

**MEDICAL COUNCIL OF INDIA**  
**NEW DELHI**  
**EXECUTIVE COMMITTEE**

Minutes of the meeting of the Executive Committee held on 18<sup>th</sup> February, 2014 at 11.00 a.m. in the Council office at Sector 8, Pocket 14, Dwarka, New Delhi.

**Present:**

Dr. Jayshreeben Mehta	President, Medical Council of India, Former Professor of Surgery, Govt. Medical College, Vadodara, Gujarat.
Dr. C.V.Bhirmanandham	Vice-President, Medical Council of India, Former Vice-Chancellor of Dr. M.G.R. Health University, Tamil Nadu
Dr. Anil Mahajan	Professor & HOD, General Medicine, Government Medical College, Jammu, J&K.
Dr. Baldev Singh Aulakh	Professor of Urology and Transplant Surgery, Head Transplant Unit, Dayanand Medical College, <u>Ludhiana</u>
Dr.G.B.Gupta	Professor and Head, Department of Medicine, Pt. Jawaharlal Nehru Memorial Medical College, Raipur, Chhattisgarh.
Dr. K.K. Gupta	Director General, Medical Education, 10, Gulistan Colony, Lucknow
Dr. Ravindra H.N.	Deputy Director, Karnataka State AIDS Prevention Society, No. 4-13/1, Crescent Road, High grounds, <u>Bangalore - 560 001</u>
Dr. Vijay Prakash Singh	Professor & Head, Department Of Gastroenterology, Patna Medical College, Patna, Bihar

Shri Ashok Kr. Harit- Deputy Secretary (Admn.)

Leave of absence was received from Dr. VenkateshKakollu, Dr. V.N. Jindal & Dr. Radha MadhabTripathy.

1. **Minutes of the Executive Committee Meeting held on 23/01/2014 – Confirmation of.**

The Executive Committee of the Council confirmed the minutes of the last meeting held on 23/01/2014.

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

To note the action taken on the minutes of the Executive Committee Meeting held on 23/01/2014.

The Executive Committee of the Council noted the action taken on the minutes of the Executive Committee meeting held on 23/01/2014 with the following modifications:-

Item No.2(2) : Executive Committee noted that the replies were received from only three General Body Members. It was decided to deliberate at length on the issue of improvement in assessment system/forms/processes at subsequent meeting.

Item No.11: Dr. Ravindra H.N., Member pointed out that in the action taken report, it has been mentioned that a 'letter' had been sent to the coordinator & assessor whereas it should have been written that a 'notice/memo' was sent to the assessor.

Item No.31: Executive Committee noted that the reply to the query had not yet been sent by the office. It was decided to direct the office to send the reply immediately.

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

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

The Executive Committee further noted that in terms of the decision taken by the Executive Committee at its meeting dated 3<sup>rd</sup> January, 2014 (vide item No.3), whereby "applications categorized in Type-3 could be rejected by the Undergraduate Section directly. However, a self contained note be placed before the Executive Committee for information," the report of the Scrutiny Committee dated 10/11<sup>th</sup> February, 2014 and the recommendations therein in regard to the applications received by the Council for opening of new medical colleges, increasing the existing annual intake in the academic year 2014-15 vide approval of the competent authority have been communicated to Govt. of India on 14<sup>th</sup> February, 2014.

However, on perusal, the Executive Committee observed that the recommendations of the Scrutiny Committee meeting dt.10/11<sup>th</sup> February, 2014 in

regard to Item No.51 & 52 and the communications thereto sent to the Govt. of India be recalled as the said rejection is not covered in terms of Type-3 category. As such, the decision so communicated with respect to said two applications be recalled under intimation to all concerned.

**4. Approval of Annual Report of the Council for the year 2012-2013.**

Read: the matter with regard to approval of Annual Report of the Council for the year 2012-2013.

The Executive Committee of the Council noted that the item regarding approval of Annual Report of the Council for the year 2012-13 was included in the agenda for the meeting of the Executive Committee which was scheduled to be held on 18/02/2014. Meanwhile a D.O letter dated 10/02/2014 was received from the Additional Secretary, Ministry of Health & Family Welfare, Govt. of India stating that the annual report of the Council has to be placed in the Lok Sabha and therefore, requested the Council to furnish 50 copies each of Annual Report for the year 2012-13 both in English and Hindi alongwith audited annual accounts, urgently latest by 12/02/2014.

As it was not possible for the office of the Council to submit the Annual Report by 12/02/2014 as the meeting of the Executive Committee was scheduled to be held on 18/02/2014, therefore in view of the urgency of the matter, it was decided by the President to get the approval of the Annual Report from the members of the Executive Committee by circulation.

Accordingly a letter dated 11/02/2014 was sent to all the members of the Executive Committee through e-mail and also contacted telephonically and the members approved the Annual Report for the year 2012-13.

In view of above, the Executive Committee ratified the decision of the President for sending the Annual Report for the year 2012-13 to the Ministry of Health & Family Welfare, Govt. of India, which was already approved by the members of Executive Committee by circulation.

**5. Continuance of recognition of MBBS degree granted by Kerala University of Health & Allied Sciences, Thrissur (previously affiliated to Mahatama Gandhi University, Kottayam) in respect of students being trained at Pushpagiri Institute of Medical Sciences & Research Centre, Tiruvalla, Kerala – consideration of Assessment report - Regarding .**

Read: the matter with regard to continuance of recognition of MBBS degree granted by Kerala University of Health & Allied Sciences, Thrissur (previously affiliated to Mahatama Gandhi University, Kottayam) in respect of students being trained at Pushpagiri Institute of Medical Sciences & Research Centre, Tiruvalla, Kerala.

The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Kerala University of Health & Allied Sciences, Thrissur (previously affiliated to Mahatma Gandhi University, Kottayam) in respect of students being trained at Pushpagiri Institute of Medical Sciences & Research Centre, Tiruvalla, Kerala and decided to verify the compliance submitted by the college authorities by way of assessment.

6. **Continuance of recognition of MBBS degree granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at ChalmedaAnandRao Institute of Medical Sciences, Karimnagar-consideration of Assessment report - Regarding .**

Read: the matter with regard to continuance of recognition of MBBS degree granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at ChalmedaAnandRao Institute of Medical Sciences, Karimnagar.

The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at ChalmedaAnandRao Institute of Medical Sciences, Karimnagar and decided to verify the compliance submitted by the college authorities by way of assessment.

7. **Assessment of the physical and other facilities available for recognition/approval of the Nalanda Medical College, Patna for award of MBBS degree granted by Magadh University Bodh Gaya, Bihar against the increased intake i.e. from 50 to 100 u/s 11(2) of IMC Act, 1956.**

Read: the matter with regard to Assessment of the physical and other facilities available for recognition/approval of the Nalanda Medical College, Patna for award of MBBS degree granted by Magadh University Bodh Gaya, Bihar against the increased intake i.e. from 50 to 100 u/s 11(2) of IMC Act, 1956.

The Executive Committee of the Council considered the Council Inspectors report (14/15<sup>th</sup> January,2014) and noted the following-

1. Paramedical staff is not available in Microbiology, pathology, Anesthesia, CSSD, Mortuary, RHTC & UHC.
2. Details of updating website are not available.
3. Auditorium is under construction. Present examination hall is very small – Area 700 Sq.ft. & capacity 100 against requirement of 800 Sq.m. & capacity of 500-700.
4. Lecture theater of capacity of 250 is not available. No lecture theater is available in the hospital.

5. Area of central library available is 11448 Sq. ft. (i.e. Approx. 1144 Sq.m.) against requirement of 1600 Sq.m.
6. Hostel accommodation is available only for 217 students against requirement of 375.
7. Injection room in OPD is not equipped properly.
8. Psychiatry ward lacks utility, doctors' duty room & demonstration room.
9. OPD attendance was only 280 on day of assessment.
10. CT scan is non-functional.
11. Biochemistry, Histopathology & Cytopathology investigations are grossly inadequate.
12. ICD X classification of diseases is not followed in MRD.
13. No patients are admitted in any ICU or ICCU as they are under renovation.
14. Labour room is congested.
15. There are only 2 mobile X-ray units available against requirement of 6 & 3 static units available against requirement of 5. CT scan is non-functional.
16. Intercom is not available.
17. MRI & CT specimens are not available in Anatomy museum.
18. Other deficiencies as pointed out in the inspection report.

The Executive Committee decided to recommend to the Central Govt. not to grant recognition/approval to Nalanda Medical College, Patna for award of MBBS degree granted by Magadh University Bodh Gaya, Bihar against the increased intake i.e. from 50 to 100 u/s 11(2) of IMC Act, 1956.

**8. Assessment of the physical and other facilities available for recognition/approval of the Pt. J.N.M. Medical College, Raipur for award of MBBS degree granted by Ayush University of Health Sciences, Raipur, Chhattisgarh against the increased intake i.e. from 100 to 150 u/s 11(2) of IMC Act, 1956.**

Read: the matter with regard to assessment of the physical and other facilities available for recognition/approval of the Pt. J.N.M. Medical College, Raipur for award of MBBS degree granted by Ayush University of Health Sciences, Raipur, Chhattisgarh against the increased intake i.e. from 100 to 150 u/s 11(2) of IMC Act, 1956.

The Executive Committee of the Council considered the Council Inspectors report (11/12<sup>th</sup> December,2013) and noted the following-

1. Average daily OPD is only 760 and that on day of assessment is 1073 against requirement of 1200.
2. Shortage of Senior Residents is 58 % (35/60).
3. Examination Hall cum Auditorium available is of size of 4720 Sq. ft. (i.e. approximately 472 Sq.m.) & capacity 150 against requirement of size of 1200 Sq.m. & capacity 750.
4. In lecture theaters, facility for conversion into E class is not available.
5. Central Library: Area available is 1600 sq.m. against requirement of 2400 Sq.m.
6. Hostel accommodation for students is available for 460 students against requirement of 565. Hostel for interns is available for 88 against requirement of 150. Hostel for Residents is available for 100 against requirement of 115.
7. ICD X classification of diseases is not followed in MRD.
8. No basic workshop has been conducted by MEU during the last year.
9. Details of last year's results have not been updated on website.
10. RHTC & UHC are under control of Director of Health Services & not under Dean as required.
11. Other deficiencies as pointed out in the inspection report.

The Executive Committee decided to recommend to the Central Govt. not to grant recognition/approval to Pt. J.N.M. Medical College, Raipur for award of MBBS degree granted by Ayush University of Health Sciences, Raipur, Chhattisgarh against the increased intake i.e. from 100 to 150 u/s 11(2) of IMC Act, 1956.

9. **Assessment of the physical and other teaching facilities available for recognition/approval of the N.K.P. Salve Institute of Medical Sciences & Lata Mangeshkar Hospital, Nagpur for award of MBBS degree granted by Maharashtra University of Health Sciences, Nasik against the increased intake i.e. from 100 to 150 u/s 11(2) of IMC Act, 1956.**

Read: the matter with regard to assessment of the physical and other teaching facilities available for recognition/approval of the N.K.P. Salve Institute of Medical Sciences & Lata Mangeshkar Hospital, Nagpur for award of MBBS

degree granted by Maharashtra University of Health Sciences, Nasik against the increased intake i.e. from 100 to 150 u/s 11(2) of IMC Act, 1956.

The Executive Committee of the Council considered the Council Inspectors report (17/18<sup>th</sup> January, 2014) and noted the following-

1. OPD on day of assessment is 1013 against requirement of 1200. The entered number could not be correlated with crowd which was less.
2. On day of assessment, there were no entries of major operations in the registry. There were no special investigations. Instruments and samples are inadequate on day of assessment. Clinical material & investigation numbers do not match with the indent; E.g. in Central laboratory, 500 syringes are used for 9 days.
3. There are 15 tables in 13 O.T.s which is not as per norms (1 table / O.T.)
4. No activities of Pharmacovigilance Committee have been reported.
5. Examination Hall cum Auditorium: The seating are not as per norms. There was no gap between two tables and they are arranged back to back. Total number of seats are spread across 6 rooms. Combined capacity available is 650 against requirement of 750.
6. Capacity of common rooms for boys and girls is only 35 each which is inadequate.
7. Accommodation is available only for 76 interns against requirement of 150. Accommodation is available only for 80 residents against requirement of 115. Toilet facilities are not adequate in the hostels for interns, residents & nurses. Rooms are shared by medical, dental & physiotherapy students.
8. Demonstration rooms in clinical departments have capacity of 15 each.
9. Other deficiencies as pointed out in the inspection report.

The Executive Committee decided to recommend to the Central Govt. not to grant recognition/approval to N.K.P. Salve Institute of Medical Sciences & Lata Mangeshkar Hospital, Nagpur for award of MBBS degree granted by Maharashtra University of Health Sciences, Nasik against the increased intake i.e. from 100 to 150 u/s 11(2) of IMC Act, 1956.

10. **Assessment of the physical and other teaching facilities available for recognition/approval of Ahmedabad Municipal Corporation Medical Education Trust Medical College, Ahmedabad under Gujarat University,**

**Gujarat against the 150 seats u/s 11(2) of the IMC Act, 1956 for the award of MBBS degree for academic year 2014-2015.**

Read: the matter with regard to Assessment of the physical and other teaching facilities available for recognition/approval of Ahmedabad Municipal Corporation Medical Education Trust Medical College, Ahmedabad under Gujarat University, Gujarat against the 150 seats u/s 11(2) of the IMC Act, 1956 for the award of MBBS degree for academic year 2014-2015.

The Executive Committee of the Council considered the Council Inspectors report (27/28<sup>th</sup> January, 2014) and noted the following-

1. Auditorium is under construction. Capacity of present Examination hall is 450 which is inadequate.
2. Nursing staff is inadequate as only 300 nurses of all categories are available against total requirement of 354.
3. One lecture theater of capacity of 350 is not available.
4. Residents hostel is not available. There is MOU with M/s Swastik Business House.
5. Quarters for teaching & non-teaching staff are available in premises of Dental College owned by the same trust.
6. There were no patients in SICU on day of assessment.
7. RHTC is under control of Government of Gujarat & not under Dean.
8. Citizen's charter & Toll free number for ragging are not displayed on website.
9. Other deficiencies as pointed out in the inspection report.

The Executive Committee decided to recommend to the Central Govt. not to grant recognition/approval to Ahmedabad Municipal Corporation Medical Education Trust Medical College, Ahmedabad under Gujarat University, Gujarat against the 150 seats u/s 11(2) of IMC Act, 1956.

11. **Assessment of the physical and other teaching facilities available for establishment of a new medical college at Thane by the Saraswati Education Society Trust, Mumbai in the name of Re Vera Institute of Medical Sciences and Research, Thane, Maharashtra under Maharashtra University of Health Sciences and Research, Nasik u/s 10A of the IMC Act, 1956 for the academic year 2014-2015.**

Read: the matter with regard to Assessment of the physical and other teaching facilities available for establishment of a new medical college at Thane by the

Saraswati Education Society Trust, Mumbai in the name of Re Vera Institute of Medical Sciences and Research, Thane, Maharashtra under Maharashtra University of Health Sciences and Research, Nasik u/s 10A of the IMC Act, 1956 for the academic year 2014-2015.

The Executive Committee noted that the decision in respect of the application filed by Saraswati Education Society was required to be communicated in terms of the Order of the Hon'ble Supreme Court by 15th February. The meeting of Executive Committee was scheduled for 14.02.2014, however, due to certain circumstances the meeting of the Executive Committee had to be re-scheduled to 18.02.2014.

As the meeting of the Executive Committee is taking place on 18.02.2014 therefore the Assessment Report is being considered in this meeting and thereafter the recommendations may be conveyed to the Central Government for further necessary action in the matter at their end.

The Executive Committee further noted that simultaneously, an application for extension of time to take decision would be required to be moved in the Hon'ble Supreme Court by 03 days.

The Executive Committee of the Council considered the Council Inspectors report (22/23<sup>rd</sup> January, 2014) and noted the following

1. Validity of consent of affiliation from MUHS has expired on 08/02/2014. Details of renewal are not available.
2. Shortage of Residents is 33.33 % as under:  
(a) Senior Resident: 13/24; (b) Junior Resident: 3/ 24.
3. Foreign journals are inadequate. (Available 3 against requirement of 6).
4. Students' hostels are 4 seaters which is not as per norms; however even if they are treated as 3 seater rooms, capacity is adequate (Available 90 against requirement of 75).
5. Residents' hostels are 4 seaters which is not as per norms; however even if they are treated as 3 seater rooms, capacity is adequate (Available 60 against requirement of 42).
6. Nurses' hostels are 4 seaters which is not as per norms; Capacity is inadequate when they are treated as 3 seater rooms. (Available 30 against requirement of 35).

7. Quarters for non-teaching staff are inadequate. (Available 12 against requirement of 20).
8. Speech therapist is not available. Child guidance clinic is not available.
9. In OPD, minor OT & dressing room are available but number of cases done on two days of assessment is NIL.
10. Number of teaching beds are deficient as under:

Department	Available	Required	Deficiency
General Surgery	60	90	30
Orthopaedics	24	30	6
O.G.	30	40	10
Total			46

Distance between two beds is not as per Regulations.

11. On verification, most of the admitted patients were found to be not genuine.
12. There were no major or minor operations on the day of assessment. There were no normal or caesarean deliveries on day of assessment. Radiological & laboratory investigations on day of assessment are inadequate. On verification, the OT register & Anaesthesia register were not matching. Procedures done are not matching. On cross verification of operations mentioned in last 5 days, corresponding post-operative patients are not found.
13. Emergency theater is not available. Resuscitation equipment in O.T. are not available.
14. There were no patients in ICCU or any ICU.
15. Labourrooms are not hygienic.
16. 500 mA X-ray unit is not available. Log books of X-ray machines are not available. USG are not available.
17. Blood storage facility is not functional.
18. CSSD: Equipment is not available.
19. Anatomy Department: There are 2 demonstration rooms of 30 each instead of 1 room of 60. Number of specimens in the museum is inadequate.
20. Physiology Department: There are 2 demonstration rooms of 30 each instead of 1 room of 60.

21. Biochemistry Department: There are 2 demonstration rooms of 30 each instead of 1 room of 60.
22. Community Medicine Department: There are 2 demonstration rooms of 30 each instead of 1 room of 60.
23. Website is under construction.
24. Other deficiencies as pointed out in the inspection report.

In view of the above, the members of the Executive Committee of the Council decided to recommend to the Central Govt. not to issue Letter of Permission for establishment of a new medical college at Thane by the Saraswati Education Society Trust, Mumbai in the name of Re Vera Institute of Medical Sciences and Research, Thane, Maharashtra under Maharashtra University of Health Sciences and Research, Nasik u/s 10A of the IMC Act, 1956 for the academic year 2014-2015.

**12. Recognition/approval of Melmaruvathur Adhiparashakti Institute of Medical Sciences & Research, Melmaruvathur for the award of MBBS degree granted by the Tamilnadu Dr. MGR Medical University, Chennai u/s 11(2) of the IMC Act, 1956**

Read: the matter with regard to Recognition/ approval of Melmaruvathur Adhiparashakti Institute of Medical Sciences & Research, Melmaruvathur for the award of MBBS degree granted by the Tamilnadu Dr. MGR Medical University, Chennai u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the Council Inspectors report (25/26<sup>th</sup> October, 2013) and noted the following

1. Shortage of Senior Residents is 23.72 % (14 / 59) as under:  
General Medicine: 6; (ii) Tb & Chest: 2; (iii) Skin & VD: 1; (iv) General Surgery: 5.
2. Other deficiencies as pointed out in the inspection report.

The Executive Committee decided to recommend to the Central Govt. not to grant recognition/approval to Melmaruvathur Adhiparashakti Institute of Medical Sciences & Research, Melmaruvathur for the award of MBBS degree granted by the Tamilnadu Dr. MGR Medical University, Chennai against 150 seats u/s 11(2) of IMC Act, 1956 and further decided that the institute be asked to submit the compliance for rectification of the above deficiencies within 3 months.

**13. Complaints of the students with regard to demolition of the buildings of Sri Muthukumaran Medical College Hospital & Research Institute, Chennai by Chennai Metropolitan Development Authority – Regarding.**

Read: the matter with regard to Complaints of the students with regard to demolition of the buildings of Sri Muthukumaran Medical College Hospital & Research Institute, Chennai by Chennai Metropolitan Development Authority – Regarding.

The Executive Committee of the Council considered the complaints of the students with regard to demolition of the buildings of Sri Muthukumaran Medical College Hospital & Research Institute, Chennai by Chennai Metropolitan Development Authority and decided to verify the complaint at the time of assessment of renewal of permission. The assessor should be specifically directed to check the building plan and whether approval/permission of the Chennai Metropolitan Development Authority has been received or not.

**14. Recognition/Approval of Sri SathyaSai Medical College and Research Institute, Kancheepuram for the award of MBBS degree granted by Sri BalajiVidyapeeth, Pondicherry u/s 11(2) of the IMC Act, 1956-reg.**

Read: the matter with regard to Recognition/Approval of Sri SathyaSai Medical College and Research Institute, Kancheepuram for the award of MBBS degree granted by Sri BalajiVidyapeeth, Pondicherry u/s 11(2) of the IMC Act, 1956.

The Executive Committee considered the matter with regard to Recognition/Approval of Sri Sathya Sai Medical College and Research Institute, Kancheepuram for the award of MBBS degree granted by Sri BalajiVidyapeeth, Pondicherry u/s 11(2) of the IMC Act, 1956 and decided to verify the compliance submitted by the college authorities by way of assessment.

**15. Violation of MCI's code of ethics by the Indian Academy of Paediatrics (IAP)-Reg.**

Read: the matter with regard to violation of MCI's code of ethics by the Indian Academy of Paediatrics (IAP).

The Executive Committee considered the matter alongwith opinion of the Law Officer and the Committee accepted the legal opinion. The Committee also considered the relevant aspect that the IMC Act, 1956 is for the constitution of the MCI and maintenance of medical register and for the matters connected therewith. The entire scheme of the Act makes it abundantly clear that it deals with the medical practitioners who get registered with the State Medical Council(s) and whose names are then entered in the Indian Medical Register. The prescription of standards of professional etiquettes and a code of ethics postulated u/s 20A of the Act is also with regard to the conduct of the medical practitioners. It is to be seen that this Act (IMC Act, 1956) has nothing to do with regard to conduct of any association and / or society. The MCI under the Act have no jurisdiction whatsoever regarding any association / society.

The clarity in the scheme of the Act in this regard i.e. to say that the MCI has no jurisdiction whatsoever regarding the conduct of any association / society, does not require anything further in support of this legal position, however, recently, in a case where besides allegation of medical negligence having been made against the treating doctors, grievance was also raised against Max Hospital, Pitampura, Delhi. The Ethics Committee of the Council in its observations / recommendations regarding the allegations of medical negligence had also made adverse observations against the said hospital. The hospital had challenged the decision of the MCI where the Ethics Committee had made adverse observations against the hospital, by filing a writ petition being W.P.(C) 1334/2013 - **MaxHospital, Pitampura Vs. Medical Council of India**. On behalf of Max Hospital, it was, inter alia, contended before the Hon'ble Delhi High Court that the MCI regulations do not govern or have any concern with the facilities, infrastructure or running of the Hospitals and that the Ethics Committee of the MCI acting under the Regulations had no jurisdiction to pass any direction or judgment on the infrastructure of any hospital which power rests solely with the concerned State Govt.

The MCI had filed an affidavit in this writ petition filed by MaxHospital before the Hon'ble Delhi High Court. In the MCI affidavit, it had been, inter alia, submitted as under:-

“.....(iii) That the jurisdiction of MCI is limited only to take action against the registered medical professionals under the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 (hereinafter the 'Ethics Regulations') and has no jurisdiction to pass any order affecting rights/interests of any Hospital, therefore the MCI could not have passed and has not passed, any order against the petitioner which can be assailed before this Hon'ble Court in writ jurisdiction.....”

After consideration of the legal position and the affidavit submitted on behalf of the MCI, the Hon'ble High Court in its judgment dt. 10.01.14, in the above-mentioned writ petition filed by MaxHospital – held as under:-

“.....7. It is clearly admitted by the Respondent that it has no jurisdiction to pass any order against the Petitioner hospital under the 2002 Regulations. In fact, it is stated that it has not passed any order against the Petitioner hospital. Thus, I need not go into the question whether the adequate infrastructure facilities for appropriate post-operative care were infact in existence or not in the Petitioner hospital and whether the principles of natural justice had been followed or not while passing the impugned order. Suffice it to say that the observations dated 27.10.2012 made by the Ethics Committee do reflect upon the infrastructure facilities available in the Petitioner hospital and since it had no jurisdiction to go into the same, the observations were uncalled for and cannot be sustained.

8. Since the MCI had no jurisdiction to go into the infrastructure facilities, I need not also go into the aspect that in the year 2011, the facilities available in the hospital were inspected and were found to be in order.

9. The petition therefore has to succeed. I hereby issue a writ of certiorari quashing the adverse observations passed by the MCI against the Petitioner hospital highlighted in Para 1 above.....”

On the plain and simple reading of the provision of the Indian Medical Council Act, 1956, it is apparent that the ambit of statutory provisions relating to professional conduct of registered medical practitioners under the Indian Medical Council Act, 1956 is restricted only to persons registered as medical practitioners with the State Medical Council and whose names are entered into the Indian Medical Register maintained u/s 21 of the Act. Under the scheme of the Act, the complaint of alleged misconduct against a medical practitioner is to be entertained by the concerned State Medical Council. In the event a State Medical Council removes the name of any medical practitioner from the State Medical Register, the MCI becomes obliged to remove the name of the said medical practitioner also from the Indian Medical Register. There is no ambiguity of any kind in the scheme of the Indian Medical Council Act, 1956 that it neither deals with nor provides for any conduct of any association / society and deals only with the conduct of individual registered medical practitioners. There is no other interpretation, which is possible under the Act.

Hence, any reference to “professional association of doctors” in terms of clause 6.8 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 is untenable. Further, independently and additionally the affidavit filed on behalf of the MCI before the Hon’ble Delhi High Court in the writ petition filed by Max Hospital stating the correct legal position and the acceptance thereof by the Hon’ble High Court in its judgment dt. 10.01.14 – leaves no room for any doubt whatsoever regarding the complete absence of jurisdiction of the MCI in relation to conduct of any association / society.

Hence, any action that may have been taken by the MCI opposed to the above-mentioned only possible interpretation regarding the scheme of the Act, against any Association by the MCI – the same would be *non est / nullity* for want of authority and jurisdiction. Accordingly, any proceedings that have been initiated by the MCI against any Association by virtue of clause 6.8, being without authority/jurisdiction shall be a nullity, non-existent. As such, any such proceedings stand annulled with immediate effect for want of authority and jurisdiction.

In view of the above the executive committee decided as under:

1. Regulation on Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 under clause 6.8 i.e. “Code of conduct for doctors and professional association of doctors in their relationship with

*pharmaceutical and allied health sector industry.”* the term “Association of Doctors” be deleted. Regulation may be accordingly amended.

**16. Consideration of appeal received second time from ACS Medical College & Hospital, Chennai with regard to renewal of permission – regarding.**

Read: the matter with regard to Consideration of appeal received second time from ACS Medical College & Hospital, Chennai with regard to renewal of permission.

The Executive Committee of the Council considered the appeal received from ACS Medical College & Hospital, Chennai with regard to recognition of the batch admitted in 2009-10 and decided not to give personal hearing and to reiterate its earlier decision taken by Board of Governors and communicated to the college authorities vide Council letter dated 12.09.2013.

**17. Extension of Service of Dr. Srikanta Barik.**

Read: the matter with regard to Extension of Service of Dr. SrikantaBarik.

The Executive Committee of the Council considered the matter with regard to Extension of Service of Dr. SrikantaBarik and decided to ratify the decision of the President, MCI for extension of engagement of Dr. SrikantaBarik for a further period of 3(three) months w.e.f. 27/01/2014 on the existing terms and conditions.

**18. Approval of Minutes of Registration & Equivalence Committee- Reg.**

Read: the matter with regard to approval of Minutes of Registration & Equivalence Committee.

The Executive Committee noted and decided to constitute the following two members Committee to review the matter:-

Dr.C.V. Bhirmanandam, Member, MCI

Dr.VijayPrakash Singh, Member, MCI

**19. NOC for undergoing Compulsory rotating internship training for 09 months in United States of America - req.**

Read: the matter with regard to NOC for undergoing Compulsory rotating internship training for 09 months in United States of America.

The Executive Committee considered the matter with regard to NOC for undergoing Compulsory rotating internship training for 09 months in United States of America and decided not to permit the same.

**20. H&FWD – Medical Education Services – Academic Nomination of MCI Nominee to Fee Regulatory Committee for Professional College for the State of Kerala – Reg.**

Read: the matter with regard to H&FWD – Medical Education Services – Academic Nomination of MCI Nominee to Fee Regulatory Committee for Professional College for the State of Kerala.

The Executive Committee considered the matter with regard to nomination of member for Fee Regulatory Committee of Professional College for the State of Kerala and decided to nominate Dr. Rani Bhaskaran, member MCI, as a member for the Fee Regulatory Committee for the State of Kerala on behalf of Medical Council of India.

**21. Request of Dr. Princy Ghera, Indian National from USA for Elective Training at PGI, Chandigarh.**

Read: the matter with regard to request of Dr. PrincyGhera Indian National from USA for Elective Training at PGI, Chandigarh

The Executive Committee noted the request of Dr. PrincyGhera Indian National from USA for Elective Training at PGI, Chandigarh and decidedthat the matter is not under the purview of the MCI as PGI, Chandigarh is an autonomous institution under the Govt. of India.

**22. Request of Dr. Harshabad Singh, Indian National from USA for Elective Training at PGI, Chandigarh**

Read: the matter with regard to request of Dr. Harshabad Singh, Indian National from USA for Elective Training at PGI, Chandigarh.

The Executive Committee noted the request of Dr. Harshabad Singh, Indian National from USA for Elective Training at PGI, Chandigarh and decided that the matter is not under the purview of the MCI as PGI, Chandigarh is an autonomous institution under the Govt. of India.

**23. Accreditation for Compulsory rotating internship training completed from Canada for 2.5 months - req.**

Read: the matter with regard to Accreditation for Compulsory rotating internship training completed from Canada for 2.5 months.

The Executive Committee considered the matter with regard to Accreditation for Compulsory rotating internship training completed from Canada for 2.5 months and decided not to permit the same.

**24. Continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Terna Medical College, Navi Mumbai – consideration of Assessment report - Regarding**

Read: the matter with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Terna Medical College, Navi Mumbai – consideration of Assessment report

The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Terna Medical College, Navi Mumbai and decided to verify the compliance submitted by the college authorities by way of assessment.

**25. Continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at J.J.M. Medical College, Davangere– consideration of Assessment report - Regarding .**

Read: the matter with regard to Continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at J.J.M. Medical College, Davangere– consideration of Assessment report .

The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at J.J.M. Medical College, Davangereand decided to verify the compliance submitted by the college authorities by way of assessment.

**26. Continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Basaveshwara Medical College, Chitradurga – consideration of Assessment report - Regarding**

Read: the matter with regard to continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Basaveshwara Medical College, Chitradurga – consideration of Assessment report.

The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Basaveshwara

Medical College, Chitradurgaand decided to verify the compliance submitted by the college authorities by way of assessment.

**27. Continuance of recognition of MBBS degree granted by Magadh University in respect of students being trained at A.N. Magadh Medical College, Gaya – consideration of compliance submitted by the college authorities - Regarding.**

Read: the matter with regard to continuance of recognition of MBBS degree granted by Magadh University in respect of students being trained at A.N. Magadh Medical College, Gaya – consideration of compliance submitted by the college authorities.

The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Magadh University in respect of students being trained at A.N. Magadh Medical College, Gayaand decided to verify the compliance submitted by the college authorities by way of assessmentalongwiththe assessment for renewal of permission for admission of 2<sup>nd</sup> batch against enhancement of MBBS seats from 50 to 100.

**28. Continuance of recognition of MBBS degree granted by Ranchi University in respect of students being trained at M.G.M. Medical College, Jamshedpur – consideration of compliance submitted by the college authorities - Regarding.**

Read: the matter with regard to continuance of recognition of MBBS degree granted by Ranchi University in respect of students being trained at M.G.M. Medical College, Jamshedpur – consideration of compliance submitted by the college authorities.

The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Ranchi University in respect of students being trained at M.G.M. Medical College, Jamshedpurand decided to verify the compliance submitted by the college authorities by way of assessmentalongwiththe assessment for renewal of permission for admission of 2<sup>nd</sup> batch against enhancement of MBBS seats from 50 to 100.

**29. Continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Shankar RaoChavan Govt. Medical College, Nanded – consideration of compliance submitted by the college authorities - Regarding.**

Read: the matter with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Shankar RaoChavan Govt. Medical College, Nanded – consideration of compliance submitted by the college authorities.

The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Dr. Shankar Rao Chavan Govt. Medical College, Nanded and decided to verify the compliance submitted by the college authorities by way of assessment along with the assessment for renewal of permission for admission of 2<sup>nd</sup> batch against enhancement of MBBS seats from 50 to 100.

**30. Change of affiliating University – from Baba Farid University of Health Sciences, Faridkot to Adesh University, Bathinda from the academic year 2012-13 in respect of students being trained at Adesh Institute of Medical Sciences & Research, Bathinda.**

Read: the matter with regard to change of affiliating University – from Baba Farid University of Health Sciences, Faridkot to Adesh University, Bathinda from the academic year 2012-13 in respect of students being trained at Adesh Institute of Medical Sciences & Research, Bathinda.

The Executive Committee considered the request with regard to the change of name of colleges/change of affiliating universities and permitted the change of name of the following college/University:

**Change of University:**

<b>Name of the college</b>	<b>Previous/new university</b>	<b>Recognition Status</b>	<b>Remarks / Decision</b>
Adesh Institute of Medical Sciences & Research, Bathinda	Baba Farid University of Health Sciences, Faridkot to Adesh University, Bathinda	Recognized vide notification dt. 19.5.2011.	Permitted

**31. Change of the name of affiliating university – from Pondicherry University to Sri Balaji Vidyapeeth University (Deemed University) in respect of MBBS students trained at Mahatma Gandhi Medical College and Research Institute, Pondicherry – Permission requested – reg.**

Read: the matter with regard to change of the name of affiliating university – from Pondicherry University to Sri Balaji Vidyapeeth University (Deemed University) in respect of MBBS students trained at Mahatma Gandhi Medical College and Research Institute, Pondicherry – Permission requested – reg.

The Executive Committee considered the request with regard to the change of name of colleges/change of affiliating universities and permitted the change of name of the following college/University:

**Change of University:**

Name of the college	Previous/new university	Recognition Status	Remarks / Decision
Mahatma Gandhi Medical College and Research Institute, Pondicherry	Pondicherry University to Sri BalajiVidyapeethUniversity (Deemed University)	Recognized by the Central Govt. in Dec.2011 for increase of seats from 100 to 150.	Permitted

**32. Change of affiliating University – from H.N.B. Garhwal University to ShriDevSumanUttarakhandVishwavidhalay from the academic session 2013-14 onwards.**

Read: the matter with regard to change of affiliating University – from H.N.B. Garhwal University to ShriDevSumanUttarakhandVishwavidhalay from the academic session 2013-14 onwards.

The Executive Committee considered the request of the Principal, Guru Ram Rai Institute of Medical & Health Sciences, Dehradun vide letter dt.18.1.2014 to cancel their letters wherein they have requested to change the name of University from H.N.B. Garhwal University to ShriDevSuman Uttarakhand Vishwavidhalay and noted the same.

**33. Consideration of Order dated 20.9.2013 of the National Consumer Disputes Redressal Commission in Consumer Case No. 54/2013 – Mr. C. Jayapal Reddy Vs. Shri. G.S. Rao.**

Read: the matter with regard to consideration of Order dated 20.9.2013 of the National Consumer Disputes Redressal Commission in Consumer Case No. 54/2013 – Mr. C. Jayapal Reddy Vs. Shri. G.S. Rao.

The Executive Committee considered the matter with regard to consideration of Order dated 20.9.2013 of the National Consumer Disputes Redressal Commission in Consumer Case No. 54/2013 – Mr. C. Jayapal Reddy Vs. Shri. G.S. Rao and decided to defer the matter since the enclosures with the agenda item were incomplete.

**34. Furnishing of Comments to the Ministry of Health and Family Welfare, Government of Indian in light of Judgment dated 26.8.2013 of the Hon'ble**

**High Court of Madras in Writ Petitions Nos. 18144 and 20198 of 2013 filed by the Tamil Nadu Medical Council and the Indian Medical Association, State Branch, Tamil Nadu**

Read: the matter with regard to Furnishing of Comments to the Ministry of Health and Family Welfare, Government of Indian in light of Judgment dated 26.8.2013 of the Hon'ble High Court of Madras in Writ Petitions Nos. 18144 and 20198 of 2013 filed by the Tamil Nadu Medical Council and the Indian Medical Association, State Branch, Tamil Nadu.

The Executive Committee considered the matter with regard to Furnishing of Comments to the Ministry of Health and Family Welfare, Government of Indian in light of Judgment dated 26.8.2013 of the Hon'ble High Court of Madras in Writ Petitions Nos. 18144 and 20198 of 2013 filed by the Tamil Nadu Medical Council and the Indian Medical Association, State Branch, Tamil Nadu and decided to obtain the legal opinion in the matter from senior Counsel.

**35. Renewal of permission for admission of 4<sup>th</sup> batch of MBBS students against increased intake i.e. from 100 to 150 at Yenepoya Medical College, Mangalore for the academic year 2014-15.**

Read: the matter with regard to Renewal of permission for admission of 4<sup>th</sup> batch of MBBS students against increased intake i.e. from 100 to 150 at Yenepoya Medical College, Mangalore for the academic year 2014-15.

The Executive Committee of the Council considered the Council Assessor report (22/23<sup>rd</sup> January,2014)and noted the following:-

- 1 There were no patients in RICU on day of assessment. Occupancy in ICCU & SICU was 60 %. There were 7 patients in MICU while the number of beds is only 5. There is a data mismatch.
- 2 Only 5 static X-ray machines are available against requirement of 6. Only 4 mobile X-ray are available against requirement of 6.
- 3 Cold chain equipment is not available at RHTC.
- 4 Other deficiencies as pointed out in the inspection report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 4<sup>th</sup> batch of MBBS students against increased intake i.e. from 100 to 150 at Yenepoya Medical College, Mangalore for the academic year 2014-15.

**36. T.D. Medical College, Alappuzha - recognition/approval of the college for the award of MBBS Degree granted by University of Kerala - Reg**

Read: the matter with regard to T.D. Medical College, Alappuzha - recognition/approval of the college for the award of MBBS Degree granted by University of Kerala.

The Executive Committee considered the matter with regard to recognition/approval of T.D. Medical College, Alappuzha for the award of MBBS Degree granted by University of Kerala and noted that as per the undertaking issued by the Chief Secretary, Govt. of Kerala, dt. 23.12.2013, the Govt. of Kerala have agreed to rectify the deficiencies pointed out by the MCI in respect of recognition/approval of T.D. Medical College, Alappuzha in a time bound manner. The Executive Committee decided to verify the rectification of the deficiencies by way of assessment.

**37. Continuance of recognition of MBBS degree granted by Allahabad University (now affiliated to ChhatrapatiShahujiMaharaj Medical University, Lucknow in respect of students being trained at Motilal Nehru Medical College, Allahabad– non-receipt of compliance- Regarding.**

Read: the matter with regard to continuance of recognition of MBBS degree granted by Allahabad University (now affiliated to ChhatrapatiShahujiMaharaj Medical University, Lucknow in respect of students being trained at Motilal Nehru Medical College, Allahabad– non-receipt of compliance.

The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Allahabad University (now affiliated to ChhatrapatiShahujiMaharaj Medical University, Lucknow in respect of students being trained at Motilal Nehru Medical College, Allahabad and noted that the college had failed to submit a compliance report even after several reminders and therefore decided to verify by way of assessment alongwith the assessment for renewal of permission for admission of 2<sup>nd</sup> batch against enhancement of MBBS seats from 100 to 150.

**38. Continuance of recognition of MBBS degree granted by Sher-I-Kashmir Institute of Medical Sciences, Srinagar (Deemed University) in respect of students being trained at Sher-I-Kashmir Institute of Medical Sciences, Srinagar– non-receipt of compliance- Regarding**

Read: the matter with regard to continuance of recognition of MBBS degree granted by Sher-I-Kashmir Institute of Medical Sciences, Srinagar (Deemed University) in respect of students being trained at Sher-I-Kashmir Institute of Medical Sciences, Srinagar– non-receipt of compliance.

The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Sher-I-Kashmir Institute of Medical Sciences, Srinagar (Deemed University) in respect of students being trained at Sher-I-Kashmir Institute of Medical Sciences, Srinagar and noted that the college had failed to submit a compliance report even after several reminders and therefore decided to verify by way of assessment alongwith the assessment for renewal of permission for admission of 2<sup>nd</sup> batch against enhancement of MBBS seats from 50 to 100.

**39. Continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Rajashree Chhatrapati Shahuji Maharaj Govt. Medical College, Kolhapur– non-receipt of compliance- Regarding**

Read: the matter with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Rajashree Chhatrapati Shahuji Maharaj Govt. Medical College, Kolhapur– non-receipt of compliance.

The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Rajashree Chhatrapati Shahuji Maharaj Govt. Medical College, Kolhapur and noted that the college had failed to submit a compliance report even after several reminders and therefore decided to verify by way of assessment along with the assessment for renewal of permission for admission of 2<sup>nd</sup> batch against enhancement of MBBS seats from 100 to 150.

**40. Continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Govt. Medical College, Miraj (Sangli) – consideration of Assessment report - Regarding .**

Read: the matter with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Govt. Medical College, Miraj (Sangli) – consideration of Assessment report - Regarding .

The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Govt. Medical College, Miraj (Sangli) and decided to verify the compliance submitted by the college authorities by way of assessment along with assessment for renewal for admission of 2<sup>nd</sup> batch against increased intake from 100 to 150.

**41. Admission of 1<sup>st</sup> year MBBS students at various Medical colleges in the State of Andhra Pradesh – non-receipt of PMT entrance examination marks.**

Read: the matter with regard to admission of 1<sup>st</sup> year MBBS students at various Medical colleges in the State of Andhra Pradesh – non-receipt of PMT entrance examination marks.

The Executive Committee considered the matter with regard to admission of 1<sup>st</sup> year MBBS students at various Medical colleges in the State of Andhra Pradesh and decided to reiterate its earlier stand that in States having more than one University/Board/Examining Body conducting the qualifying

examination (or where there is more than one medical college under the administrative control of one authority) a competitive entrance examination should be held and again stressed that Graduate Medical Education Regulation 1997 under clause 5.5(ii) should be implemented at the earliest and further direct the State Govt. to amend their Law/Act as per MCI Regulations failing which further admissions would be stopped.

**42. Continuance of recognition of MBBS degree granted by TheTamilnadu Dr. MGR Medical University in respect of students being trained Perundurai Medical College and Institute of Road Transport, Perundurai- consideration of compliance submitted by the college authorities - Regarding.**

Read: the matter with regard to continuance of recognition of MBBS degree granted by The Tamilnadu Dr. MGR Medical University in respect of students being trained Perundurai Medical College and Institute of Road Transport, Perundurai- consideration of compliance submitted by the college authorities.

The Executive Committee considered the matterwith regard to continuance of recognition of MBBS degree granted by The Tamilnadu Dr. MGR Medical University in respect of students being trained Perundurai Medical College and Institute of Road Transport, Perundurai and decided to verify the compliance submitted by the college authorities by way of assessment.

**43. Continuance of Recognition of MBBS degree granted by Vinoba Bhave University in respect of students being trained at Patliputra Medical College, Dhanbad- Consideration of compliance submitted by the college authorities-regarding**

Read: the matter with regard to continuance of Recognition of MBBS degree granted by Vinoba Bhave University in respect of students being trained at Patliputra Medical College, Dhanbad- Consideration of compliance submitted by the college authorities.

The Executive Committee considered the matterwith regard to continuance of Recognition of MBBS degree granted by VinobaBhave University in respect of students being trained at Patliputra Medical College, Dhanbad and decided to verify the compliance submitted by the college authorities by way of assessment.

**44. Permission for pursuing compulsory rotating Internship training to S.M.S. Medical College, Jaipur in respect of Dr. Anjali Bhartiya.**

Read: the matter with regard to permission for pursuing compulsory rotating Internship training to S.M.S. Medical College, Jaipur in respect of Dr. Anjali Bhartiya.

The Executive Committee considered the matter with regard to permission for pursuing compulsory rotating Internship training to S.M.S. Medical College, Jaipur in respect of Dr. Anjali Bhartiya and decided not to permit her as the provisional registration is required for doing internship.

**45. Grant of Provisional/Permanent Registration certificate to the candidates graduate from various foreign medical institute u/s 25(1) and 13(3) of the Indian Medical Council Act, 1956.**

Read: the matter with regard to grant of Provisional/Permanent Registration certificate to the candidates graduate from various foreign medical institute u/s 25(1) and 13(3) of the Indian Medical Council Act, 1956.

The Executive Committee considered the matter with regard to grant of Provisional/Permanent Registration certificate to the candidates graduate from various foreign medical institute u/s 25(1) and 13(3) of the Indian Medical Council Act, 1956 and approved the Draft circular as under.

### **DRAFT CIRCULAR**

**Subject: Enrolment of Medical Practitioners holding recognized medical qualifications under the section 13 (4A) of the Indian Medical Council Act, 1956 on State Medical Registers.**

Sir/Madam,

This is in continuation of this office circular dated 15/9/1981, 02/05/1985, 09/02/1987, 07/1998 and 04/06/2003 on the above subject.

2. Your kind attention is invited to section 13 (4A) and 13 (4B) of the Indian Medical Council Act, 1956 that were included in the IMC Act, 1956 by the Indian Medical Council (Amendment) Act, 2001. These provisions permit an Indian citizen/overseas citizen of India to obtain primary medical qualification (MBBS or its equivalent) from any country outside India which is recognized for enrolment as medical practitioner in that country. Such persons are required to conform to the norms for admission in MBBS course in India as laid down in the Graduate Medical Education Regulations, 1997. For the purpose of enrolment on medical register in India such person is required to qualify the Screening Test conducted by the National Board of Examination. Once such person qualifies the Screening Test, the primary medical qualification obtained by such person is deemed to be the recognized medical qualification for the purposes of the IMC Act for that person. Registration to practice medicine as a registered medical practitioner, as postulated under the scheme of the Indian Medical Council Act, 1956, is with the State Medical Council and to be made in the State Medical Register. Consequently, section 15

of the IMC Act confers on such person the right for enrolment on the State Medical Register and by the State Medical Council upon satisfaction of fulfillment of all the requirements by any applicant, for seeking such registration. Similarly, grant of provisional registration by the State Medical Council is provided under section 25 (1) of the Indian Medical Council Act, 1956.

3. Accordingly, this is to bring to the attention of all the concerned that the holders of primary medical qualifications (MBBS or its equivalent) from any country outside India, which is recognized for enrolment as medical practitioner in that country and who have qualified the Screening Test conducted by the National Board of Examination are required to be mandatorily enrolled on the State Medical Register by the State Medical Council upon satisfaction of fulfillment of all the requirements by any applicant, for seeking such registration. Therefore, State Medical Councils are requested to enroll such medical practitioners on their Registers and thereafter communicate the information of such enrolment to the Medical Council of India in accordance with the provisions of the Indian Medical Council Act, 1956. In doing so, the State Medical Councils are advised to necessarily ensure following procedural checks before granting provisional/permanent registration:

- (1) That the applicant who has gone abroad from 15.03.2002 to 14.05.2013 had obtained an Eligibility Certificate from the Medical Council of India. Further, those going abroad on or after 15 May 2013 conform to / fulfill all the norms laid down in the Graduate Medical Education Regulations, 1997 for admission in MBBS course;
- (2) That the foreign medical qualification obtained by the applicant is recognized for enrolment as medical practitioner in that country and confirmation from the Indian Embassy has been obtained to the effect that the degree awarded by the foreign Medical Institution is recognized for enrolment as medical practitioner in that country
- (3) That the applicant has qualified the Screening Test conducted by the National Board of Examination;
- (4) That the primary medical qualification obtained by the applicant is either apostilled in accordance with the requirements of Hague Convention of 5 October 1961 Abolishing the Requirement of Legalization for Foreign Public Documents (Apostille Convention) or are duly attested by the Indian Embassy of the foreign nation from which such qualification has been obtained;
- (5) That the authenticity of 10+2 marksheet and certificate are verified from the concerned Board.

- (6) That the caste certificate of Scheduled Case/Scheduled Tribe/ Other Backward Classes is verified in case relaxation of marks, as permitted under the MCI Regulations, is sought.
- (7) In so far as grant of provisional registration under section 25(1) of the Indian Medical Council Act, 1956 is concerned, provision of Regulation 65 of MCI Regulations 2000, shall also be required to be complied with and which provides as under:

“.....65. **Provisional Registration.** – The names of provisionally registered medical practitioners should be borne on a separate list maintained for the purpose and they shall not be included in the State Medical Registers. In order to have a uniform procedure by all State Medical Councils with regard to the list of provisionally registered medical practitioners under section 25, the certificate for provisional registration should be issued in the following proforma:-

Name of Person	:
Address	:
Qualification	:
Date of year of passing examination	:
Name of College and University	:

4. It may also be noted that the practice of granting direct registration by the Medical Council of India to the Indian citizens who have obtained primary medical qualifications from foreign countries would be stopped with effect from 01.03.2014 and with effect from such date no fresh application would be entertained by the Medical Council of India.

5. All the persons, who have obtained primary medical qualification from foreign country, are also advised to get their names enrolled on the State Medical Register so as to ensure that they are able to avail all the rights and privileges conferred upon by the Indian Medical Council Act, 1956.

6. In case of any clarification/difficulty the Council may be approached by the concerned State Medical Council for advice in the matter.

7. This is issued with the approval of the Competent Authority of the Council.

Yours faithfully,

**(Ashok Kumar Harit)**  
**Deputy Secretary (Admn.)**

TO  
ALL STATE MEDICAL COUNCILS

**46. Minutes of the Academic Council meeting held on 20.1.2014 – approval of .**

Read: the matter with regard to approval of minutes of the Academic Council meeting held on 20.1.2014.

The Executive Committee considered and approved the minutes of the Academic Council meeting held on 20.1.2014. The Executive Committee further decided that exit test should be made optional at the initial stage.

**47. Minutes of the meeting of the Conveners of the Nodal Centres in Medical Education Technology held on 03.2.2014 – approval of.**

Read: the matter with regard to grant of minutes of the meeting of the Conveners of the Nodal Centres in Medical Education Technology held on 03.2.2014 – approval of.

The Executive Committee considered and approved the minutes of the meeting of the Conveners of the Nodal Centres in Medical Education Technology held on 03.2.2014 which endorsed the minutes of the meeting of the Expert Group in MET held on 29.1.2014.

**48. Complaint against Travancore Medical College, Kollam – Reg**

Read: the matter with regard to complaint against Travancore Medical College, Kollam.

The Executive Committee considered the matter with regard to complaint against Travancore Medical College, Kollam and decided to defer the same since it required further investigation.

**49. Drugs names are changing in single letter difference, so that doctors write drug names in capital letters only – req.**

Read: the matter with regard to drugs names are changing in single letter difference, so that doctors write drug names in capital letters only.

The Executive Committee considered the matter with regard to carry out the correction/amendment in the draft notification as suggested by the Ministry of Health & F.W. vide their letter dt.12.2.2014 and approved to add the following in the notification :-

*“preferably Capital Letters”*

**50. Assessment of the physical and other teaching facilities available for renewal of permission for MBBS course for 5<sup>th</sup> batch (100 seats) of Great Eastern Medical School and Hospital, Srikakulam, Andhra Pradesh under Dr. N.T.R. University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956.**

Read: the matter with regard to assessment of the physical and other teaching facilities available for renewal of permission for MBBS course for 5<sup>th</sup> batch (100 seats) of Great Eastern Medical School and Hospital, Srikakulam, Andhra Pradesh under Dr. N.T.R. University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956.

The Executive Committee of the Council considered the Council Assessor report (6/7<sup>th</sup> February, 2014) and noted the following:-

1. Faculty shortage is as under: (P. 45)
  - (a) Professor: 61 % (14 out of 23)
  - (b) Asso. Professor: 94 % (30 out of 32)
  - (c) Asst. Professor: 86 % (39 out of 45)
  - (d) Tutor: More than 50 %.
2. Shortage of Residents is more than 50 % of both Senior Residents & Junior Residents.
3. On checking the register in last 2/3 months, it was found that total teaching faculty signing in the attendance register is only 20 people. In spite of repeated asking, the college authorities did not provide hospital side teaching faculty attendance register for cross verification.
4. Paramedical staff in the departments of Radiology, Anaesthesia, Blood Bank, CSSD, Laundry, Pharmacy is inadequate and less than required as per Regulations.
5. Chief Nursing Officer is not available.
6. No basic course workshop on Medical Education Technology under the supervision of regional center has been conducted by Medical Education Unit during the year.
7. Details of teaching and non-teaching staff, CMEs, academic activities, citizens' charter and results of last year's examinations are not provided on the website of the college. Toll free number to report ragging is not provided on website.
8. Facility for E class is not available in lecture theaters.

9. Hostel accommodation is available for 237 students against requirement of 375 at this stage.
10. Accommodation for nurses is inadequate as it is available for 24 nurses against requirement of 48 as per Regulations.
11. Audiometry room is non-airconditioned, Speech therapist is not available.
12. Child guidance clinic is not available.
13. Teaching beds are deficient as under:

#	Department	Required	Available	Shortage
1	General Medicine	93	90	3
2	Paediatrics	50	38	12
3	Psychiatry	7	5	2
4	Skin VD	7	5	2
5	General Surgery	93	90	3
6	Orthopaedics	50	38	12
7	Ophthalmology	16	13	3
8	ENT	16	13	3
9	O.G.	56	53	3
	TOTAL			43

14. Average bed occupancy is less than 40 % even with previous month's record verification. Patients randomly checked and not appropriate.
15. On day of assessment, OPD attendance is claimed as 702 but on checking is observed to be around 400 against requirement of 800 as per Regulations. Bed occupancy is 50 %. There are no deliveries, either normal or caesarean. Histopathology workload is 2 & Cytopathology workload is 3. All laboratory investigations are 20 -30 per day. Number of Surgeries are 5 – 7 Major / Minor per week. Radiological investigations as per record 15 – 20 per day. CT scan is out of order in last 2 months.
16. Casualty beds available are 15 against requirement of 20.
17. Only 6 major O.T.s are available against requirement of 7 as per Regulations.
18. There was no patient in ICCU on day of assessment. In MICU, occupancy was 40 %. Occupancy of ICUs is less than 10 %.
19. Number of deliveries are only 10 -15 / month as per record.
20. Only 2 mobile X-ray machines are available against requirement of 3 and 3 static machines are available against requirement of 4 as per Regulations.
21. On day of assessment, no units were stored in blood bank. Number of units dispensed are only 8 – 10 / month.
22. IN CSSD, bowl sterilizer and instrument washing machine are not available.

23. At RHTC, activities under National Health Programmes are not undertaken. At UHC, survey registers, FP registers, etc. are not available.
24. Any other deficiencies as pointed by the Assessor in the Assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 5<sup>th</sup> batch (4<sup>th</sup> renewal) of 100 MBBS students for the academic session 2014-2015 at Great Eastern Medical School and Hospital, Srikakulam, Andhra Pradesh under Dr. N.T.R. University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956.

**51. Publication of notification - Amendment in the regulations “Establishment of Medical College Regulations, 1999 and Minimum Requirements for 50/100/150/200/250 MBBS Admissions Annual Regulations” – Reg.**

Read: the matter with regard to publication of notification - Amendment in the regulations “Establishment of Medical College Regulations, 1999 and Minimum Requirements for 50/100/150/200/250 MBBS Admissions Annual Regulations” .

The Executive Committee of the Council decided to defer the matter.

**52. Grant of permanent registration to the Indian National having qualified from medical colleges/institutions in India recognized by the Medical Council of India.**

Read: the matter with regard to grant of permanent registration to the Indian National having qualified from medical colleges/institutions in India recognized by the Medical Council of India.

The Executive Committee of the Council decided to reiterate the earlier decision of the Executive Committee dt.13<sup>th</sup> June 2004 considered the similar matter and decided as under:-

*“.....that any Internship Training undertaken by a candidate, within a period of 6 months immediately after the validity period of the provisional registration certificate, may be considered favorably by the Council for grant of permanent registration to such the candidates. Any internship beyond the six months period under reference would require to be repeated after the validity of Provisional Registration is extended accordingly”.*

**53. Change of affiliating University in respect of K.S. Hegde Medical Academy, Mangalore from Rajiv Gandhi University of Health Sciences, Bangalore to NITTE University.**

Read: the matter with regard to change of affiliating University in respect of K.S. Hegde Medical Academy, Mangalore from Rajiv Gandhi University of Health Sciences, Bangalore to NITTE University.

The Executive Committee considered the request with regard to the change of name of colleges/change of affiliating universities and permitted the change of name of the following college/University:

**Change of University:**

Name of the college	Previous/new university	Recognition Status	Remarks / Decision
K.S. Hegde Medical Academy, Mangalore	Rajiv Gandhi University of Health Sciences, Bangalore to NITTE University	<b>Recognized for 100 seats.</b>	<b>permitted</b>

**54. Approval of Minutes of Building Committee.**

Read: the matter with regard to approval of minutes of the Building Committee meeting held on 14.2.2014.

The Executive Committee considered and approved the minutes of the Building Committee meeting held on 14.2.2014.

**55. Compliant received from Hon'ble M.P. (Loksabha) Sh. PremchandGuddu, regarding irregularities in faculty / admission at L.N. Medical College, Bhopal.**

Read: the matter with regard to compliant received from Hon'ble M.P. (Loksabha) Sh. PremchandGuddu, regarding irregularities in faculty/admission at L.N. Medical College, Bhopal.

The Executive Committee decided to defer the matter.

**56. Clarification; 'Whether or not any 'Registered Society'/'Registered Society of Doctors' comes under the purview/scope/ambit of the Indian Medical Council Act, 1956 or the Indian Medical Council (Professional Conduct Etiquette and Ethics) Regulations, 2002?'**

Read: the matter with regard to clarification; 'Whether or not any 'Registered Society'/'Registered Society of Doctors' comes under the purview/scope/ambit of the Indian Medical Council Act, 1956 or the Indian Medical Council (Professional Conduct Etiquette and Ethics) Regulations, 2002?'

The Executive Committee considered the matter alongwith opinion of the Law Officer and the Committee accepted the legal opinion. The Committee also considered the relevant aspect that the IMC Act, 1956 is for the constitution of the MCI and maintenance of medical register and for the matters connected

therewith. The entire scheme of the Act makes it abundantly clear that it deals with the medical practitioners who get registered with the State Medical Council(s) and whose names are then entered in the Indian Medical Register. The prescription of standards of professional etiquettes and a code of ethics postulated u/s 20A of the Act is also with regard to the conduct of the medical practitioners. It is to be seen that this Act (IMC Act, 1956) has nothing to do with regard to conduct of any association and / or society. The MCI under the Act have no jurisdiction whatsoever regarding any association / society.

The clarity in the scheme of the Act in this regard i.e. to say that the MCI has no jurisdiction whatsoever regarding the conduct of any association / society, does not require anything further in support of this legal position, however, recently, in a case where besides allegation of medical negligence having been made against the treating doctors, grievance was also raised against Max Hospital, Pitampura, Delhi. The Ethics Committee of the Council in its observations / recommendations regarding the allegations of medical negligence had also made adverse observations against the said hospital. The hospital had challenged the decision of the MCI where the Ethics Committee had made adverse observations against the hospital, by filing a writ petition being W.P.(C) 1334/2013 - **MaxHospital, Pitampura Vs. Medical Council of India**. On behalf of Max Hospital, it was, inter alia, contended before the Hon'ble Delhi High Court that the MCI regulations do not govern or have any concern with the facilities, infrastructure or running of the Hospitals and that the Ethics Committee of the MCI acting under the Regulations had no jurisdiction to pass any direction or judgment on the infrastructure of any hospital which power rests solely with the concerned State Govt.

The MCI had filed an affidavit in this writ petition filed by MaxHospital before the Hon'ble Delhi High Court. In the MCI affidavit, it had been, inter alia, submitted as under:-

“.....(iii) That the jurisdiction of MCI is limited only to take action against the registered medical professionals under the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 (hereinafter the 'Ethics Regulations') and has no jurisdiction to pass any order affecting rights/interests of any Hospital, therefore the MCI could not have passed and has not passed, any order against the petitioner which can be assailed before this Hon'ble Court in writ jurisdiction.....”

After consideration of the legal position and the affidavit submitted on behalf of the MCI, the Hon'ble High Court in its judgment dt. 10.01.14, in the above-mentioned writ petition filed by MaxHospital – held as under:-

“.....7. It is clearly admitted by the Respondent that it has no jurisdiction to pass any order against the Petitioner hospital under the 2002 Regulations. In fact, it is stated that it has not passed any order against the Petitioner hospital. Thus, I need not go into the question whether the adequate infrastructure facilities for appropriate post-

operative care were infact in existence or not in the Petitioner hospital and whether the principles of natural justice had been followed or not while passing the impugned order. Suffice it to say that the observations dated 27.10.2012 made by the Ethics Committee do reflect upon the infrastructure facilities available in the Petitioner hospital and since it had no jurisdiction to go into the same, the observations were uncalled for and cannot be sustained.

8. Since the MCI had no jurisdiction to go into the infrastructure facilities, I need not also go into the aspect that in the year 2011, the facilities available in the hospital were inspected and were found to be in order.

9. The petition therefore has to succeed. I hereby issue a writ of certiorari quashing the adverse observations passed by the MCI against the Petitioner hospital highlighted in Para 1 above.....”

On the plain and simple reading of the provision of the Indian Medical Council Act, 1956, it is apparent that the ambit of statutory provisions relating to professional conduct of registered medical practitioners under the Indian Medical Council Act, 1956 is restricted only to persons registered as medical practitioners with the State Medical Council and whose names are entered into the Indian Medical Register maintained u/s 21 of the Act. Under the scheme of the Act, the complaint of alleged misconduct against a medical practitioner is to be entertained by the concerned State Medical Council. In the event a State Medical Council removes the name of any medical practitioner from the State Medical Register, the MCI becomes obliged to remove the name of the said medical practitioner also from the Indian Medical Register. There is no ambiguity of any kind in the scheme of the Indian Medical Council Act, 1956 that it neither deals with nor provides for any conduct of any association / society and deals only with the conduct of individual registered medical practitioners. There is no other interpretation, which is possible under the Act.

Hence, any reference to “professional association of doctors” in terms of clause 6.8 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 is untenable. Further, independently and additionally the affidavit filed on behalf of the MCI before the Hon’ble Delhi High Court in the writ petition filed by Max Hospital stating the correct legal position and the acceptance thereof by the Hon’ble High Court in its judgment dt. 10.01.14 – leaves no room for any doubt whatsoever regarding the complete absence of jurisdiction of the MCI in relation to conduct of any association / society.

Hence, any action that may have been taken by the MCI opposed to the above-mentioned only possible interpretation regarding the scheme of the Act, against any Association by the MCI – the same would be *non est / nullity* for want of authority and jurisdiction. Accordingly, any proceedings that have been initiated by the MCI against any Association by virtue of clause 6.8, being without authority/jurisdiction shall be a nullity, non-existent. As such, any such

proceedings stand annulled with immediate effect for want of authority and jurisdiction.

57. **Departmental Promotion Committee for promotion to the Post of Asstt. Secretary.**

Read: the matter with regard to Departmental Promotion Committee for promotion to the Post of Asstt. Secretary.

The Executive Committee considered the matter with regard to constitution of the Departmental Promotion Committee for promotion to the Post of Asstt. Secretary and nominated two members for the D.P.C. viz. Dr. Ajay Kumar & Dr. Kishor Taori, Members, MCI for considering promotion to the post of Asstt. Secretary and authorized the President to decide the date of meeting of DPC.

58. **Disciplinary proceedings against Dr.ARNSetalvad, the then Secretary, Dr.K.K.Arora, Deputy Secretary and others P.E. 15(a)/2005 – DLI registered by CBI.**

Read: the matter with regard to disciplinary proceedings against Dr. ARN Setalvad, the then Secretary and others and Dr.K.K. Arora, the then Deputy Secretary and others in PE-DAI-205-A-0015 registered by CBI.

The Executive Committee of the Council noted that Deputy Secretary, Ministry of Health & F.W. vide letter dt.27.7.2012 had requested that the matter be placed before the Board of Governors for needful and the outcome to be intimated to the Ministry. The Board of Governors during their tenure had deferred the consideration of the matter and it was never taken up till date. The matter has now been placed before the Executive Committee for necessary decision to be taken and communicated to Ministry of Health & F.W.

The Executive Committee further noted the decision of the earlier Executive Committee dt.10/11<sup>th</sup> June, 2009 which reads as under:-

*“The Executive Committee of the Council perused the report submitted by the Enquiry Committee comprising of Mr. Justice S.K. Mahajan (Retd.), Hon’ble Delhi High Court, Dr.R.V.Azad, Prof. of Ophthalmology, Rajendra Prasad Eye Centre, AIIMS, New Delhi and Dr.D.J.Borah, Principal, Jorhat Medical College, Jorhat (Assam) and after detailed deliberations decided to accept the same”.*

Likewise, the Executive Committee also decided as under:-

*“The report of the enquiry committee with reference to CBI report in PE-DAI 2005-0015 in relation to Lt.Col.(Retd.)Dr.ARNSetalvad, Secretary, Medical Council of India, Ms. Savitha Section Officer and Mr.Manoj Kumar, LDC in the office of the Medical Council of India was read.*

*After the deliberations on this report submitted by the Enquiry Committee comprising of Mr. Justice S.K. Mahajan (Retd.), Hon’ble Delhi High Court,*

*Dr. Manoj Singh, Prof., Deptt. Of Pathology, AIIMS, New Delhi and Dr. B.P. Dubey, Dean, Gandhi Medical College, Bhopal, it was decided to accept this report.”*

The aforesaid decision of the Executive Committee were communicated to the Secretary, Ministry of Health & F.W. Govt. of India, New Delhi by a communications dt.11.3.2010 by the Vice-President, Medical Council of India enclosing therewith the copy of Hon'ble Justice S.K. Mahajan Committee's reports.

Hon'ble Justice S.K. Mahajan Committee's Enquiry Report in case of Dr. ARN Setalvad, Ms. S. Savitha and Sh. Manoj Kumar, the employees of the Council had concluded that *“though there was some negligence on the part of these two employees namely Ms. S. Savitha and Mr. Manoj Kumar, but we agree with the explanation given by them that because of rush of work and inadvertent error they did not notice that Mr. Laxminarayan was over aged and was not eligible for the post of LDC. We are informed that warning has already been given to the said employees and in our opinion no further action is required in their case.”*

Likewise Hon'ble Justice Hon'ble Justice S.K. Mahajan Committee's enquiry report in case of Dr. K.K. Arora, the then Deputy Secretary, Dr. V.P. Mishra & Dr. D.K. Sharma, Members of Medical Council of India had concluded that:-

*“in our opinion the entire exercise of holding enquiry against Dr. V.P. Mishra, Dr. D.K. Sharma and Dr. K.K. Arora is only a witch hunting for which they cannot be blamed. We do not find any merits in the chargesheet issued to them and we wholly exonerate them from the said charges.”*

In view of the above, the Executive Committee decided to reiterate the decision of the earlier Executive Committee dated 10-11/06/2009 and further, the said matter be treated as closed in the light of the conclusion drawn by Hon'ble Justice Hon'ble Justice S.K. Mahajan (Retd.) in its reports.

The meeting ended with a vote of thanks to the Chair.

(Ashok Kumar Harit)  
Deputy Secretary

Approved

(Dr. Jayshreeben Mehta)  
President

Dated the 18<sup>th</sup> February, 2014.