors will be entitled for reimbursement of actual charges of Taxi/Car/A.C. Bus.

Local Journey

Actual Taxi/Car fare will be reimbursed for the local journey performed from residence to Airport/Railway Station/Bus Station & vice versa.

Boarding & Lodging

Rates for boarding & lodging charges at various stations/localities shall be applicable as per details given below:-

- | | | |
|-------|---|--|
| (i) | <i>Stay in Govt./Public Sector Guesthouse/ Rest Rooms of IAAI/ YMCA/YWCA hostels.</i> | <i>Actual Charges subject to maximum ceiling limit of Rs. 5000/- per day</i> |
| (ii) | <i>Stay in hotel and other establishments including private lodges/guest houses/rest house etc.</i> | <i>- DO -</i> |
| (iii) | <i>Meal Charges</i> | <i>For full day Rs.500/- For half day Rs.250/-</i> |

Hotel stay charges will be reimbursed on production of bill or payment receipt etc. alongwith the TA Claim.

Professional/Inspection Fee

The inspectors, who are not employee of the Council on consolidated or regular salary, and giving their services on honorary basis, will be entitled to get an amount of Rs. 1,000/- per day, inclusive of the days of journey for conducting the inspection of UG & PG courses.

Those who are invited to attend the meetings on behalf of the Council and are giving their services on honorary basis and who are neither the members nor the employees of the Council, will also be entitled to get an amount of Rs. 1000/- per day, inclusive of the days of journey for attending such meetings on behalf of the Council.

Reservation Charges

For seat/sleeper berth are reimbursable.

Tatkal Seva Charges

Reimbursement allowed in extremely emergent circumstances only for Railway journeys undertaken for official purposes.

Internet/e-ticketing charges

Reimbursable for the tickets booked through the website of Indian Railways.

Conveyance Charges for collecting tickets

Charges admissible by public transport is reimbursable for collecting air/rail tickets from Railway stations/booking offices, etc.

Agency Charges

Service charges levied by the Traveller's Service Agents recognized by the zonal Railways is reimbursable.

Telegram expenses

Charges by Railways for reservation of onward/return journey are reimbursable.

Cancellation Charges

For official journeys cancelled in public interest, cancellation and reservation charges are reimbursable and are to be claimed in the normal T.A. Bill form.

Use of Mileage Point

All mileage points earned by Government employees on tickets purchased for official travel will be utilized by the concerned department for other official travel by their officers. Any usage of these mileage points for purposes of private travel by an officer will attract departmental action.

The matter with regard to frame the guidelines for Reimbursement of Travel and other allowances to the inspectors & others is placed before the Finance Committee for Consideration and approval.

The Finance Committee decided to approve the new TA rules for Council's Inspectors for carrying out inspections on behalf of MCI & others for attending the meeting.

Further, the Finance Committee recommended that the same be placed before the Executive Committee of the Council for its consideration and approval.

4. **Reimbursement of Local Conveyance to Employees of the Council.**

Read: The matter with regard to consider the reimbursement of Local Conveyance to the Employees of the Council for attending the office on Holidays.

The Local Conveyance charges paid to employees is as under: -

- | | | | |
|----|------------------------------------|---|--|
| 1. | Upto the scale of Rs.6500 – 10500 | - | Taxi Charges @ Rs.8.00 per Kms. |
| 2. | Below the scale of Rs.6500 – 10500 | - | Auto/Bus Charges @ Rs.4.00 per Kms. |

It is proposed that the mileage/local conveyance charges for attending the office on Holidays, Saturday & Sunday may be reimbursed to the Council's employees as follows:

| Grade Pay (1) | Travel Entitlements (2) |
|---|------------------------------------|
| (i) Officers drawing grade pay of Rs.5,400/- and above. | Rs. 500/- per day |
| (ii) Officers drawing grade pay of Rs.4800 and below | Rs. 300/- per day |

The Finance Committee decided to approve the reimbursement of Local Conveyance to the Employees of the Council for attending the office on Holidays, Saturday & Sunday.

Further, the Finance Committee recommended that the same be placed before the Executive Committee of the Council for its consideration and approval.

5. **Proposal for purchase of two cars for Council Office.**

Read: The matter with regard to consider the proposal for purchase of two cars for Council office.

The Finance Committee decided to approve the proposal for purchase of two new cars against the condemned cars for official use.

Further, the Finance Committee recommended that the same be placed before the Executive Committee of the Council for its consideration and approval."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further decided to approve the finance for purchase of two new cars, one Tata Indigo and one Ambassador Car for Council Office, as per purchase procedure, immediately.

28. **Approval of Midnapore Medical College, Midnapore for the award of MBBS degree granted by The West Bengal University of Health Sciences, Kolkata.**

Read: The Council Inspectors report (5th, 6th & 7th February, 2009) for grant of approval of Midnapore Medical College, Midnapore for the award of MBBS degree granted by The West Bengal University of Health Sciences, Kolkata.

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 (5th, 6th & 7th February, 2009) and decided to recommend that Midnapore Medical College, Midnapore be approved for the award of MBBS degree granted by The West Bengal University of Health Sciences, Kolkata with an annual intake of 100 (One Hundred) students per year.

29. Approval of Institute of Post-Graduate Medical Education & Research, Kolkata for the award of MBBS degree granted by The West Bengal University of Health Sciences, Kolkata.

Read: The Council Inspectors report (5th, 6th & 7th February, 2009) for grant of approval of Institute of Post-Graduate Medical Education & Research, Kolkata for the award of MBBS degree granted by The West Bengal University of Health Sciences, Kolkata.

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 (5th, 6th & 7th February, 2009) and decided to recommend that Institute of Post-Graduate Medical Education & Research, Kolkata be approved for the award of MBBS degree granted by The West Bengal University of Health Sciences, Kolkata with an annual intake of 100 (One Hundred) students per year.

30. Sri Lakshmi Narayan Institute of Medical Sciences, Pondicherry - Renewal of permission for admission of 4th batch of students for the academic session 2009-2010.

Read: The Council Inspectors report (4th, & 5th February, 2009) for renewal of permission for admission of 4th batch of students for the academic session 2009-2010 at Sri Lakshmi Narayan Institute of Medical Sciences, Pondicherry.

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 (4th, & 5th February, 2009) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of 150 (One Hundred Fifty) MBBS students at Sri Lakshmi Narayan Institute of Medical Sciences, Pondicherry for the academic session 2009-10.

31. Mamata Medical College, Khammam- Renewal of permission for admission of 4th batch of students against the increased intake i.e. from 100 to 150 for the academic session 2009-2010.

Read: The Council Inspectors report (30th & 31st January, 2009) for renewal of permission for admission of 4th batch of students against the increased intake i.e. from 100 to 150 for the academic session 2009-2010 at Mamata Medical College, Khammam.

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 & 31st January, 2009) and observed the following:-

1. Lecture theatre with capacity of 400 seats is newly constructed and is located on the top floor of the Dental College building.
2. Central library is located on third floor of Dental College with a separate entry on the ground floor. The college has no Medlar facility.

3. Examination Hall: There is a common examination hall available between Medical college and Dental college. The examination hall is located in the Dental college building. The hall has capacity of 275.
4. Other deficiencies/remarks pointed out in the inspection report.

In view of the above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 4th batch of MBBS students against the increased intake i.e. from 100 to 150 for the academic year 2009-10 at Mamata Medical College, Khammam.

32. Establishment of new medical college at Hamirpur by Govt. of Himachal Pradesh.

Read: The letter dated 03.02.2009 received from the Govt. of Himachal Pradesh with regard to establishment of new medical college at Hamirpur by Govt. of Himachal Pradesh requesting that the application be considered for the academic-session starting in 2010-2011 instead of 2009-2010.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 03.02.2009 received from the Govt. of Himachal Pradesh requesting that the application be considered for the academic-session starting in 2010-2011 instead of 2009-2010.

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 new medical college at Hamirpur by Govt. of Himachal Pradesh u/s 10A of the IMC Act, 1956 as there is no provision in the I.M.C. Act,1956 or Regulations framed thereunder to keep the application pending with the Council for the next academic year.

33. Establishment of new medical college at Una, Himachal Pradesh.

Read: The letter dated 03.02.2009 received from the Govt. of Himachal Pradesh with regard to establishment of new medical college at Una by Govt. of Himachal Pradesh requesting that the application be considered for the academic-session starting in 2010-2011 instead of 2009-2010..

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 03.02.2009 received from the Govt. of Himachal Pradesh requesting that the application be considered for the academic-session starting in 2010-2011 instead of 2009-2010.

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 new medical college at Una by Govt. of Himachal Pradesh u/s 10A of the IMC Act, 1956 as there is no provision in the I.M.C. Act,1956 or Regulations framed thereunder to keep the application pending with the Council for the next academic year.

34. Establishment of new medical college at Mandi, Himachal Pradesh.

Read: The letter dated 03.02.2009 received from the Govt. of Himachal Pradesh with regard to establishment of new medical college at Mandi by Govt. of Himachal Pradesh requesting that the application be considered for the academic-session starting in 2010-2011 instead of 2009-2010.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 03.02.2009 received from the Govt. of Himachal Pradesh requesting that the application be considered for the academic-session starting in 2010-2011 instead of 2009-2010.

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 new medical college at Mandi by Govt. of Himachal Pradesh u/s 10A of the IMC Act, 1956 as there is no provision in the I.M.C. Act,1956 or Regulations framed thereunder to keep the application pending with the Council for the next academic year.

35. Establishment of new medical college at Gwalior by Jan Vikas Nyas Trust, Madhya Pradesh.

Read: The letter dated 04.02.2009 received from the Medical Superintendent, Jan Vikas Nyas Trust, Gwalior with regard to establishment of new medical college at Gwalior by Jan Vikas Nyas Trust, Madhya Pradesh.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 04.02.2009 received from the Medical Superintendent, Jan Vikas Nyas Trust, Gwalior requesting that the application be considered for the academic-session starting in 2010-2011 instead of 2009-2010.

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 new medical college at Gwalior by Jan Vikas Nyas Trust, Madhya Pradesh u/s 10A of the IMC Act, 1956 as there is no provision in the I.M.C. Act,1956 or Regulations framed thereunder to keep the application pending with the Council for the next academic year.

36. Extension of services of Director, Academic Cell in the Council office.

Read: The matter with regard to extension of services of Director, Academic Cell in the Council office.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to extend the services of Dr. M. Rajalakshmi, Director of Academic & Standing Cell in the Council office for a further period of one year w.e.f. 24/03/2009.

37. Proposal and directions of the Hon'ble Supreme Court of India for starting Orientation Course for the students of SC/ST categories.

Read: The matter with regard to proposal and directions of the Hon'ble Supreme Court of India for starting Orientation Course for the students of SC/ST categories alongwith the Sub-Committee report.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the matter with regard to proposal and directions of the Hon'ble Supreme Court of India for starting Orientation Course for the students of SC/ST categories and perused the following report of the Sub-Committee:-

".....At the outset, it is noted that the Hon'ble Supreme Court in its order dated 26.9.2008 in Writ Petition (C) No.393/08 Vineeth K & Ors. Vs. State of Kerala & Ors. amongst other things observed that -

"We notice that out of 51 seats reserved for scheduled castes candidates in the various Govt. Medical Colleges only two candidates could be admitted as they were alone who fulfilled the qualification prescribed by the MCI. Apparently these students did not get 40% marks in the entrance examination though qualifying marks are more than 70% marks in the optional subjects. This has been experience in the previous years also and many States were unable to fill up the seats reserved for scheduled caste and scheduled tribe candidates. It is high time that the State should take up steps for giving some proper orientation course to the SC/ST students or to set up some other formula so that sufficient number of candidates should be admitted in the course. MCI and Union of India will have to suggest appropriate remedy to find out and work out the solution."

Accordingly, the Committee noted that the Secretary, MCI in a communication sent to the Chief Secretary to all the State Govts. & Union Territories in India, Secretary (Health) to all the State Govts. & Union Territories in India and Director (Medical Education) to all the State Govts. & Union Territories in India amongst other things in the concluding requested that while ensuring the conduct of common entrance test by the Association by the Private medical colleges and that the candidates are selected on the basis of their merit in the CET – held in a proper and transparent manner, you are also requested to kindly consider putting in place – a mechanism for coaching / orientation of the 12th standard students belonging to SC / ST / OBC categories thereby training them for able to secure minimum prescribed marks in the common entrance test examination conducted for this purpose, in accordance with the statutory regulations of the MCI.

The Committee is of the considered opinion that the issue is just not limited to putting up a mechanism for orientation of SC/ST students for the purposes of updating them so as to be qualifying at the entrance examination for admission to MBBS course. It is equally applicable with reference to they performing sufficiently well during the MBBS course and thereon after procuring MBBS degree they being further strengthened to qualify for the PG entrance examination. All this is necessary and relevant from the point of view in order to make reservation policy incorporated in the constitution relevant, meaningful and fulfilling the very objectives for which it has been contemplated.

In view of above, the Committee is further of the opinion that such an orientation of SC/ST candidates during the MBBS curriculum should also be conducted with reference to subjects in the concerned phase of learning. It could be done by conducting extra orientation classes for the said student which could be to the extent of 4 hours of extra teaching per week by the assigned teachers, which should be outside the normal teaching hours schedule in the time table during the MBBS curriculum

Likewise they should be oriented in a structured mechanism for the postgraduate entrance test during the period of internship through an appropriate orientation for stipulated hours each day ensuring that his/her internship is not disturbed in any way.

The Committee is loud and clear orientation that is being proposed by the Committee being a 'helping exercise', hence cost thereof should not be and cannot be saddled on to the SC/ST candidates. It is expected that State should bear the said cost."

After due deliberations, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided as under:-

1. The issue is just not limited to putting up a mechanism for orientation of SC/ST students for the purposes of updating them so as to be qualifying at the entrance examination for admission to MBBS course. It is equally applicable with reference to they performing sufficiently well during the MBBS course and thereon after procuring MBBS degree they being further strengthened to qualify for the PG entrance examination. All this is necessary and relevant from the point of view in order to make reservation policy incorporated in the constitution relevant, meaningful and fulfilling the very objectives for which it has been contemplated.
2. Such an orientation of SC/ST candidates during the MBBS curriculum should also be conducted with reference to subjects in the concerned phase of learning. It could be done by conducting extra orientation classes for the said student which could be to the extent of 4 hours of extra teaching per week by the assigned teachers, which should be outside the normal teaching hours schedule in the time table during the MBBS curriculum
3. Likewise they should be oriented in a structured mechanism for the postgraduate entrance test during the period of internship through an appropriate orientation for stipulated hours each day ensuring that his/her internship is not disturbed in any way.
4. The cost thereof should not be and cannot be saddled on to the SC/ST candidates. It is expected that State should bear the said cost.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further decided to place the above decision before the General Body of the Council.

38. Continuance of recognition of MBBS degree granted by Chaudhary Charan Singh University, Meerut in respect of students being trained at L.L.R.M. Medical College, Meerut.

Read: The letter dated 23.12.2008 received from the Principal, L.L.R.M. Medical College, Meerut for continuation of recognition of MBBS degree granted by Chaudhary Charan Singh University, Meerut.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 23.12.2008 received from the Principal, L.L.R.M. Medical College, Meerut and decided to give 2 (two) months time to the authorities of L.L.R.M. Medical College, Meerut to rectify the deficiencies as pointed out in the Executive Committee meeting held on 25th August, 2008 and submit the compliance within the stipulated period. Copy of the letter be also marked to Secretary (Medical Education), DME of the concerned State Govt., Registrar of the University to which the college is affiliated and also to the member of MCI representing the State where the college is located.

39. Approval of Kesar Sal Medical College & Research Institute, Ahmedabad for the award of MBBS degree granted by Gujarat University, Ahmedabad.

Read: The Council Inspectors report (27th, & 28th & 29th January, 2009) for approval of Kesar Sal Medical College & Research Institute, Ahmedabad for the award of MBBS degree granted by Gujarat University, Ahmedabad.

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 (27th, & 28th & 29th January, 2009) and observed the following:

- 1 (a) The following Faculty Members have not been considered as teachers for reasons given as under.

| No | Name | Designation | Department | Remarks |
|-----|-----------------------------|-------------|--------------|--|
| 1. | Dr.K.V.Bhatt | Professor | Biochemistry | As he is the Dean. |
| 2. | Dr.A.K.Pandya | Professor | Biochemistry | M.Sc - Science Faculty |
| 3. | Dr.Bhavin Kapadia | Asst.Prof | Microbiology | No PAN card, Salary Statement and Form-16. |
| 4. | Dr.Sunil Nayak | Asst.Prof | Com Med | Date of Appointment does not tally with the appt order. |
| 5. | Dr.P.M.Patel | Asst.Prof | Gen Med | No Appointment Letter, No Dean's countersignature |
| 6. | Dr.Preeti Hemani | Assoc Prof | Paediatrics | Practicing during Duty Hours |
| 7. | Dr.Rajni Sanghvi | Assoc Prof | Gen Surgery | Part Time |
| 8. | Dr.Deepak Kumar | Asst.Prof | Do | No Appointment Letter, No Dean's countersignature. He does not know the location of the OTs and has not operated in this hospital. |
| 9. | Dr.Gandhi Kanubhai | Asst Prof | Do | No Appointment Letter, No Dean's countersignature. He does not know the location of the OTs. |
| 10. | Dr.Gopal V Patel | SR | Do | Part Time |
| 11. | Dr.Alap Shah | SR | Ortho | Admits that ' he is not working in this hospital' |
| 12. | Dr.Swetel Bhavsar | SR | Do | Admits that ' he is not working in this hospital' |
| 13. | Dr.Chetna Gandhi | SR | Gen Med | Form not signed by the Dean |
| 14. | Dr.Divyang B Bhat | SR | Ophthal. | No appt order and no Dean's signature |
| 15. | Dr.Himanshu Jayantilal Shah | Professor | Anaesthesia | No Teaching Exp in a recognized Teaching Institution. |
| 16. | Dr.H.V.Patel | JR | Gen Med | JR in Surgery, but shown as JR in Medicine |
| 17. | Dr.Ghanshyam Ghatani | Do | Do | No appt order and no Dean's signature |
| 18. | Dr.Patel Rutvinkumar | Do | Do | No appt order and no Dean's signature |
| 19. | Dr.Jigar Jayesh Kumar Shah | Do | Do | Signatures are forged and No Dean's signature |
| 20. | Dr.D.J.Prajapathi | Do | Do | Do |
| 21. | Dr.G.R.Dhokia | Do | Do | Do |
| 22. | Dr.D.R.Manganlal | Do | Do | Do |
| 23. | Dr.Ravi Jain | Do | Do | Do |
| 24. | Dr.K.M.Sambhu | Do | Do | Do |
| 25. | Dr.B.R.Patel | Do | Do | Do |

| | | | | |
|-----|----------------------------|----|-------------|----|
| 26. | Dr.Shaunank Swaminarayan | Do | Paediatrics | Do |
| 27. | <i>Dr.Visharad Trivedi</i> | Do | Do | Do |
| 28. | Dr.Brijesh Patel | Do | Do | Do |
| 29. | Dr.Ketan Patel | Do | Do | Do |
| 30. | Dr.Dharshan Shah | Do | TB Chest | do |
| 31. | Dr.Viral Patel | Do | DVL | do |
| 32. | Dr.C.Prajapathi | Do | Psychiatry | do |
| 33. | Dr.Avkash Patel | Do | Ortho | do |
| 34. | Dr.Vijay Panchal | Do | Do | do |
| 35. | Dr.Yogesh Rathi | Do | Do | do |
| 36. | Dr.Shaikh Maksud | Do | Do | do |
| 37. | Dr.P.M.Gosai | Do | Do | do |
| 38. | Dr.Nitin Chaudhary | Do | Ophthal | do |
| 39. | Dr.Abhishek Prajapathi | Do | ENT | do |
| 40. | Dr.Bhavna Chavda | Do | Dentistry | do |

- The declaration forms of the Junior Residents whose signature were forged are being submitted.

(b) In view of above, the shortage of teaching staff required at present stage is as under:-

- (I) The shortage of teaching faculty is 29.75% (36/121) as under:-
- Professor -03 (Forensic 1, PSM-1, Anaesthesia-1)
 - Associate Professor -12 (Anatomy 2, Physio-1, Biochem-1, Pathology-1, Forensic-1, GenMed-2, Paed-1, Anesthesia-2, Dental-1)
 - Assistant Professor -15 (Anatomy 1, Lect Bio-1, Pharm Chem-1, Pathology-1, Forensic Medicine-1, Community Med-2, Gen Med-1, Derma-1, Gen Sur-2, Anaes-1, Radio diag-2 and Dentistry-1)
 - Tutor - 06 (Pharma-1, Patho-2, Community Med-3)
- (II) The shortage of Residents is 71.76% (i.e. 61/85) as under :-
- Sr. Resident -17 (Gen Med-1, Paed-1, TB Chest-1, Psychiatry-1, Gen Sur-3, Ortho-2, OBGY-2, Anaes-3, Radiodiag-3)
 - Jr. Resident -44 (Gen Med-12, Paed-6, TB chest-3, Derma-3, Pshychiatry-3, Gen Sur-6, Ortho-5, ENT-1, Ophthal-2, OBGY-3)

(c) The following faculty were not identified by the students, when the faculty were shown to them. (The statement has been given by the students in the respective declaration forms of the concerned faculty).

| | | | |
|----|-------------------|------------------|-------------------|
| 1. | Dr. Vijay Shah * | Professor & Head | Forensic Medicine |
| 2. | Dr.S.T.Rohitbhai | SR | General Medicine |
| 3. | Dr.Rajni K Sangam | Assoc Prof | General Surgery |
| 4. | Dr.D.K.M.Rao | Asst.Professor | Do |
| 5. | Dr.G.Kannubhai R | Do | Do |
| 6. | Dr.Gopal V Patel | SR | Do |
| 7. | Dr.Rakesh Shah | Assoc Prof | Orthopaedics |
| 8. | Dr.Anand Gupta | Asst Professor | Do |

| | | | |
|-----|---------------------|----------------|----|
| 9. | Dr. Alap B Shah | SR | Do |
| 10. | Dr. Patel Bharath H | Asst Professor | Do |

- (d) Most of the Faculty in the Clinical Departments are Part Time coming on alternate days or either in the morning or in the afternoon adjusting the duty amongst the other faculty members.
- (e) No faculty member signs on the Attendance Register as the faculty come very irregularly.
- (f) Verification of the Attendance Registers of clinical faculty provided by the Medical Superintendent showed that signatures were forged against the names of the faculty members. Almost all the faculty members of the clinical departments have given in writing in the same Registers that their signatures have been forged. The Medical Superintendent refused to sign these Registers when asked to countersign the statement of the faculty. Even the signatures of the Medical Superintendent himself were forged as his own short signatures (signed in the declaration form) did not match with the short signature in the Attendance Register. This was further certified by the HOD, Surgery. The Dean has certified that she is not involved in any way in the administration of the Hospital.

* Dr. Vijay Shah, Prof. & Head of Forensic Medicine was not available in the department on the first day of inspection when the attendance was taken by the inspector in various pre & para clinical departments. He came to the institution at 2.00 p.m. for physical verification and was not counted. None of the students of 5th semester could identify him as one of their teacher. As stated by the students the only teaching faculty in Forensic Medicine who was teaching them was Dr. Kothari, who is 69 years old and is not eligible to be counted as teacher. He has been taking theory and practical classes single handed since last 1 year. The institution has appointed Dr. Vijay Shah, Professor on 1st January, 2009 and two Tutors on 12th January, 2009.

- (g) Most of the Sr. and Jr. Residents have joined only for two days for MCI inspection. Most of the Senior Residents were appointed between 13 - 15th January 2009. Some of the Junior Residents were brought by the HODs without the Dean's knowledge. The signatures of many Junior Residents did not tally with the signatures on the forms.
- (h) The ratio of non-medical staff in the department of Pharmacology is 43% which is not as per Regulations.

2. Clinical material is grossly inadequate in terms of OPD attendance and bed occupancy as under:-

| | Daily Average | Day of Inspection |
|---|---------------|-------------------|
| O.P.D. attendance | 580-640 | 480 |
| Casualty attendance | 52 | 14 |
| Admissions/Discharges | 45/30 | 101/03 |
| Bed occupancy% | 55% | 48% |
| Operative work | | |
| Number of major surgical operations | 07 | 07 |
| Number of minor surgical operations | 10 | 04 |
| Number of normal deliveries | 1 in 4 days | 0 |
| Number of caesarian Sections | 1 in 5 days | 0 |
| <u>Radiological Investigations</u> | | |
| X-ray | 110 | 97 |
| Ultrasonography | 100 | 113 |

| | | |
|----------------------------------|-----|-----|
| Special Investigations | 02 | Nil |
| C.T. Scan | - | - |
| <u>Laboratory Investigations</u> | | |
| Biochemistry | 180 | 150 |
| Microbiology | 40 | 25 |
| Serology | 50 | 30 |
| Parasitology | 20 | 12 |
| Haematology | 250 | 320 |
| Histopathology | 03 | 01 |
| Cytopathology | 02 | 01 |
| Others | 75 | -- |

- The clinical material is very low in terms of OPD attendance and bed occupancy (48%) on the day of inspection. The “Nurses Night Registers” were scrutinized and average bed occupancy was around 55%.
 - Most of the patients did not require admission viz. a phimosis patient was admitted in Paediatric ward. In the same ward, 5 Girls were shown as having UTI with enuresis. In the Obstetric wards, most of the patients were with 5 to 7 months amenorrhoea and were admitted with pain in the abdomen. The hospitalization was not required for these patients and they were staying in the hospital for unnecessary prolonged time. In the male surgery ward, there were only 14 operated patients. Majority of the patients were prolonged pre-operative patients. No clinical notes were found to be written on OPD Slip or in the Indoor Case Sheets. Most of the case sheets were incomplete. No proper clinical notes were entered. Basic investigations were not carried out. Treatment notes, daily follow up notes and discharge summary was not written in almost all cases. Post operative hysterectomy cases were retained in the hospital for 6-10 days after surgery.
 - There is no separate Anaesthesia register for the cases operated in the OTs of the Hospital. (Given in writing by Head of Anaesthesia Department).
 - There were very few samples collected in the Central Lab.(100 to 120 on 4 random days selected from October 2008 to January 2009 as well as 97 on the day of inspection).
 - The numbers of samples received in the laboratory are very low and are not commensurate with the number of patients said to be attending the hospital (both OPD and IPD).
 - Lab investigations viz. Microbiology, Parasitology, Serology, Histopathology investigations were low.
 - 101 patients were admitted on the day of inspection as against the daily average of 45 and only 03 patients were discharged as against the daily average of 30.
 - The number of normal deliveries and LSCS are grossly inadequate (1 in 4 days and 1 in 5 days respectively).
 - The clinical data fed in the computer was not tallying with the data available in the registers (both indoor and outdoor) and gross discrepancy was found in the same.
3. A single ward has beds belonging to different specialities without demarcation. There is no clear-cut demarcation of clinical units in most departments.
 4. The total number of beds are 488 which are inadequate against the requirement of 500. There is shortage of 12 beds as under:-

| Speciality | Required beds/Units | Present beds/units | Deficiency |
|---|---------------------|--------------------|------------|
| ENT | 20/1 | 16/1 | 4 beds |
| Obst. & Gynae. Obstetrics & ANC Gynaecology | 36/1 24/1 | 52/2 | 8 beds |

There were no wards in the department of TB & Chest, Skin & VD & Psychiatry. The beds in these departments were placed in cubicles of 2 beds each. The number of beds has been increased to 488 without a proportionate increase in the space provided in the respective wards.

5. OPD: The cubicles allotted for the OPD are small in size and are not adequate for examination of patients and teaching. 50% of the faculty were not available in the OPD till 10.30. a.m on the second day of Inspection (28.01.09).
6. In the department of Anatomy, there is no band saw.
7. Wards: There is overcrowding of the beds in all the wards.
8. The Doctors duty rooms, Nurses duty rooms, and side labs are either not available in the wards or are non functional.
 - In most wards, the nursing stations are small and are placed inappropriately.
 - The departmental offices of the Clinical Specialties are shown in the small partitioned spaces in the corridors of the hospital and are not as per the Council's norms. These partitioned spaces do not appear to be used.
 - The Clinical Departmental Libraries are located in the College Building in partitioned rooms, instead of being located in the respective departments. 15 to 20% of the books are old and obsolete. No faculty appears to be using this facility.
9. The labour room is located inside the Obstetric ward. The labour rooms are very small and are not as per MCI norms.
10. The ICCU, MICU, RICU and PICU are housed in a single hall with 13 beds, sharing various available equipments. The NICU is housed inside the Paediatrics ward with 4 baby warmers, where a paediatric surgery Post operative case was kept.
11. Radiological facilities: Color Doppler was not available. No ultrasound is given to Obstetrics & Gynaecology department. Only one mobile X-ray unit is available as against the requirement of 6.
12. Paramedical staff is grossly inadequate as under:-

| | |
|---|------|
| Laboratory Technicians | : 21 |
| Laboratory Assistants/ Laboratory Attendants | : 18 |

13. Nursing staff is grossly inadequate as under:-

| | | |
|-------------------------------|---|----|
| Nursing Superintendent | : | 2 |
| Deputy Nursing Superintendent | : | - |
| Matron | : | 1 |
| Asstt. Nursing Superintendent | : | 2 |
| Nursing Sisters | : | - |
| Staff nurses | : | 17 |

- Pay rolls of the staff (both paramedical and Nursing) when repeatedly requested for, were not produced for perusal.
 - The paramedical and the Nursing staff were grossly inadequate and the total number could not be ascertained as the Institution did not provide the correct list of the paramedical staff and any list of the Nursing staff.
 - On physical verification the above mentioned nursing staff was available in the hospital, who had prescribed qualification and requisite registration number. Remaining "so called" nursing staff shown in the hospital seemed to be faked.
14. The accommodation for teaching and non-teaching staff is grossly not adequate and not as per MCI norms.
15. In the Central Library, the foreign journals are available only up to 2005. There is no reading room for the Interns and Residents.
16. There are no ACs or Coolers provided in the college or the hospital.
17. Nursing, Technical and non clinical/technical staff are grossly inadequate for the present stage.
18. There are no theory classes being organized in the departments of General Medicine, General Surgery, Paediatrics and OBGY for the past three months for the students, inspite of allocation in the master time table.
19. Blood Bank : Only 6 units of blood have been collected in the month of January,2009. The number of blood units collected in the month of October, November and December, 2008 were 21, 16 and 20 respectively. The blood collected in the Blood Bank is not commensurate with the number of major surgeries said to have been done in the hospital.
20. The number of books in the departmental libraries of Radio-Diagnosis, Obst. & Gynae are not as per Council norms. 15-20% of the books in the departmental libraries are very old edition copies.
21. The accommodation available for the students is only 400 which is inadequate against the requirement of 500 at this stage.
22. Only 26 quarters are available within the campus for the teaching faculty which is inadequate against the requirement of 48 at this stage.
23. Other deficiencies/remarks pointed out in the inspection report.

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 investigations in such case. It was 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 college, the necessary action should also be taken against the management of the college.

It was further decided that appropriate action be taken against these Doctors and the Principal of the college in accordance with Professional Conduct (Etiquette and Ethics) Regulations, 2002 and the cases be referred to the Police Authorities for registration of FIRs and conducting investigations in such cases where the Declaration Forms which have been submitted are forged, as indicated in the report.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided not to approve Kesar Sal Medical College & Research Institute, Ahmedabad for the award of MBBS degree granted by Gujarat University.

40. U.P. Rural Institute of Medical Sciences & Research Saifai, Etawah - Renewal of permission for admission of 4th batch of students for the academic session 2009-2010.

Read: The Council Inspectors report (30th & 31st January, 2009) for renewal of permission for admission of 4th batch of students for the academic session 2009-10 at U.P. Rural Institute of Medical Sciences & Research Saifai, Etawah.

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 & 31st January, 2009) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of 100 (Hundred) MBBS students at U.P. Rural Institute of Medical Sciences & Research Saifai, Etawah for the academic session 2009-10.

41. Change of present Logo of Medical Council of India.

Read: The matter with regard to change of present Logo 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 perused the designs prepared by the Council and approved the Logo of Medical Council of India as attached.

42. Registration of candidates acquiring foreign medical qualifications - CWP No. 8056/2007- Yash Ahuja & Ors. Vs. UOI & Ors. And Writ Petition (C) No. 8352/2007-Avadesh Ahuja & Ors. Vs. MCI & Ors. And applicability of Screening Test Regulations, 2002 to Indian candidates who acquire foreign medical qualification u/s 12 similar to Section 13 of the Indian Medical Council Act,1956.

Read: The matter with regard to registration of candidates acquiring foreign medical qualifications - CWP No. 8056/2007- Yash Ahuja & Ors. Vs. UOI & Ors. And Writ Petition (C) No. 8352/2007-Avadesh Ahuja & Ors. Vs. MCI & Ors. And applicability of Screening Test Regulations, 2002 to Indian candidates who acquire foreign medical qualification u/s 12 similar to Section 13 of the Indian Medical Council 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 at its meeting held on 8.3.2008 while considering the matter of Writ Petitions filed by the candidates who have passed MBBS from Manipal College of Medical Sciences, Pokhra, Nepal and Universal College of Medical Sciences, Bhairahawa, Nepal, after due deliberations had decided as under:-

“The Members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered this issue of qualifying the screening test by the candidates acquiring foreign medical qualifications from institutes abroad covered u/s 12(2) of the Indian Medical Council Act,1956. With regard to the affidavits of MCI and the Ministry of Health, Govt. of India filed in CWP No.8056/2007 – Yash Ahuja & Ors. Vs. UOI & Ors. it was observed that this matter was also considered by the Executive Committee & Ad-hoc Committee at its meeting held on 03.03.2007 wherein it was decided as under : -

Item No. 32. Manipal College of Medical Sciences, Pokhara, Nepal

“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 (21st & 22nd February, 2007) and observed the following in the inspection report:-

“Dr. O.P. Talwar, the Principal (Acting), Manipal College of Medical Sciences, Pokhara did not allow the inspection and gave a letter dated 21st February,2007 which states that :-

“there has been no communication to this college either from MCI or Ministry of Health, Govt. of India, regarding the issues raised in our earlier letters of January & Feb.,2007. In the absence of this, the situation remains unchanged with regards to the previous visit of MCI.

Currently the Dean, Dr. S.K. Dham is in the USA. In the capacity of Acting Principal I am not in a position to take a stand contrary to the earlier decision of the permanent incumbent.

Further, we need to respect the position of the Nepal Medical Council and Kathmandu University regarding the protocols for such inspections. Though a copy of your letter has been addressed to them, we have not received any communication from the regulatory bodies, concerned with medical education in Nepal.

During the past 12 years, we have always been sensitive to the expectations of the Nepal Medical Council and Kathmandu University with regards to observance of standards, protocols and procedures stipulated by them. While working in a foreign country, these imperatives must be honoured by the college.

Under the above circumstances the inspection will not be feasible at this juncture.”

The Acting Principal, Manipal College of Medical Sciences, Pokhara, Nepal did not permit inspection of either the college or the Hospital on the first day. On the subsequent day, there was Gandaki Bandh in Pokhara. We requested the Acting Principal to provide an ambulance for visit to the college, which he refused. Subsequently, despite repeated requests on telephone, the Principal did not permit the inspection. There was no further interaction with the college authorities and inspection was not possible.”

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also perused the letter dated 19.02.2007 written by Dr. O.P. Talwar, Acting Dean, Manipal College of Medical Sciences, Pokhara, Nepal stating as under:-

“.....We are not entirely clear about the following and seek your indulgence for clarification on them:

- (i) *We are a foreign institution permanently affiliated to Kathmandu University and under the aegis of the Nepal Medical Council under a statutory reciprocity scheme recognized by the Union of India. As far as we understand this scheme, and assuming that there is a power to do so, it is for the Central Government of India to reciprocally re-work the statutory arrangement with the Nepal authorities in the event of the need and power to do so.*
- (ii) *On two occasions in January 2007 and February,2007, you have now suggested inspection suo moto rather than on the instruction of the Central Government of India. No less surprising, is the request of such inspection out of the blue which in January,2007 seemed to have been added as an addendum to an inspection of another college.*
- (iii) *While we are seeking legal advice on the terms of the extra-territorial operation of the Act as between the various authorities, we would like to know (a) what has necessitated these emergency requests and (b) whether they are routine; and if so on what periodicity or cause.*

(iv) *Since there are a large number of institutions and universities listed under the Second Schedule, we are constrained to ask whether the MCI follows a practice of visiting other institutions whether in the UK, Australia, Burma, Canada, Ceylon, Hong Kong, Italy, Japan, Malta, New Zealand, South Africa, Pakistan, Singapore, Ireland and Nepal. If this is so, is it done routinely under conditions of reciprocal complementarity. If not under what circumstances, is such a cause of action based. It would also be useful to know when and where these inspections have been made in the past.*

4. *We would also request that Prof. S.K. Dham, the Dean, is currently abroad on a study visit, keeping in mind the unusual nature of the request made by MCI, we request that a visit if any, by a team from MCI be deferred till his return.*

5. *We assure you that we comply with the standards in accordance with the regulations applicable to us but would like to know to whom and in what way we are directly accountable to councils in other jurisdictions. Since our degree is recognized elsewhere, it is important to know if we are open to inspection globally by you and by councils of other countries....."*

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also perused the letter dated 21.02.2007 written by Dr. O.P. Talwar, Acting Dean, Manipal College of Medical Sciences, Pokhara, Nepal stating as under:-

".....In the absence of this, the situation remains unchanged with regards to the previous visit of MCI.

Currently the Dean, Dr. S.K. Dham is in the USA. In the capacity of Acting Principal I am not in a position to take a stand contrary to the earlier decision of the permanent incumbent.

Further, we need to respect the position of the Nepal Medical Council and Kathmandu University regarding the protocols for such inspections. Though a copy of your letter has been addressed to them, we have not received any communication from the regulatory bodies, concerned with medical education in Nepal.

During the past 12 years, we have always been sensitive to the expectations of the Nepal Medical Council and Kathmandu University with regards to observance of standards, protocols and procedures stipulated by them. While working in a foreign country, these imperatives must be honoured by the college.

Under the above circumstances the inspection will not be feasible at this juncture."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council while perusing the inspection report of the inspection carried out by the Council Inspectors on 19th & 20th January, 2007 also observed as under:-

1. The College admits 75 students every 6 months i.e. 150 students per year in 2 batches. The details of admissions were not provided.
2. Auditorium: Not available. An open-air theatre with stage is available. No seating arrangements are provided.
3. Examination Hall : Not available in the college building.
4. Common room for boys and girls: Not Available.
5. Animal House: Not seen in the college building.
6. There is no lecture theatre in the hospital.
7. Central Library: Total area available is 600sq.mt. approx. which is inadequate The number of seats available for the reading rooms are as under:-

| | | Rooms | Capacity |
|----|---------------------|----------------|-----------|
| a. | Students | 2 Halls | 100 & 150 |
| b. | Interns & Residents | Nil | - |
| c. | Staff | 1 reading room | 15 |
| | Total | 3 | 265 |

The staff available in the library:

Librarian: Nil

Deputy/Assistant Librarian: 1

Others: 3

Total numbers of journals subscribed are 30 Indian and 50 Foreign which is not as per norms.

8. Central photography cum audio-visual units are not available.
9. There is no separate hostel for interns, residents & PGs. They are accommodated in the girls and boys hostel respectively. Accommodation is available for only 146 students which is grossly inadequate.
10. Nurses are residing on the top floor of the hospital building, which was not shown to the inspection team.
11. Sports and recreation facilities are not available.
12. The following deficiencies were observed during the visit to the college:-
 - [i] There were a total of 8 faculty members, 6 non-teaching staff & 6 ancillary staff present in the entire college. Boys hostel has 53 rooms, which accommodated 106 boys and girls hostel has 20 rooms with accommodation for 40 girls. One of the girls hostel is under renovation. There is no separate hostel for interns, residents & nurses. The nurses are accommodated on the top floor of the hospital building & the interns & residents are accommodated in the girls & boys hostel respectively.
 - [ii] There are no demonstration rooms in any department. However, arrangements for teaching 10 to 15 students are made in each department either in the museum or in the laboratories.
 - [iii] There are no seminar rooms.
 - [iv] The departmental libraries need to be upgraded.
 - [v] There are no research labs in any department.
13. Distribution of beds: Not provided. However, the observations made by the inspection team on visiting the hospital are as under:-
 - (A) OPD:-
 - [i] On the day of inspection, there were not more than 100 patients in the OPD.
 - [ii] There are no display boards showing units & unit-wise distribution of faculty. No teaching designations have been given to doctors. Only the names of the doctors with their degrees are displayed.
 - [B] Wards:-
 1. All hospital wards are in 5 bedded cubicles, each with 1 toilet and bath. Many cubicles had "private ward" written outside the room.
 2. There were no side laboratories, doctors and nurses duty rooms, teaching areas in any of the wards.
 3. There was no display of units & beds.
 4. No teaching designations have been given to the faculty.
 5. The bed occupancy was less than 20% on the day of inspection.
 6. The inspection team met a total of 5 doctors both in the hospital. Almost all doctors were retired service officers whose Army/Air Force experience could not be verified. Most of them were above the age of 65 years.
 7. No Senior & Junior Residents were available in the OPD and Wards. Only one intern was on duty. Very few nurses were seen to be present on duty.
 8. There are only 10 beds in casualty. One casualty Medical Officer & two staff nurses are on 12 hourly rotation duty. Average casualty patients range from 10 to 17 per day.
 9. On an average 3 to 4 major & 5 to 7 minor surgeries are done per day. 20 to 25 deliveries are conducted per month including one caesarian section every 3 to 4 days.
 10. There were 7 OTs, of which 2 were not in use.

11. There is a Central Sample Collection Centre. On an average, 70 sample are received per day from OPD, emergency and in patients combined.
12. The radiology department had 2 static (300 mA & 500 mA) 3 mobile units, 2 colour Doppler's & 1 CT Scan. One ultrasound machine is in Obst. & Gynae.
13. ICU with 8 beds, NICU with 16 beds and PICU with 3 beds is available. There is no ICCU, separate medical and surgical ICU, Obstetrics ICU or Burns ICU.
14. There was a central paid pharmacy with paid sub-stores on each floor.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also perused Section 12 (2) & (3) of the I.M.C. Act,1956 pertaining to Recognition of medical qualifications granted by medical institutions in countries with which there is a scheme of reciprocity, which reads as under:-

.....12(2)*"The Council may enter into negotiations with the authority in any country outside India which by the law of such country is entrusted with the maintenance of a register of medical practitioners, for the settling of a scheme of reciprocity for the recognition of medical qualifications, and in pursuance of any such scheme, the Central Govt. may, by notification in the Official Gazette, amend the Second Schedule so as to include therein the medical qualification which the Council has decided should be recognized, and any such notification may also direct that an entry shall be made in the last column of the Second Schedule against such medical qualification declaring that it shall be a recognized medical qualification only when granted after a specified date.*

12(3) *The Central Government, after consultation with the Council, may, by notification in the Official Gazette, amend the Second Schedule by direction that an entry be made therein in respect of any medical qualification declaring that it shall be a recognized medical qualification only when granted before a specified date....."*

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also perused the opinion of the Ld. ASG Shri R. Mohan. Para 8 of the opinion reads as under:-

"8.....Sub-section 3 of Section 12, even though does not specifically state about the withdrawal of recognition of medical degrees of foreign countries, it confers power on the Central Government after consultation with the Council, amend the Second Schedule and this amounts to withdrawal. If such a direction to amend the Second Schedule is given, it tantamounts to remove that particular medical qualification from the recognized degrees mentioned in the Second Schedule. Of course, such an amendment can be given only prospectively. The relevant phrases in the last sentence of the sub-section (2) and (3) respectively is worth to mention (i) "after a specified date" (ii) "before a specified date". Under sub-section (2) recognition would take effect after a specified date. For example, if a degree of a foreign country is recognized it would take effect only from the specified date mentioned in the notification. On the other hand, sub-section (3) which contemplates withdrawal of recognition or amendment of recognition would not have retrospective effect. Any degree that has been withdrawn from the Second Schedule would cease to be recognized only from that date. This would give the benefit to the holders of that degree prior to that date.

Section 19 contemplates withdrawal of recognition within the country. It specifies the ground on which such recognition can be withdrawn. Further, it also contains specific provision for the State Government to play its role in regard to the institutions situated in the State and they have to offer their remarks. So, the procedure contemplated in Section 19 would not apply to the provisions contain in Section 12(3).

To sum up in the background of what I had discussed in the preceding paragraphs, I am of the opinion that unless the requirements contained in paragraph six, the application forwarded by a foreign medical institution seeking recognition cannot be entertained. Section 12(3) is also very clear that it relates to withdrawal of recognition or de-recognition as detailed in paragraph eight."

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 recommend to the Council the withdrawal of recognition granted to Manipal College of Medical Sciences, Pokhara, Nepal for the award of MBBS degree granted by Kathmandu University u/s 12(3) of the I.M.C. Act,1956 and further decided not to grant provisional/final registration u/s 12(2) of the I.M.C. Act,1956 to any student passing from this institute and who has not passed the screening test."

Item No. 33. : Universal College of Medical Sciences Bhairahawa, Nepal

“The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered letter dated 19.2.2007 received from the Chairman, Universal College of Medical Sciences Bhairahawa, Nepal stating as under:-

“I received today morning a message from the Dean, UCMS, Nepal that he received telephonic call and fax message from the Council office informing him that an inspection team of the Council is visiting our college in Nepal for an inspection. Previously also an inspection of our college was sought to be conducted on the directions of the Ministry of Health & F.W., Govt. of India. When the Council Inspectors visited our college in the month of January they saw for themselves the disturbed conditions in that part of Nepal due to the prevailing state of unrest. There was a strike going on. We may inform you that even as on date the situation is far from normal. A strike in the region has again been called from 21st to 27th February,2007 (copy of paper cuttings are attached). Therefore, an inspection at this stage is not feasible and will only help in conveying a distorted version.

1. *Notwithstanding what has been submitted above, we are also at a loss to understand as to why the Ministry of Health & FW, Govt. of India, has directed the Council to conduct an inspection of our college at this stage when the Govt. of India by a notification in the Gazette of India had granted our college recognition under the scheme of reciprocity under section 12 of IMC Act,1956 only very recently, i.e. on 23.10.06. To the best of our belief, the Govt. of India would have taken into consideration all the relevant factors, including consultation with the Nepal Medical Council, Govt. of Nepal, the Ministry of External Affairs, Govt. of India and the various legal aspects involved therein, before arriving at the decision to grant our College the recognition Under Section 12 of the Act. Therefore, getting one more inspection conducted by the Council so soon after the Govt. of India has granted the necessary recognition does not appear to be legally tanable.*
2. *In our view the matters relating to recognition of medical courses under the reciprocity scheme with another sovereign country or conducting of an inspection in a College already recognized under section 12 cannot be dealt with in the same manner as in respect of a College within India. When the initial recognition itself was granted after consultation with the Govt. of Nepal and the Indian Ministry of External Affairs, it does not appear to be proper to force another inspection so soon. It is also doubtful as to whether an inspection can be got conducted without consulting the Ministry of External Affairs, G.O.I., the Govt. of Nepal and the Nepal Medical Council, as ours is a recognized College under the reciprocity scheme. Another issue that needs to be addressed is as to whether the Council could judge our college vis-à-vis the yardstick being adopted by it in respect of the Indian Colleges. This is because we are required to conform to the standards prescribed by the Nepal Medical Council.*
3. *In these circumstances, we appeal to your goodself to call off the proposed inspection of our College for the reasons that the area around the College continues to be disturbed with a strike already announced from 21-27, February,2007. Further, in our view, such an inspection can be considered again only after the legal issues pointed out above are sorted out. We are also simultaneously taking up the matter with the Ministry of Health & Family Welfare, Govt. of India, for appropriate clarification in this regard.”*

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 inspection of Universal College of Medical Sciences, Bhairahawa, Nepal was being carried out at the behest of the Central Govt. which had requested the Council to carry out the inspection of the colleges in Nepal vide its letter dated 16.01.2007.

Further the medical college authorities did not co-operate for carrying out the inspection on both the occasions – i.e. 19th & 20th January,2007 and on 20th & 21st Feb.,2007 under the pretext of law and order problem and therefore, the inspection of the institute by the Council Inspectors could not be carried out.

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 and decided to reiterate its earlier decision recommending to the Central Govt. to withdraw the recognition of MBBS degree granted by Tribhuvan University in respect of students being trained at Universal College of Medical Sciences, Bhairahawa, Nepal taken at its meeting held on 02.12.2006 and further decided not to grant provisional/final registration u/s 12(2) of the I.M.C. Act,1956 to any student passing from this institute and who has not passed the screening test.”

It was observed that when in the year 1997, the Council had taken a decision that it would not be in a position to grant registration to candidates coming back from various medical institutions in the erstwhile states of USSR falling in different categories of deficiencies etc., and the candidates concerned, however, had been demanding grant of registration under the Act by claiming – (i) they are citizens of India; (ii) holding recognized medical qualifications – and, therefore, they cannot be declined registration by the Council as they fulfill both the statutory conditions in this behalf.

On the contrary, it was the position of the Council that as a part of statutory obligation, the Council would be obliged to go behind the degrees to see whether the teaching and training in the foreign medical institutions was appropriate enough to permit the candidates to involve themselves in the treatment of the patients in India.

The Hon'ble Delhi High Court in its judgement in the case of Dr. Ardhendu Shekhar Pandey – AIR 1998 Del. 325, held that within the purview of the then unamended Indian Medical Council Act, 1956, i.e. when there was no statutory provision for conduct of screening test and issuance of eligibility certificates – the Council is obliged and empowered to evaluate the teaching and training of the candidates by going behind their degrees and accepted the submission on behalf of the MCI that the grant of registration is not automatic on the fulfillment of the conditions that the candidates are Indian citizens and holding recognized medical qualifications. The relevant portion of the above-mentioned judgement in para-23 and 29 thereof are reproduced as under : -

“.....21. Mr. Mukul Rohtagi, the learned Senior counsel for the petitioner submitted that the medical qualification granted by medical institution outside India which are included in part (ii) of Schedule III shall also be recognised medical qualifications for this Act. He submitted that the petitioner had successfully obtained the ultimate degree from a recognised institution. Respondent No. 1 now cannot be permitted to go behind the degree. This would be contrary to the spirit of Section 13 of the Act. According to Mr. Rohtagi, the Schedule also does not anywhere insist that medical education year by year should be evaluated. What is incorporated in the schedule is that the ultimate degree of the M.D. should be from a recognised institution.....”

29. On careful scrutiny, this submission of the learned counsel for the petitioner that the respondent No. 2 cannot go behind the degree cannot be accepted. The medical council while enrolling the new doctors must be permitted to look into their entire educational qualification and if necessary even year-wise education. The true spirit and intention behind this legislation is that the student who is enrolled by the Indian Medical Council should have a good quality of teaching and instructions and for that purpose, respondent No. 1 would be justified even going behind the degree in order to scrutinize and evaluate from which institutions the students had obtained the medical education year after year.....”

In the year 1998, the Hon'ble Supreme Court in its judgement in the case of MCI Vs. State of Karnataka – (1998) 6 SCC 131 – has laid down as under : -

“.....A medical student requires gruelling study and that can be done only if proper facilities are available in a medical college and the hospital attached to it has to be well equipped and the teaching faculty and doctors have to be competent enough that when a medical student comes out, he is perfect in the science of treatment of human beings and is not found wanting in any way. The country does not want half-baked medical professionals coming out of medical colleges when they did not have full facilities of teaching and were not exposed to the patients and their ailments during the course of their study.....”

The Ministry of Health, Govt. of India has filed an affidavit dated January 2008 in Writ Petition (C) No. 8352/2007 – Avadesh Ahuja & Ors. Vs. MCI & Ors. wherein the Ministry of Health, Govt. of India has stated that for a candidate possessing the recognized medical qualifications which are included in Schedule-II relatable to Section 12 of the Act, they are not required to qualify in the screening test for seeking the provisional/ permanent registration from the MCI, inasmuch according to the Ministry of Health, Govt. of India the screening test provision is not applicable to the candidates having medical qualifications in relation to Section 12 of the Act.

It was also noted that the case which has been placed by the MCI before the Hon'ble Delhi High Court in the above mentioned Writ Petition © No. 8352/2007 – Avadesh Ahuja & Ors. Vs. MCI & Ors. inter-alia, is as under : -

- (i) Manipal College of Medical Sciences was inspected by the MCI in the year 2000 for the purpose of grant of recognition u/s 12 of the Act for which the application of this institution u/s 12 of the Act had been forwarded by the Ministry of Health, Govt. of India to the MCI. This college stood recognized by a notification dated 26.09.2001 issued by the Ministry of Health, Govt. of India U/S 12(2) of the Act.
- (ii) On 11th / 16th January, 2007 the MCI had sought to carry out the inspection of this college on 19-20 January, 2007. This inspection report had revealed gross deficiencies including in relation to infrastructural, teaching and other facilities, the clinical material and the teaching staff etc.
- (iii) One of the significant fact which came to light was that in the year 2006 this college had been inspected for 100 admissions annually and was recognized for that sanctioned capacity in the year 2001. In this inspection in January 2007 it was found that the college has been making 150 admissions annually as against the capacity of 100 students per annum for which it had been recognized by the MCI. The college authorities declined to furnish the details of the students admitted by them over the period of time. It, therefore, is not possible to find out from the records available with the MCI as to from which year this college had started making admissions in this medical course over and above the annual capacity of 100 admissions in this college. The inspection report of January 2007 had been considered by the Executive Committee of the Council in its meeting held on 05.02.2007. The decision of the Executive Committee of the Council where the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court was also present, was communicated to the Ministry of Health, Govt. of India vide MCI's letter dated 23.02.2007 wherein it had been resolved that on account of the deficiencies found in this college, until the matter is finally decided upon the recommendations for withdrawal of recognition, the MCI would not grant provisional / final registration.
- (iv) Thereafter, various attempts had been made for re-inspection of this college but the same was not permitted. This position was again considered by the Executive Committee of the Council in its meeting held on 03.03.2007 where the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court were also present and the resolution of the Executive Committee taken on 03.03.2007 was communicated to the Ministry of Health, Govt. of India vide MCI's letter dated 21.03.2007. It was resolved by the Executive Committee that the Council has already recommended to the Ministry of Health, Govt. of India to withdraw recognition granted to this college and has further decided to not to grant provisional / final registration to any student passing from this college and who has not passed the screening test. The above-mentioned resolution of the Executive Committee of the Council was also approved by the General Body of the Council in its meeting held on 10.03.2007.
- (v) The office of the Council has reported that after this decision taken by the Executive Committee of the Council on 03.03.2007, no candidate of this college has been granted either provisional or permanent registration pending further decision to be taken in this behalf where the recommendations of the MCI for withdrawal of the recognition of this college, is pending with the Ministry of Health, Govt. of India.
- (vi) These candidates of Manipal College of Medical Sciences had filed the above-mentioned writ petition before the Hon'ble Delhi High Court in the 1st week of November 2007. The above-mentioned position has been placed by the MCI before the Hon'ble Delhi High Court. The Hon'ble Delhi High Court had then required the MCI to respond to the affidavit filed by the Ministry of Health, Govt. of India supporting the demand of the candidates for grant of provisional / permanent registration without passing the screening test.
- (vii) The MCI had thereafter filed another affidavit dated 23.02.2008, inter-alia, submitting the further efforts which had been made by the MCI for the conduct of the inspection of this college which was not permitted and also the reiteration of the recommendation of the MCI to the Ministry of Health, Govt. of India for taking a final decision regarding the withdrawal of recognition of this college. It was also submitted by the MCI that it would not be appropriate for the Ministry of health, Govt. of India to state in its affidavit that these candidates should not be asked to appear in the screening test and that the issue of decision by the Ministry of Health, Govt. of India for de-recognition of the college is not relevant in the present context.
- (viii) The members of the Executive Committee also considered this aspect that the Council was also having the perception as if the provisions of the Screening Test Regulations are applicable to the candidates who secure medical qualifications from institutions abroad which are included in Part-II of the III Schedule relatable to Section 13 of the Act. Even when the office of the Council had such a perception, having regard to its obligations under the Act, it was still

permissible and in fact in view of the gross deficiencies in relation to minimum infrastructural, teaching and other facilities at Manipal College of Medical Sciences, Pokhra & Universal College of Medical Sciences, Bhairahawa, Nepal - obligatory on the part of the Council to take the decision which it had taken on 03.03.2007 that pending the decision by the Ministry of Health, Govt. of India for withdrawal of recognition of these institution u/s 12 of the Act, as recommended by the MCI to not to grant registration and the Council is entirely justified, correct and empowered in insisting that these candidates from this institution should qualify the screening test before being granted registration to practice medicine as medical practitioner under the Act.

- (ix) On a further examination of the relevant facts, the provisions of the Act including the amendments carried out in the year 2001, the provisions of the regulations dated 18.02.2002, i.e., Screening Test Regulations and Eligibility Certificate Regulations relating to Section 13(4A) and 13(4B) of the Act, it is observed that a careful and correct reading of the provisions of the Act and the regulations do stipulate that all the Indian citizens who secure primary medical qualification (MBBS) from any foreign medical institution which is either included in the Schedule-II or included in Part-II of the IIIrd Schedule shall be required to qualify the screening test under the provisions of the Screening Test Regulations.
- (x) The only exception which has been made is with regard to the temporary permissions which are granted by the MCI for the purposes of research, medical services for charitable and philanthropic purposes under the provisions of Section-14 of the Act.
- (xi) It was further observed that Section 13(4A&B) of the Indian Medical Council Act, 1956 as introduced by the 2001 Amendment of the Indian Medical Council Act, 1956 reads as under : -

“Section 13 (4A) A person who is a citizen of India and obtains medical qualification granted by any medical institution in any country outside India recognised for enrolment as medical practitioner in that country after such date as may be specified by the Central Government under sub-section (3), shall not be entitled to be enrolled on any Medical Register maintained by a State Medical Council or to have his name entered in the Indian Medical Register unless he qualified the screening test in India prescribed for such purpose and such foreign medical qualification after such person qualifies that said screening test shall be deemed to be the recognised medical qualification for the purposes of this Act for that person.

(4B) A person who is a citizen of India shall not, after such date as may be specified by the Central Government under sub-section (3), be eligible to get admission to obtain medical qualification granted by any medical institution in any foreign country without obtaining an eligibility certificate issued to him by the Council and in case any such person obtains such qualification without obtaining such eligibility certificate, he shall not be eligible to appear in the screening test referred to in sub-section (4A):

Provided that an Indian citizen who has acquired the medical qualification from foreign medical institution or has obtained admission in foreign medical institution before the commencement of the Indian Medical Council (Amendment) Act, 2001 shall not be required to obtain eligibility certificate under this sub-section but, if he is qualified for admission to any medical course for recognised medical qualification in any medical institution in India, he shall be required to qualify only the screening test prescribed for enrolment on any State Medical Register or for entering his name in the Indian Medical Register.”

- (xii) The provisions of Section 13(4A) stipulating passing of the screening test is not restricted to the foreign medical qualifications included in the Part-II of the III Schedule and when read in the light of the objects and reasons for the Amendment Act of 2001 and the scheme of the Act, it emerges that except for the temporary permissions u/s 14, for all other foreign medical qualifications obtained by citizens of India either u/s 12 or u/s 13 of the Act, the candidates would be obliged to qualify in the screening test.
- (xiii) The earlier cases where the issue of non-grant of registration had come up for debate, had pertained to the medical qualifications included in 3rd Schedule of the Act mentioned in Section 13(3) of the Act. Now, for the registration of candidates involved in these two writ petitions, the medical qualifications are included in the 2nd Schedule mentioned in Section 12 of the Act. It was with reference to the candidates in these two writ petitions who have obtained their medical qualifications from medical institutions in Nepal, that the Council was required to

have a closer look at the provisions of the Act, from this perspective and in the background of Section 12 of the Act.

- (xiv) The Committee observed that there seems to be a bonafide, however, an erroneous understanding of the requirements of the provisions of the IMC (Amendment) Act, 2001 and the Screening Test Regulations. The requirement of law gets clear on the proper reading and understanding of the above-mentioned statutory position under the Act. It would neither depend on the affidavit(s) of any authority, Govt. of India etc. nor would it be dependent upon the erroneous impression or understanding of any authority including the Council. In any case, the ultimate analysis and interpretation shall be within the exclusive jurisdiction of the Hon'ble Courts requiring the concerned authorities to abide by it.
- (xv) Previous incident of the Govt. of India filing the affidavit was also considered. It was observed that the Screening Test Regulations framed by the MCI u/s 13(4A) of the Act, were prescribed the date of 15.03.2002 by the Ministry of Health, Govt. of India, for bringing into effect the Screening Test Regulations. The validity of the Screening Test Regulations were challenged before the Hon'ble Delhi High Court. By a judgement dated 11.07.2002 delivered by a ld. Division Bench of the Hon'ble Delhi High Court in the case of Dr. Anuradha Saini & Ors. Vs. UOI, the challenge to the Screening Test Regulations had been rejected.
- (xvi) Thereafter, certain other candidates belonging to different batches, had filed writ petitions under Article 32 of the Constitution of India, in the year 2002 itself, before the Hon'ble Supreme Court. One of the pleas which had been raised by these candidates was that as per the Amendment Act of 2001, the date for bringing into effect the Screening Test Regulations, had to be notified by the Ministry of Health, Govt. of India, however, since the notification was issued by the MCI - the Screening Test Regulations have not come into force and they should be granted registration without qualifying in the screening test.
- (xvii) The Ministry of Health, Govt. of India had filed an affidavit in January 2003, disputing the plea of the students and stating that they are obliged to qualify in the screening test. However, when the writ petitions of the candidates were still pending before the Hon'ble Supreme Court for final adjudication, suddenly, the Ministry of Health, Govt. of India on 20.02.2004 filed another affidavit - now stating that the date of 15.03.2002 was not notified by the Ministry of Health, Govt. of India and therefore, now the Ministry of Health, Govt. of India shall issue a notification specifying the date as 15.03.2004 for the enforcement of the Screening Test Regulations and all those candidates who had applied before the date of 15.03.2004 should be considered for grant of registration, as per the provisions of law in position prior to the IMC (Amendment) Act, 2001 i.e. without passing the screening test.
- (xviii) The writ petitions before the Hon'ble Supreme Court were listed for final hearing on 24.02.2004. With reference to the above-mentioned affidavit of Ministry of Health, Govt. of India dated 20.02.2004, the Hon'ble Supreme Court deferred the final hearing and the MCI was granted an opportunity to place its views on the contents of the affidavit of the Ministry of Health, Govt. of India dated 20.02.2004.
- (xix) Accordingly, by an affidavit dated 31.03.2004, the resolution of the General Body of the Council was placed before the Hon'ble Supreme Court, inter-alia, to the effect that the date of 15.03.2002 for enforcement of the Screening Test Regulations had been decided by the Ministry of Health, Govt. of India and there was sufficient compliance with the requirements of the Amendment Act 2001. It was, therefore, submitted by the General Body of the Council that there was no legal deficiency in enforcement of the Screening Test Regulations dated 15.03.2002 and there would not be any permissibility or justification in seeking to shift the date of enforcement of the Screening Test Regulations from 15.03.2002 to 15.03.2004.
- (xx) It is observed by the Committee that in its final judgement in the case of Sanjeev Gupta & Ors. Vs. UOI & Ors., the Hon'ble Apex Court held that the Screening Test Regulations had come into force from 15.03.2002 and there was sufficient compliance with the provisions of the IMC (Amendment) Act, 2001 and the affidavit dated 20.02.2004 filed by the Ministry of Health, Govt. of India suggesting for shifting of the date of the enforcement of the Screen Test Regulations from 15.03.2002 to 15.03.2004 had not been acceded to by the Hon'ble Supreme Court.
- (xxi) The Committee is of the belief that a bonafide erroneous impression of the correct meaning and interpretation of the above-mentioned provisions of the Act and the regulations made thereunder understood and adopted by the Council - can always be put to an alteration / modification on having, once again, in a bonafide manner, to adopt a different point of view at

a later occasion - on account of better understanding on the same subject and when this understanding appears to be more appropriate for appreciating the meaning and applicability of a law for achieving the purposes sought to be achieved.

- (xxii) Thus, on a close look of the language employed in the provisions introduced by the Amendment Act of 2001, it becomes clear that the stipulation with regard to qualifying the screening test have been made applicable to all Indian citizens who secure foreign medical qualification which are included either in Schedule-II or in Schedule-III of the Act.'
- (xxiii) The candidates who have been granted provisional / permanent registration after having had passed out from Manipal College of Medical Sciences are those candidates who have been given the registration only before the decision taken by the Executive Committee on 03.03.2007, i.e. the registration under the Act will be granted to candidates from this college upon qualifying in the screening test. No candidate who has passed-out from this college has been granted registration by the Council after 03.03.2007.

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 careful reading of Section 13(4A) - i.e. that "A person who is a citizen of India and obtains medical qualification granted by any medical institution in any country outside India recognised for enrolment as medical practitioner in that country after such date as may be specified by the Central Government under sub-section (3), shall not be entitled to be enrolled on any Medical Register maintained by a State Medical Council or to have his name entered in the Indian Medical Register unless he qualified the screening test in India prescribed for such purpose and such foreign medical qualification after such person qualifies that said screening test shall be deemed to be the recognised medical qualification for the purposes of this Act for that person" makes it clear that it is applicable to all the candidates who are Indian citizens and who have secured a medical qualification from a foreign medical institution and thus it is applicable to all the candidates acquiring a foreign medical qualification either u/s 12 (Schedule-II) or Section 13 (Schedule-III) of the Indian Medical Council Act,1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council have further come to the conclusion that while reiterating its recommendations to the Ministry of Health, Govt. of India for withdrawal of recognition of Manipal College of Medical Sciences at Nepal, the office of the Council (Registration & Equivalence Committee) which processes and grants registration - provisional / permanent - to grant provisional/permanent registration to all those candidates who have obtained MBBS qualification from this institution and on completion of the mandatory internship and fulfillment of other conditions, have also passed / qualified in the screening test.

The Committee further directs the office of the Council to place it on record before the Hon'ble Delhi High Court the submissions on behalf of the Council that each of the Indian citizen who secures a medical qualification from a foreign medical institutions which are falling within the purview of Section 12 (Schedule-II), Section-13 (Schedule-III) shall be obliged to qualify the screening test. Upon their qualifying in the screening test, their application for grant of provisional / permanent registration shall be processed by the Council and they shall be granted provisional / permanent registration in accordance with the Act and the regulations made thereunder."

The above decision of the Executive Committee was communicated to the Ministry of Health & F.W. vide Council letter dated 5th May, 2008 and was also placed before the Division Bench of the Hon'ble High Court of Delhi by way of an affidavit filed on behalf of the Council.

The Hon'ble Division Bench of the Hon'ble High Court of Delhi vide its judgment dated 26.9.2008 dismissed the writ petition No. 8056/2007 - Yash Ahuja & Ors. Vs. UOI & Ors. and groups of petitions. The operative part of the judgment is as under:-

"...25. We especially draw strength from the observations made in fSanjeev Gupta and Ors. case (supra) referred to aforesaid that a larger public interest must be kept in mind as a person who does not have proper medical education cannot be permitted to involve himself in

public healthcare and play with the lives of human beings. The MCI is the expert body and is the best judge to do so and to prevent any injustice to the students the screening test provided for institutes under Section 13 of the said Act has been extended to the students who have passed out from MCOMS being the institute registered under Section 12 of the said Act.

26. *We are, thus, of the view that there is no reason why this Court should exercise extraordinary jurisdiction under Article 226 of the Constitution of India to interfere with the decision of the MCI to provide for such a screening test for the petitioners.*

27. *The writ petitions are dismissed leaving the parties to bear their own costs."*

Thereafter, the Hon'ble Delhi High Court in its order dated 30.1.2009 in the matter of Dr. Nangse Lama & Ors Vs. MCI & Anr. in W.P. (C) No. 545/2009 and other connected writ petitions, has directed as under:-

"...Having considered the submissions, MCI is hereby directed to allow the petitioners to appear in the examinations for the postgraduate programmes for which they seek permission, by this application. This is, of course, subject to the final outcome of the case. The concerned institution/authorities such as the All India Institute of Medical Sciences (AIIMS), All India Postgraduate Examination, DNB, NIMHANS, Manipal University, Comed-K, CIP and the PGI which are mentioned in the application and such other institutions who conduct entrance examinations for postgraduate admissions shall process the petitioner's application and permit them to appear in such petition....."

It was further observed upon careful reading of Section 13(4A) that it is applicable to all the candidates who are Indian citizens and who have secured a medical qualification from a foreign medical institution and thus it is applicable to all the candidates acquiring a foreign medical qualification either u/s 12 or Section 13 of the Indian Medical Council Act, 1956.

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 each of the Indian citizens who secure a medical qualification from a foreign medical institutions falling within the purview of Section 12 or Section-13 of the Indian Medical Council Act, 1956 shall be obliged to qualify the screening test. Upon their qualifying in the screening test, their application for grant of provisional/permanent registration shall be processed by the Council which will be granted in accordance with the Act and the regulations made thereunder.

43. Amendments in Council Regulations

Read: The amendments in Council Regulations.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the original proposal sent by the Council in the year 2004, modifications suggested by the Government and the minutes of the meeting held on 29th January, 2009 and after due deliberations decided that the following amendments in Minimum Standard Requirements for 100 MBBS Admissions Annually Regulations, 1999 be inserted:-

1. A.1.1: Land Requirements for the Campus

It was observed that in the General Body of the Council at its meeting held on 13.11.2008, it has been decided as under:-

“The medical college or medical institution shall be housed in a unitary campus of not less than 25 acres of land. However, this may be relaxed in a place especially in Urban areas where the population is more than 25 lakhs, hilly areas, and notified tribal areas where the land shall not be in more than two pieces and the distance between the two pieces shall not be more than 10 kms. The hospital, college building including library and hostels for the students, interns, PGs/Residents and nurses shall be in one piece of land which shall not be less than 10 acres. Other facilities may be housed in the other piece of land. Proper landscaping should be done.”

It was also observed that at the meeting held on 29th January, 2009 with the Secretary (Health), the following was suggested by the Central Government officials:-

Land Requirement for Campus

(a) Throughout the country

(1) Land requirement – 25 acres

(2) Not more than two pieces of land separated by a distance of 15 kms.

(3) Land separate by a road or canal connected with a bridge shall be treated as one piece of land for opening of medical colleges.

(b) Further Relaxation for NRHM States, North Eastern States, Hill States, Hilly Districts in other States and in respect of urban areas/cities having population less than 20 lakhs (as per 2001 Census).

(1) Land requirement – 20 acres

(2) Not more than two pieces of land separates by a distance of 15 kms.

(3) Land separated by a road or canal connected with a bridge shall be treated as one piece of land for opening of medical colleges.

In view of above, it was decided to place the matter before the General Body of the Council.

2. In clause B.1.1, the following be inserted:

- (i) In NRHM States, NE States, Hilly States and Hill Districts in other States, Public Private Partnership be allowed by utilizing all Govt. hospitals, whether Central Government or State Governments, PSUs, State Civil hospitals, district hospitals, hospitals run by local bodies, State Societies, State own cooperative etc. as teaching hospitals attached to the medical college.
- (ii) A suitable model based on the Karnataka model of PPP whereby clinical, administrative, financial and academic control of the teaching beds in the hospital shall be vested with the Dean of the concerned medical college and that teaching doctors shall be the treating doctors. This should be strictly adhered to and clearly spelt out in the MoU between the applicant institution and the concerned Govt.
- (iii) Even when PPP is allowed the medical college must set-up its own hospital with all the facilities required as per the Minimum Standard Requirements within a specified period i.e. 5 years so that such an arrangement even if it is allowed to continue beyond this period, it would be over and above the Minimum Standard Requirements required to be fulfilled by the concerned medical college.

- (iv) Such an arrangement should only be allowed for teaching of undergraduate students. This facility should not be extended for postgraduates seats.
- (v) The medical college should be entrusted with overall development of the hospital, particularly in ancillary services like Pathology, Radio-diagnosis, Anaesthesia, CSSD, kitchen, laundry etc.
- (vi) The period of MoU should not be less than 30 years.

44. Purchase of commemorative stamp, First Day cover, postal gift pack of the commemorative stamp being issued and a wall-clock with the inscription of the Council on the dial to each official of the Council on the occasion of the Platinum Jubilee of the Council

Read: The matter with regard to purchase of commemorative stamp, First Day cover, postal gift pack of the commemorative stamp being issued and a wall-clock with the inscription of the Council on the dial to each official of the Council on the occasion of the Platinum Jubilee of the Council.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council observed that Her Excellency the Hon'ble President of India has kindly consented to inaugurate the new premises of the Council building and the concluding function of the year long Platinum Jubilee Celebrations of the Council on 1st March, 2009 at 1130 hrs. at Council premises at Dwarka, New Delhi.

The Committee further observed that on this occasion, the department of Post & Telecommunication is issuing a commemorative stamp and First Day cover to mark the Platinum Jubilee of the Council on 1st March, 2009 which would also be released by Her Excellency the Hon'ble President of India on 1st March, 2009 at 1130 hrs.

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 procure 25,000 postal stamps of Rs.5/-each being issued on 1st March, 2009 as commemorative postal stamps to mark the Platinum Jubilee of the Medical Council of India. 300 numbers of deluxe album being released on this occasion @ Rs.300/-each. 2000 numbers presentation packs including First day cover @ Rs.100/-each being released by the department of Post & Telecommunication to mark the Platinum Jubilee celebrations of the Council. It was further decided to give a presentation wall-clock with the inscription of the Council on the dial to each official of the Council, as a mark of the Platinum Jubilee celebrations.

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

New Delhi, dated
the 10th February, 2009

A P P R O V E D

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