

No. MCI-5(3)/2015-Med.Misc./
MEDICAL COUNCIL OF INDIA
NEW DELHI
EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on 04th June, 2015 in the Council Office at Sector 8, Pocket 14, Dwarka, New Delhi.

Present:

Dr. Jayshree 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. K.K. Gupta	412/3 Janpath Lane, Near Uday Park, CCS University, Mangal Pandey Nagar, Meerut-250004 UP.
Dr. Anil Mahajan	Professor & HOD, General Medicine, Government Medical College, Jammu, J&K.
Dr. V.N. Jindal	Vice Chancellor, S.R.K. University, Bhopal, Madhya Pradesh
Dr. Baldev Singh Aulakh	Professor of Urology and Transplant Surgery, Head Transplant Unit, Dayanand Medical College, Ludhiana
Dr. G.B. Gupta	Vice-Chancellor, Ayush & Health Sciences University, Raipur, Chhattisgarh.
Dr. Vijay Prakash Singh	Professor & Head, Department Of Gastroenterology, Patna Medical College, Patna, Bihar
Dr. Ravindra H.N.	Kalashree Nilaya, Krishna Nagar, Pandavapura, Mandya Distt., Karnataka

Dr. Reena Nayyar, Secretary I/c

Apology for absence was received from Dr. Radha Madhab Tripathy.

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

The Executive Committee of the Council noted the action taken on the minutes of the Executive Committee meeting held on 13th May, 2015.

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

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

3. **Approval of the Minutes of the Registration & Equivalence committee meeting held on 25th March, 2015.**

Read: the matter with regard to approval of the minutes of the Registration & Equivalence committee meeting held on 25th March, 2015.

The Executive Committee of the Council perused the minutes of the Registration & Equivalence Committee meeting held on 25th March, 2015 and decided to refer back the following items for reasons as mentioned as under:-

- Item 7. It is not stated whether the qualification has been acquired after passing an examination or not. This be verified.
- Item 10. It is not stated whether the qualification has been acquired after passing an examination or not. This be verified.
- Item 15. In the last para, it is recorded that *"such a nomenclature is included in the schedules to IMC Act, 1956; therefore the said qualification cannot be registered ..."* This seems to be a typing error; rather the sentence should read as *"such a nomenclature is **not** included in the schedules to IMC Act, 1956; therefore the said qualification cannot be registered."*
- Item 20. Is Master of Public Health a medical qualification? Is it open only to medical graduates or to other graduates as well? This be verified by the sub-committee.
- Item 35. It is not possible to register any PG qualification which is not included in the schedule. Hence Paediatric Endocrinology cannot be added as additional qualification till it is included in the schedule.
- Item 36. It is not possible to register any PG qualification which is not included in the schedule. Hence Trauma & Orthopaedic Surgery cannot be added as additional qualification till it is included in the schedule.
- Item 37. It is not possible to register any PG qualification which is not included in the schedule. Hence Neonatal Medicine & Perinatal Medicine cannot be added as additional qualification till it is included in the schedule.
- Item 38. It is not possible to register any PG qualification which is not included in the schedule. Hence Membership of College of Emergency Medicine cannot be added as additional qualification till it is included in the schedule.

Form 08 A& 08 B: Application Form for Registration of Additional Qualification (Indians):

Form 08A, Point 8. Both PAN/ Aadhar are separate entities having independent functions hence cannot be either/or. It should be modified as 8 (a) PAN & 8 (b) Aadhar No. (If any)

Form 08B, Point 15. MCI's consistent viewpoint has been that there cannot be any second registration with other Council as per IMC Act once the person is enrolled in IMR subsequent to registration with any Council, he can practice anywhere in India. This being Parliamentary enactment, no provision in any State legislature can override it. Hence this should be deleted.

In view of above, the Executive Committee of the Council further decided to approve rest of the items of the minutes of the Registration & Equivalence Committee meeting.

4. **Approval of the minutes of the Ethics Committee meetings held on 19th & 20th February, 2015 and 17th & 18th March, 2015.**

Read: the matter with regard to approval of the minutes of the Ethics Committee meetings held on 19th & 20th February, 2015 and 17th & 18th March, 2015.

The Executive Committee of the Council perused the minutes and decided to refer back the following items to the Ethics Committee for reasons as mentioned as under:-

Meeting dt. 19th & 20th February, 2015:

- Item 7. Contention of teachers that the photograph of the signboard is false & tempered cannot be accepted straightaway. The photograph now attached and claimed as “actual” might have been taken at a later date. The statements of the teachers should be compared with the report of assessors and the statements made by the faculty before the assessors (if any). Till then, the matter cannot be disposed off.
- Item 8. Why the matter has been referred to Ethics Committee has not been mentioned at all. This should be described in detail.
- Item no.24. Dr. Anu Nayar for being ethical in her practice be read as Dr. Anu Nayar for being ‘unethical’ in her practice

The Committee decided to approve rest of the items.

Meeting dt.17th & 18th March, 2015.

- Item 6. In the observations of Ethics Committee, at # 3, it is mentioned that “*Dr. Praveen Rathi had not reported to the Dist. Health Authorities about the patient of Viral Hepatitis B*” which seems to be an error as the rest of discussion pertains to Viral Hepatitis which is Viral Hepatitis **A**. This be rectified. Also the under which Rule/regulation, a private practitioner is required to report to Ministry of Health & FW about occurrence of Viral hepatitis A should be mentioned to show the breach of that rule. This may be looked into.

Remanded matter: Item 11 of meeting dt. 15&16/01/2015. The decision of Ethics Committee is not recorded. Also, such type of hyperbilirubinaemia is not possible in the first baby due to Rh factor incompatibility. It may be examined whether there was any abortion or pregnancy before or whether she was sensitized with any blood transfusion prior to this pregnancy and if so, whether it was disclosed to Dr. Basudeb Tiwari.

- Item 39. Ethics Committee is a sub-committee of MCI & its decision are required to be ratified by the Executive Committee before taking any action on such decisions. However intermediate stages like calling parties, granting adjournments need not be sent to the Executive Committee. The matters should be sent to the Executive Committee only final adjudication when Ethics Committee decides the matter. Hence the minutes of Ethics Committee may be prepared in two parts – i.e. Part A comprising of those items in which final decision has been taken by the Ethics Committee & Part B comprising of other items which are still not finalized by the Ethics Committee. Only Part A be sent to Executive Committee for approval while Part B need not be sent to the Executive Committee so that necessary action can be taken without delay.

The Committee decided to approve rest of the items.

5. Admission of 1st year MBBS students at Darbhanga Medical College, Leheriasarai, Bihar for the academic year 2014-15.

Read: the matter with regard to admission of 1st year MBBS students at Darbhanga Medical College, Leheriasarai, Bihar for the academic year 2014-15.

The Executive Committee of the Council perused the legal opinion of the Law Officer and noted that there were several discrepancies and decided to accept it with amendments as under:

- (i) Candidate # 1: Chandan Pathak be discharged as he is of General category & secured < 50 % marks in PCB.
- (ii) Candidates # 2&3 i.e. Kranti Gandhi (CBSE selected under OBC Category) and Arvind Kumar Bahardar (BSQ selected EBC (OBC) Category) - be discharged since their marks in entrance examination have not been provided even after repeated reminders.
- (iii) Candidate # 4: A.H. Quasmi – Discharge notice be revoked as he is in PH category & obtained > 45 % in both PCB & Entrance examination.
- (iv) Candidate # 5: I. Vanlalngaihsaka – Discharge notice be revoked as he is in ST category & obtained > 40 % in both PCB & Entrance examination.
- (v) Candidate # 6: Shreya Kayastha (nominee of the Government of India through Ministry of External Affairs)be discharged as she is of General category & secured < 50 % marks and the same was confirmed by the Central Government, Ministry of Health & F.W., vide letter dated 2nd June, 2015 (received in Council Office on 05.06.2015) .

The Executive Committee of the Council further instructed the Office to direct the Principal, Darbhanga Medical College, Leheriasarai, Bihar to submit the compliance within 02 weeks.

6. Admission of MBBS student at Belgaum Institute of Medical Sciences, Belgaum, Karnataka for the Academic Year 2014-15.

Read: the matter with regard to admission of MBBS student at Belgaum Institute of Medical Sciences, Belgaum, Karnataka for the Academic Year 2014-15.

The Executive Committee of the Council decided to issue discharge notice in respect of the following candidates and instructed the Office to direct the Director, Belgaum Institute of Medical Sciences, Belgaum to submit the compliance within 02 weeks:

- (1) # 2 Akshata Tawadare who belongs to PH category but has secured 40% marks in PCB while minimum required are 45 % for PH candidates as per Graduate Medical Education Regulations;
- (2) # 3 K.M. Badiger who belongs to PH category but has secured 42.22 % marks while minimum required is 45 % for PH candidates as per Graduate Medical Education Regulations.

7. e-Governance with paperless administration through technological interventions for "Digital MCI".

Read: the matter with regard to e-Governance with paperless administration through technological interventions for "Digital MCI".

The Executive Committee of the Council observed that in order to place the road-map and action plan on an appropriate modality in accordance with governing rules & regulations, the Council has contacted National Institute for Smart Government (NISG), a reliable advisory and consulting body to the Central Government, State Governments and PSUs. M/s NISG was requested to provide consultancy services to achieve the objectives of this roadmap. This was apprised to the President by the Chairman, Administration and Grievance Committee. It was further observed that the above said proposal was in-principle approved by the Chairman, Administration and Grievance Committee and President of the Council. Thereafter, NISG submitted the draft Memorandum of Understanding (MOU) which has been duly vetted by the law officer. The representatives of NISG along with their CEO visited the office of the Council on 13.04.2015 and met with the President, Chairman, Administration and Grievance Committee when Deputy Secretary, Admin,

Law officer and Computer Programmer were also present. They have submitted the MOU duly executed by both NISG and Medical Council of India. A copy of the said executed MOU was also given to NISG.

The Committee observed that, with regard to the report of sub-committee, the following needs to be incorporated/amended/deleted in the Detailed Project Report which is part of Phase I:

1. Applications for UG / PG courses:
Action Plan at MCI upon receipt of application:

The following should be incorporated

- Verification of Land documents & certificates
- Creation of faculty database
- Verification of certificates of academic qualification & teaching experience
- Communication of decision to college also in those cases where compliance is to be sought.
- Interlinking of notices issued u/s 8(3)(1)(c) & 8(3)(1)(d) wherein a flag is inserted so as not to process applications for PG, for next year, etc. as applicable

2. Registration section:

- Regarding payment gateway, this was attempted earlier also but abandoned as the volume is too small (as told by bank then). Whether banks would be interested with this volume should be ascertained first and the cost, bank commission to be recovered from users, etc. would also have to be taken into account. Also, physical payment gateway would have to be kept open as there may be some who have no access to internet payment facilities or may not wish to use the same.

3. Online IMR:

- Verification of data entered by doctors will have to be inbuilt. This will be particularly in such cases wherein additional qualification is entered which is not yet recognized by MCI but for which certificate of additional registration is issued by State Medical Councils. (In case of regular updation by doctors & SMC)

4. Ethical conduct:

- See remark about payment of fees above.

5. Faculty Monitoring:

- System for verification of documents, certificates of experience & qualifications shall have to be established. This work was earlier done by Whole Time / Additional Inspectors.
- Inbuilt reference should be incorporated so that the workload & time of assessors can be saved during assessment. Modality should be incorporated so that those faculty whose documents, certificates have been verified at MCI need not be repeated during assessment. Only their physical presence at the time of marking attendance & at time of head count would suffice.

7. E Library:

- Maintenance of E library or capturing all books & journals is not a function of MCI & cannot be undertaken as a part of digitalization of office records. Hence it should not be included.

11. RTI:

- RTI Online portal has already started in MCI since 1st June which should be integrated with this system.

It was further observed that M/s NISG has prepared a proposal of consultancy services for implementation of e-Governance at MCI. The Executive Committee approved the following proposal submitted by NISG regarding the phase wise deliverables, timeline, professional fee and payment schedule with terms and conditions:

Phase	Duration (months)	Elapsed time (months)*	Deliverable
Signing of Contract between NISG and MCI	-	T	-
Team Mobilization	.5	T +.5	-
Design-I	1.5	T + 2	To-Be (to be done)
Design-I	1	T + 3	DPR (Detail Project Report)
Design-II	1#	T + 4	RFP
Bid process management	1##	T + 5	Bid evaluation Report

Note: 'T' means date of signing of Contract

#- Duration mentioned is for the submission of RFP from NISG's end and does not account for time requirement for carrying out any suggested changes, approvals etc.

##- Duration mentioned is for the time required to evaluate the received bids and does not account for the minimum time required to be given to bidders to submit their bids etc. as per government guidelines

It was further decided to approve that payment of Rs 44,72,913 consultancy fees as per the details in table given below to M/s NISG:

S. No.	Deliverable	Payable Amount
1	On award of work and mobilization of resources	₹ 8,94,583
2	On submission of DPR	₹ 17,89,165
3	On submission of RFP	₹ 13,41,874
4	On submission of bid evaluation report	₹ 4,47,291
Total		₹ 44,72,913

Note: Expenses for any travel outside Delhi/NCR region shall be charged additionally as per actuals. The above mentioned fee is exclusive of any applicable taxes; which would be charged extra as per the actual prevailing rates at the time of invoicing.

Office Note: In the table of phase wise schedule, there are two stages shown as Phase I: (i) To-be (?) & (ii) DPR (Detail Project Report). This be verified and corrections be made, if required. What is meant by "To-be" should be shown.

8. Request for change of affiliating University of L.N. Medical College and Research Centre, Bhopal from Barkatullah University, Bhopal (M.P.) to LNCT University, Bhopal from the academic year 2014-2015 onwards.

Read: the matter with regard to request for change of affiliating University of L.N. Medical College and Research Centre, Bhopal from Barkatullah University, Bhopal (M.P.) to LNCT University, Bhopal from the academic year 2014-2015 onwards.

The Executive Committee of the Council considered the letter dated 26.02.2015 from the Registrar, LNCT University, Bhopal and decided that the Institute be asked to submit the certificate / approval from University Grants Commission with regard to formation of LNCT University, Bhopal. It was further decided that it may be advised to the Institution to apply to the Central Government when the first batch admitted under LNCT University, Bhopal appears for the III M.B;B.S. Part II examination for recognition u/s 11 (2) of IMC Act, 1956.

9. Change of affiliating University in respect of Chirayu Medical College & Hospital, Bhopal from Barkatullah University, Bhopal to Madhya Pradesh Medical Science University, Jabalpur from the academic session 2014-2015.

Read: the matter with regard to change of affiliating University in respect of Chirayu Medical College & Hospital, Bhopal from Barkatullah University, Bhopal to Madhya Pradesh Medical Science University, Jabalpur from the academic session 2014-2015.

The Executive Committee of the Council considered the letter dated 12/03/2015 from the Dean, Chirayu Medical College & Hospital, Bhopal and decided that it may be advised to the Institution to apply to the Central Government when the first batch admitted under Madhya Pradesh Medical Science, University, Jabalpur appears for the III M.B;B.S. Part II examination for recognition u/s 11 (2) of IMC Act, 1956.

10. Minutes of meeting of the TEQ Committee at its meeting held on 28.4.2015 - approval of.

Read: the matter with regard to minutes of meeting of the TEQ Committee at its meeting held on 28.4.2015.

The Executive Committee of the Council perused the minutes of the TEQ Committee meeting held on 28.4.2015 and decided as under:-

- Item 3. Facts as narrated in the item are incomplete. It is not clear whether Dr. Pankaj Kumar possess two years of special training in the concerned specialty in addition to the requisite 03 years teaching experience in Surgical Gastroenterology as Resident/Registrar/Demonstrator/Tutor in a recognized medical college either during the post-graduation course or after obtaining postgraduate degree in the subject as shown in clause (ii) of the Regulation as amended vide Gazette Notification dated 01.10.2012. In view of this, the Committee decided to seek legal opinion in the matter.
- Item 5. Not approved. The Regulations of the Council are Statutory and mandatory and binding upon all authorities and cannot be varied by any authority. The qualification required for the post of Senior Resident as laid down in the Regulations is only MBBS. Any experience as Senior Resident is not required for appointment as Assistant Professor as per MCI Regulations. Therefore the period undergone as Senior Resident cannot be equated with that of Assistant Professor even if the incumbent possesses PG qualification. Regulation also provides that for promotion/appointment to the post of Associate Professor, teaching experience as Assistant Professor and not as Senior Resident. Therefore it is only the experience as Assistant Professor which can be considered for promotion to Associate Professor. Further, TEQ Regulations have been notified with prior approval of the Central Government way back in 1998 – i.e. 16 years ago which is long enough to amend its rules in line with the TEQ Regulations, as has been done by many State Governments.

- Item 6. Ms. Bindu Sharma is eligible for the post of Assistant Professor in Biochemistry as per facts narrated. The qualification of Ph.D. is required only for the promotion to the post of Associate Professor & above. However the section should verify whether she possesses 3 years' experience as Tutor or not. If she possesses 3 years' experience as Tutor, she is eligible to be appointed as Assistant Professor.

The Committee further decided to approve item no. 1&2 and disapprove item no. 4 and both the suggestions of the minutes of TEQ Committee meeting.

11. Amendment in the "Minimum Qualifications for Teachers in Medical Institutions Regulations, 1998 regarding grant of Equated Teaching Designation to Specialists and Medical Officers for North Delhi Municipal Corporation Hospital.

Read: the matter with regard to amendment in the "Minimum Qualifications for Teachers in Medical Institutions Regulations, 1998 regarding grant of Equated Teaching Designation to Specialists and Medical Officers for North Delhi Municipal Corporation Hospital.

The Executive Committee of the Council observed that 16 March 2005 amendment of PG Regulations was for granting teaching designations only in respect of those institutions where PG courses affiliated to Universities were already running. It neither contemplated nor envisaged granting of teaching designations to those institutions where PG courses were not running or to new institutes being established *de novo*. This amendment is still in vogue and its benefit can only be granted to such institutes which were affiliated to Universities and where PG courses were running. Therefore merely making 2012 amendment generic would not serve any purpose if the conditions laid down in 2005 amendment are not met.

Further, this amendment of 2005 was further amended on 17/11/2009 which prescribed that "such conferment of the nomenclature of the designation/status of postgraduate medical teachers shall be awarded only to those many number of consultants in the concerned hospital/institution so as to fulfill the minimum requirement for imparting Postgraduate Medical Education to the sanctioned annual intake of the respective Govt. Hospital/Institute. "This amendment is also in vogue.

The Executive Committee of the Council decided that the Sub-Committee may re-examine the proposal in this light & resubmit the proposal in accordance with prevailing Regulations.

12. Approval of the Minutes of the Administration and Grievance Committee Meeting held on 18/03/2015.

Read: the matter with regard to approval of the minutes of the Administration and Grievance Committee Meeting held on 18/03/2015.

The Executive Committee of the Council approved the minutes of the Administration and Grievance Committee Meeting held on 18/03/2015.

The above minutes were read and confirmed in the meeting itself.

13. Report of the Sub Committee regarding Fake Faculty declaration forms for the academic year 2014-15 where name of doctors appeared in more than one medical college.

Read: the matter with regard to report of the Sub Committee regarding Fake Faculty declaration forms for the academic year 2014-15 where name of doctors appeared in more than one medical college.

The Executive Committee of the Council observed as under:

- (1) # 11. Dr. S. Bilquees. Name of second college is not mentioned in the table. This be corrected.
- (2) # 29. Dr. L.K. Mishra: In one D.F. he is shown as Asst. prof. of Anatomy while in another D.F., he is shown as Professor of Tb & Chest which is not possible. This raises a distinct possibility that these are two different persons with similar names. Sub-committee/Section may verify and reexamine and resubmit.

The Executive Committee of the Council further observed that it has not been mentioned by the section that all such cases are incorporated in the table. This be verified to see whether any such cases are still remaining or not and a certificate be obtained from the section accordingly.

14. Request for change of nomenclature from Sri Siddhartha University to "Sri Siddhartha Academy of Higher Education"

Read: the matter with regard to request for change of nomenclature from Sri Siddhartha University to "Sri Siddhartha Academy of Higher Education".

The Executive Committee of the Council considered the letter dated 22/04/2015 from the Under Secretary, Ministry of Health & FW, Nirman Bhawan, New Delhi forwarding therewith letter dated 7/10/2014 received from the Registrar, Sri Siddhartha Academy of Higher Education, Tumkur and observed that the Executive Committee at its meeting held on 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 IMC Act, 1956 unless the Executive Committee decided otherwise".

The Executive Committee of the Council further noted that Sri Siddhartha Medical College, Tumkur is recognized medical college for the award of MBBS degree granted by Sri Siddhartha University, Tumkur.

In view of above, the Executive Committee of the Council decided to approve the request of the Registrar, Sri Siddhartha Academy of Higher Education, Tumkur with regard to the change of nomenclature from Sri Siddhartha University to "Sri Siddhartha Academy of Higher Education".

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

15. Non-Compliance with regard to discharge notice of MBBS course for the Academic Year 2013-14 and 2014-15.

Read: the matter with regard to non-compliance with regard to discharge notice of MBBS course for the Academic Year 2013-14 and 2014-15.

The Executive Committee of the Council decided to direct the affiliating Universities not to enroll such candidates or if enrolled, cancel enrollment of such candidates except in cases of those colleges where the matter is sub-judice.

The Executive Committee of the Council further decided that in case of all those colleges where compliance of discharge notice has not been received except the sub-judice cases, a show cause notice be issued as to why the processing of their applications for renewal of permission/continuance of recognition be not stopped for the academic year 2016-17 and why recommendation should not be made to the Central Government to withdraw the recognition for award of MBBS degree.

16. Minutes of the Academic Committee meeting held on May 15, 2015- approval of.

Read: the matter with regard to minutes of the Academic Committee meeting held on May 15, 2015.

The Executive Committee of the Council approved the minutes of the Academic Committee meeting held on May 15, 2015 with following amendments:-

Welcome: It is stated that *“the Minutes of the earlier meetings have been approved by the Executive Committee and placed before the General Body of the Council at its meeting held on 26-27th March, 2015 and were approved but will become operative after the minutes of the General Body are formally approved.* This be corrected.

Item 4.1 Report of the Expert Group nominated by the Academic Committee to suggest ways and means for the augmentation of trained health manpower in the domain of Psychiatry (Mental Health).

Not approved. No proposal which is not in conformity with Regulations which being Statutory Regulations are mandatory or binding in character can be considered or approved.

4.2 (i) Item 9(a) 5 (a) Eligibility for guides for D.M./M.Ch. Student:

Not approved.

Item 6 Consideration of the issues raised by Shri Manoj Kumar Sharma, from Mumbai in his letter dated 23.06.2014.

The Executive Committee cannot agree with the observation of the Academic Committee that *„ as is evident from the fact that the number of students seeking to join the MBBS course is showing a growing decline over a period of time. Any further increase in duration of the MBBS course would add adversely to the existing perception. Hence the same is not recommended.”* as no medical college has reported that any seat is left vacant and the number of applications for establishment of new medical colleges and for increase of seats is on rise. Hence the sub-committee should reexamine the matter on merits and resubmit.

Item 7. Document received from TEQ section regarding clarification required for the teachers research publications in the teacher eligibility qualification

“1. What does ‘Research Paper’ mean?-As Journals publish Research Work in various headings like-original article, review article, case report, ideas and innovations, etc.

The sub-committee to reexamine the issue and suggest a clear cut answer as the matter of what is research paper, which is embodied in the Regulation, cannot be left to discretion of individual journal which would lead to avoidable dichotomy.

The Executive Committee of the Council further observed that clarity is also required on

- (a) Names of indexing agencies.
- (b) Types of articles to be considered - Whether case reports are acceptable?
- (c) Criteria for ‘National/International Journals’ and whether e-Journals are acceptable?

The Sub-Committee is requested to clarify on the above issues as well.

Item 8. Letter from Dr. D.J. Borah regarding medical specialist as medical teachers

Not approved as no appointment which is not in conformity with prevailing Regulations can be accepted. The amendment prescribing requirement of research papers for promotion were notified way back in 2009 and a window period of 4/5 years was provided for promotion as per old Regulations without research publications.

Item 15 (b) Email from Dr. Ved Prakash Mishra, Chairman, Academic Committee, MCI regarding prescribing standardized procedure for the protocol based convocations to be held by the examining universities/deemed universities that have medical colleges under their ambit/jurisdiction.

Not approved as the manner of holding convocation is entirely at the discretion of the University and does not fall within jurisdiction of MCI.

17. Renewal of permission for MBBS course for 3rd batch (100 seats) of Govt. Medical College, Bettiah, West Champaran, Bihar under Aryabhatta Knowledge University, Patna, Bihar u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (100 seats) of Govt. Medical College, Bettiah, West Champaran, Bihar under Aryabhatta Knowledge University, Patna, Bihar u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee noted that the Central Govt. vide letter dated 22/05/2015 has forwarded a copy of letter dated 17/05/2015 and undertakings dated 13/05/2015 & 25/05/2015 of the Principal, Secretary, to the Govt. of Bihar Medical Education & Drugs Department. From the documents it was observed that the college has rectified many of deficiencies pointed out in the Assessment Report dated 28/04/2015 and further the competent State Authorities has filed an appropriate undertaking regarding the measures undertaken by the State Govt. to rectify the deficiencies in a time bound manner.

The Executive Committee also observed that the office of the Council is in receipt of a letter dated 22.5.2015 from the Ministry of Health, Government of India. Through this letter dated 22.05.2015 the Ministry of Health, Govt. of India has requested the MCI to approach the Hon'ble Supreme Court for extension of time for making recommendation to the Central Govt. and also for extension of time for the Central Govt. to take final decision for the current academic session 2015-16. This letter dated 22.05.15, was considered and deliberated upon by the Executive Committee of the Council.

In this regard, the Executive Committee of the Council observed that a similar request from the Ministry of Health, Govt. of India requesting the Council to approach the Hon'ble Supreme Court for seeking extension of time, had also been received in the previous year being D.O. letter No. FTS-135517/2014 dated 8th July, 2014. This letter was responded to by the Council vide letter dated 10th July, 2014.

During the deliberations on the Ministry of Health, Govt. of India letter dated 22.05.15, it is observed by the Executive Committee of the Council that as per the time schedule stipulated by the Hon'ble Apex Court and which is mandatorily required to be followed by all concerned including the Council and the Central Govt., the MCI had to send its recommendations to the Ministry of Health, Govt. of India latest by 15.05.2015 and the Central Govt. has to take a final decision in this regard by 15.06.2015.

The MCI has conducted inspections in all the cases of medical colleges seeking establishment of new medical colleges as well as seeking renewal of permission for the academic session 2015-16 in pursuance to the time schedule filed before the Hon'ble Apex Court in W.P (C) No. 469/2014 – Hind Charitable Trust &

Shekhar Hospital Vs. UOI & Ors., by 31st of January 2015, whereafter, wherever required the deficiencies were forwarded to the colleges so as to enable them to furnish their compliances. Thereafter, the Central Govt. granted personal hearing to the colleges and upon receipt of the compliances and in all those cases where the colleges were eligible for compliance verification inspection, the MCI carried out compliance verification inspections during the months of March to mid May, 2015 and finally sent its recommendations to the Central Govt. by 15.05.2015. Any action on the part of the MCI after 15.05.2015 would be in violation of the orders passed by the Hon'ble Supreme Court.

There is not even a single case wherein the MCI could not carry out compliance verification inspection due to paucity of time. The MCI had carried out compliance verification inspections in all cases wherein the medical colleges were eligible for the same, as stated above.

MANDATORY PROVISIONS OF CLAUSE 8 OF MCI REGULATIONS ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999 AS AMENDED

Wherever deficiencies in relation to infrastructural, teaching and other facilities were found to be extremely gross regarding teaching faculty, residents and bed occupancy – thereby those colleges falling within the purview of clause (i) 8 (3)(1)(a) or (ii) 8(3)(1)(b) or (iii) 8(3)(1)(c) – appropriate action had been taken by the Council. The provision of clause 8(3)(1)(a) to 8(3)(1)(c) are set out as under:-

“...8. GRANT OF PERMISSION:

(1) & (2).

“(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

- (a) **Colleges in the stage upto II renewal (i.e. Admission of third batch):**
If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, **such an institute will not be considered for renewal of permission in that Academic Year.**
- (b) **Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:**
If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, **such an institute will not be considered for renewal of permission in that Academic Year.**
- (c) **Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, **such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition** of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....”

The Executive Committee of the Council took note of the above-mentioned provisions of the binding Regulations of 1999, which – under Clause 8(3)(1)(a) and 8(3)(1)(b) create a prohibition against any further consideration of colleges falling in those two categories, for the present academic year. Similarly, the colleges falling within the purview of 8(3)(1)(c), the mandatory stipulation contained therein prohibits any further processing/consideration of any application by any such college for Postgraduate Courses in the present academic year and also for issuance of show cause notice for recommendations for withdrawal of recognition.

COLLEGES / INSTITUTES FOUND TO HAVE EMPLOYED ANY TEACHER WITH FAKED / FORGED DOCUMENTS

In cases of those colleges where inspections had revealed fake faculty or fake / forged documents, thereby those colleges falling within the purview of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999. Such colleges falling within the purview of Regulation 8(3)(1)(d) of the 1999 Regulations were ineligible for any further consideration and as such the Council had stood restrained from inviting any compliance and / or undertaking any compliance verification. The provision of clause 8(3)(1)(d) is reproduced as under:-

“8(3)(1)(a-c)

(d) **Colleges which are found to have employed teachers with faked / forged documents:**

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, **such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree /processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.**

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Govt.”

The stipulations contained in Clause 8(3)(1)(d) of the 1999 Regulations mandatorily requires the Council that if any college falls within the purview of this provision then, inter alia, it will not be considered for renewal of permission / recognition for two academic years.

It was observed that in the previous year, the Executive Committee of the Council had considered the cases of the Govt. Medical Colleges. It was considered that all seats in the Govt. Medical Colleges are filled up purely on the basis of merit. Poor and needy patients are taken care of by the Govt. Medical Colleges and it is the Govt. Medical Colleges who also take care of providing basic medical care in the rural and difficult terrains of the country. More and more MBBS seats are required by the Govt. Medical Colleges in all the states in the country and it has always been the endeavour of the Council to remain sensitive and alive in relation to the Govt. Medical Colleges. With that concern in its mind in relation to the Govt. Medical Colleges, the

MCI has always taken all necessary steps in ensuring that more and more MBBS seats become available in the Govt. Medical Colleges.

In the previous years also, so far as the Govt. Medical Colleges are concerned, the MCI had made request to the Ministry of Health, Govt. of India to permit Govt. Medical Colleges to make admissions in the MBBS course by relying upon requisite undertakings furnished by the competent State Authorities. The Council has always emphasized that steps / arrangements made by the MCI are only for the Govt. Medical Colleges - so as to subserve the larger public interest and no such arrangement is permissible for any private medical college.

The Executive Committee of the Council also found it appropriate to reiterate that it has always remained deeply concerned about the Govt. Medical Colleges and it is reiterated that the Govt. Medical Colleges have always been given prompt action with complete cooperation, sensitivity and concern to the factors which apply in the case of Govt. Medical Colleges. Even for the present academic session also the MCI had considered the cases of Govt. Medical Colleges on the basis of undertaking submitted by the Health Secretary / Chief Secretary of the respective State Govt. wherein it was stated that the deficiencies shall be rectified within a period of three months. Only those Govt. Medical Colleges whose deficiencies were either extremely gross or whose Health Secretary / Chief Secretary had failed to appear even after repeated requests of the undersigned as well as the Secretary MCI, the Council was constrained to send negative recommendations in respect of such medical colleges.

The Hon'ble Supreme Court in a catena of cases including in the case of Mridul Dhar Vs. UOI & Ors. - (2005) 2 SCC 65 and in the case of Priya Gupta Vs. State of Chhattisgarh- (2012) 7 SCC 433, has categorically held that the time schedule for considering the application of a medical college has to be strictly adhered to and any deviation from the same shall invite action under the Contempt of Courts Act, 1971.

APPLICATION FOR EXTENSION FILED BY THE CENTRAL GOVT. IN THE PREVIOUS ACADEMIC YEAR (2014-15) WAS NOT ACCEDED TO BY THE HON'BLE SUPREME COURT

The Central Govt. for the academic session 2014-15 had moved an application being I.A No.11 / 2014 in Civil Appeal No(s). 4318/2012 - Priya Gupta Vs. State of Chhattisgarh for extension of time however the same was declined by the Hon'ble Supreme Court vide its order dated 31.07.2014.

The Executive Committee of the Council, in view of the above and the fact that the MCI has been able to consider and process all applications for establishment of new medical colleges as well as renewal of permissions for the current academic session 2015-16 within the time prescribed under the time schedule and has already forwarded all its recommendations to the Central Govt., decided that there is neither any occasion nor any permissibility nor any justification for the Council to approach the Hon'ble Supreme Court for extension of the time schedule.

The Executive Committee observed that on behalf of certain Govt. Medical Colleges, the competent State Authority had submitted the requisite undertaking and on that basis, the MCI had made recommendations in favour of those medical colleges. Besides and in addition to the above category of Govt. Medical Colleges where the requisite undertaking had been submitted, certain other Govt. medical colleges have actually informed the removal of deficiencies i.e. appointment of requisite faculty, residents etc. All these cases are also considered by the Executive Committee of the Council on the basis of the inspection reports, compliance submitted by these Govt. medical colleges along with requisite undertaking submitted by the competent state authority, which, in view of the Executive Committee of the Council, would be better placed as compared to the Govt. medical colleges on whose behalf requisite undertaking has been submitted. As such, the Executive Committee decided to request the Ministry of Health, Govt. of India to permit Govt. Medical

College, Bettiah, West Champaran, Bihar – renewal of Permission for admission of 3rd Batch of 100 seats for the academic session 2015-16 as the last date for Central Government being 15th June, 2015 as per the time schedule.

It is again made clear that this request of the Executive Committee is only with regard to Govt. Medical Colleges, as stated above.

The Executive Committee once again assures the Government of India of complete cooperation by the MCI within the scope available to it under the Act, the governing Regulations and the binding orders of the Hon'ble Supreme Court.

18. Renewal of permission for MBBS course for 3rd batch (100 seats) of Vardhman Institute of Medical Sciences, Pawapuri, Nalanda, Bihar under Aryabhata Knowledge University, Patna u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (100 seats) of Vardhman Institute of Medical Sciences, Pawapuri, Nalanda, Bihar under Aryabhata Knowledge University, Patna u/s 10A of the IMC Act, 1956 for the academic year 2015-2016.

The Executive Committee noted that the Central Govt. vide letter dated 22/05/2015 has forwarded a copy of letter dated 17/05/2015 and undertakings dated 13/05/2015 & 25/05/2015 of the Principal, Secretary, to the Govt. of Bihar Medical Education & Drugs Department. From the documents it was observed that the college has rectified many of deficiencies pointed out in the Assessment Report dated 28/04/2015 and further the competent State Authorities has filed an appropriate undertaking regarding the measures undertaken by the State Govt. to rectify the deficiencies in a time bound manner.

The Executive Committee also observed that the office of the Council is in receipt of a letter dated 22.5.2015 from the Ministry of Health, Government of India. Through this letter dated 22.05.2015 the Ministry of Health, Govt. of India has requested the MCI to approach the Hon'ble Supreme Court for extension of time for making recommendation to the Central Govt. and also for extension of time for the Central Govt. to take final decision for the current academic session 2015-16. This letter dated 22.05.15, was considered and deliberated upon by the Executive Committee of the Council.

In this regard, the Executive Committee of the Council observed that a similar request from the Ministry of Health, Govt. of India requesting the Council to approach the Hon'ble Supreme Court for seeking extension of time, had also been received in the previous year being D.O. letter No. FTS-135517/2014 dated 8th July, 2014. This letter was responded to by the Council vide letter dated 10th July, 2014.

During the deliberations on the Ministry of Health, Govt. of India letter dated 22.05.15, it is observed by the Executive Committee of the Council that as per the time schedule stipulated by the Hon'ble Apex Court and which is mandatorily required to be followed by all concerned including the Council and the Central Govt., the MCI had to send its recommendations to the Ministry of Health, Govt. of India latest by 15.05.2015 and the Central Govt. has to take a final decision in this regard by 15.06.2015.

The MCI has conducted inspections in all the cases of medical colleges seeking establishment of new medical colleges as well as seeking renewal of permission for the academic session 2015-16 in pursuance to the time schedule filed before the Hon'ble Apex Court in W.P (C) No. 469/2014 – Hind Charitable Trust & Shekhar Hospital Vs. UOI & Ors., by 31st of January 2015, whereafter, wherever required the deficiencies were forwarded to the colleges so as to enable them to furnish their compliances. Thereafter, the Central Govt. granted personal hearing to the colleges and upon receipt of the compliances and in all those cases where the colleges were eligible for compliance verification inspection, the MCI carried out

compliance verification inspections during the months of March to mid May, 2015 and finally sent its recommendations to the Central Govt. by 15.05.2015. Any action on the part of the MCI after 15.05.2015 would be in violation of the orders passed by the Hon'ble Supreme Court.

There is not even a single case wherein the MCI could not carry out compliance verification inspection due to paucity of time. The MCI had carried out compliance verification inspections in all cases wherein the medical colleges were eligible for the same, as stated above.

MANDATORY PROVISIONS OF CLAUSE 8 OF MCI REGULATIONS ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999 AS AMENDED

Wherever deficiencies in relation to infrastructural, teaching and other facilities were found to be extremely gross regarding teaching faculty, residents and bed occupancy – thereby those colleges falling within the purview of clause (i) 8 (3)(1)(a) or (ii) 8(3)(1)(b) or (iii) 8(3)(1)(c) – appropriate action had been taken by the Council. The provision of clause 8(3)(1)(a) to 8(3)(1)(c) are set out as under:-

“...8. GRANT OF PERMISSION:

(1) & (2).

“(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) **Colleges in the stage upto II renewal (i.e. Admission of third batch):**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(b) **Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(c) **Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, **such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal**

of recognition of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....”

The Executive Committee of the Council took note of the above-mentioned provisions of the binding Regulations of 1999, which – under Clause 8(3)(1)(a) and 8(3)(1)(b) create a prohibition against any further consideration of colleges falling in those two categories, for the present academic year. Similarly, the colleges falling within the purview of 8(3)(1)(c), the mandatory stipulation contained therein prohibits any further processing/consideration of any application by any such college for Postgraduate Courses in the present academic year and also for issuance of show cause notice for recommendations for withdrawal of recognition.

COLLEGES / INSTITUTES FOUND TO HAVE EMPLOYED ANY TEACHER WITH FAKED / FORGED DOCUMENTS

In cases of those colleges where inspections had revealed fake faculty or fake / forged documents, thereby those colleges falling within the purview of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999. Such colleges falling within the purview of Regulation 8(3)(1)(d) of the 1999 Regulations were ineligible for any further consideration and as such the Council had stood restrained from inviting any compliance and / or undertaking any compliance verification. The provision of clause 8(3)(1)(d) is reproduced as under:-

“8(3)(1)(a-c)

(d) Colleges which are found to have employed teachers with faked / forged documents:

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, **such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree /processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.**

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Govt.”

The stipulations contained in Clause 8(3)(1)(d) of the 1999 Regulations mandatorily requires the Council that if any college falls within the purview of this provision then, inter alia, it will not be considered for renewal of permission / recognition for two academic years.

It was observed that in the previous year, the Executive Committee of the Council had considered the cases of the Govt. Medical Colleges. It was considered that all seats in the Govt. Medical Colleges are filled up purely on the basis of merit. Poor and needy patients are taken care of by the Govt. Medical Colleges and it is the Govt. Medical Colleges who also take care of providing basic medical care in the rural and difficult terrains of the country. More and more MBBS seats are required by the Govt. Medical Colleges in all the states in the country and it has always been the endeavour of the Council to remain sensitive and alive in relation to the Govt. Medical Colleges. With that concern in its mind in relation to the Govt. Medical Colleges, the MCI has always taken all necessary steps in ensuring that more and more MBBS seats become available in the Govt. Medical Colleges.

In the previous years also, so far as the Govt. Medical Colleges are concerned, the MCI had made request to the Ministry of Health, Govt. of India to permit Govt. Medical Colleges to make admissions in the MBBS course by relying upon requisite undertakings furnished by the competent State Authorities. The

Council has always emphasized that steps / arrangements made by the MCI are only for the Govt. Medical Colleges - so as to subserve the larger public interest and no such arrangement is permissible for any private medical college.

The Executive Committee of the Council also found it appropriate to reiterate that it has always remained deeply concerned about the Govt. Medical Colleges and it is reiterated that the Govt. Medical Colleges have always been given prompt action with complete cooperation, sensitivity and concern to the factors which apply in the case of Govt. Medical Colleges. Even for the present academic session also the MCI had considered the cases of Govt. Medical Colleges on the basis of undertaking submitted by the Health Secretary / Chief Secretary of the respective State Govt. wherein it was stated that the deficiencies shall be rectified within a period of three months. Only those Govt. Medical Colleges whose deficiencies were either extremely gross or whose Health Secretary / Chief Secretary had failed to appear even after repeated requests of the undersigned as well as the Secretary MCI, the Council was constrained to send negative recommendations in respect of such medical colleges.

The Hon'ble Supreme Court in a catena of cases including in the case of Mridul Dhar Vs. UOI & Ors. - (2005) 2 SCC 65 and in the case of Priya Gupta Vs. State of Chhattisgarh- (2012) 7 SCC 433, has categorically held that the time schedule for considering the application of a medical college has to be strictly adhered to and any deviation from the same shall invite action under the Contempt of Courts Act, 1971.

APPLICATION FOR EXTENSION FILED BY THE CENTRAL GOVT. IN THE PREVIOUS ACADEMIC YEAR (2014-15) WAS NOT ACCEDED TO BY THE HON'BLE SUPREME COURT

The Central Govt. for the academic session 2014-15 had moved an application being I.A No.11 / 2014 in Civil Appeal No(s). 4318/2012 - Priya Gupta Vs. State of Chhattisgarh for extension of time however the same was declined by the Hon'ble Supreme Court vide its order dated 31.07.2014.

The Executive Committee of the Council, in view of the above and the fact that the MCI has been able to consider and process all applications for establishment of new medical colleges as well as renewal of permissions for the current academic session 2015-16 within the time prescribed under the time schedule and has already forwarded all its recommendations to the Central Govt., decided that there is neither any occasion nor any permissibility nor any justification for the Council to approach the Hon'ble Supreme Court for extension of the time schedule.

The Executive Committee observed that on behalf of certain Govt. Medical Colleges, the competent State Authority had submitted the requisite undertaking and on that basis, the MCI had made recommendations in favour of those medical colleges. Besides and in addition to the above category of Govt. Medical Colleges where the requisite undertaking had been submitted, certain other Govt. medical colleges have actually informed the removal of deficiencies i.e. appointment of requisite faculty, residents etc. All these cases are also considered by the Executive Committee of the Council on the basis of the inspection reports, compliance submitted by these Govt. medical colleges along with requisite undertaking submitted by the competent state authority, which, in view of the Executive Committee of the Council, would be better placed as compared to the Govt. medical colleges on whose behalf requisite undertaking has been submitted. As such, the Executive Committee decided to request the Ministry of Health, Govt. of India to permit Vardhman Institute of Medical Sciences, Pawapuri, Nalanda, Bihar – renewal of Permission for admission of 3rd Batch 100 seats for the academic session 2015-16 as the last date for Central Government being 15th June, 2015 as per the time schedule.

It is again made clear that this request of the Executive Committee is only with regard to Govt. Medical Colleges, as stated above.

The Executive Committee once again assures the Government of India of complete cooperation by the MCI within the scope available to it under the Act, the governing Regulations and the binding orders of the Hon'ble Supreme Court.

19. Compliance Verification Assessment of the physical and the other teaching facilities available for 100 MBBS seats at Sri Aurobindo Institute of Medical Sciences, Indore, Madhya Pradesh under Devi Ahilya Vishwa Vidyalaya, Indore.

Read: the matter with regard to compliance verification assessment of the physical and the other teaching facilities available for 100 MBBS seats at Sri Aurobindo Institute of Medical Sciences, Indore, Madhya Pradesh under Devi Ahilya Vishwa Vidyalaya, Indore.

The Executive Committee of the Council considered the compliance verification assessment report (20.05.2015) along with assessment report (29th & 30th December, 2014) and noted the following:--

1. Deficiency of faculty is 14.56 % as detailed in the report.
2. Shortage of Residents is 19.41 % as detailed in the report.
3. In some wards, pantry is available but in unhygienic condition.
4. Admission & discharge data given by the institute is inflated.
5. Radiological & Laboratory investigation data is inflated. IVP & Ba meal investigations were NIL on day of assessment.
6. Histopathology workload is NIL on day of assessment.
7. Patients' case sheets are not properly maintained. A patient of Koch's was admitted in General Medicine ward.
8. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to reiterate its earlier decision with regard to application of clause 8(3)(1)(c) & 8(3)(1)(d) of Establishment of Medical College Regulations (Amendment), 2010 (Part II), dated 16th April, 2010 and to give final opportunity to the college authorities for submission of compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

20. Compliance Verification Assessment of the physical and the other teaching facilities available for 100 MBBS seats at Navodaya Medical College, Raichur under Rajiv Gandhi University of Health Sciences, Bangalore.

Read: the matter with regard to compliance verification assessment of the physical and the other teaching facilities available for 100 MBBS seats at Navodaya Medical College, Raichur under Rajiv Gandhi University of Health Sciences, Bangalore.

The Executive Committee of the Council considered the compliance verification assessment report (20.05.2015) along with assessment report (3rd & 4th December, 2014 and 20th & 21st January, 2015) and noted the following:-

1. Deficiency of faculty is 10 % as detailed in the report.
2. Shortage of Residents is 19.81 % as detailed in the report.
3. Bed occupancy is 373 out of 570 required for 100 UG admissions + PG courses – i.e. 64 % on day of assessment.
4. There was NIL normal delivery & 1 Caesarean section on day of assessment.
5. There were only 4 Major & 2 Minor operations on day of assessment.

6. In all ICUs, no patient was on ventilator. In MICU & SICU, only 1 patient each was on nasal Oxygen while in PICU, none was receiving Oxygen.
7. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to reiterate its earlier decision with regard to application of clause 8(3)(1)(c) of Establishment of Medical College Regulations (Amendment), 2010 (Part II), dated 16th April, 2010 and to give final opportunity to the college authorities for submission of compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

21. Compliance Verification Assessment of the physical and the other teaching facilities available for 100 MBBS seats at Himalayan Institute of Medical Sciences, Dehradun under HIHT University, Dehradun.

Read: the matter with regard to compliance verification assessment of the physical and the other teaching facilities available for 100 MBBS seats at Himalayan Institute of Medical Sciences, Dehradun under HIHT University, Dehradun.

The Executive Committee of the Council considered the compliance verification assessment report (22.05.2015) along with assessment report (12th & 13th December, 2014) and decided to revoke notice issued under clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010.

22. Compliance Verification Assessment of the physical and the other teaching facilities available for 100 MBBS seats at Maharajah's Institute of Medical Sciences, Vizianagaram under NTR University of Health Sciences, Vijayawada.

Read: the matter with regard to compliance verification assessment of the physical and the other teaching facilities available for 100 MBBS seats at Maharajah's Institute of Medical Sciences, Vizianagaram under NTR University of Health Sciences, Vijayawada.

The Executive Committee of the Council considered the compliance verification assessment report (20.05.2015) along with assessment report (5th & 6th December, 2014) and noted the following:-

1. Deficiency of faculty is 32 % as detailed in the report.
2. Shortage of Residents is 37.50 % as detailed in the report.
3. Area of Dean's office & Medical Superintendent's office are smaller than required. Deficiency remains as it is.
4. Duty room for doctors, Pantry, treatment rooms are not available in wards of General Surgery & Psychiatry.
5. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to reiterate its earlier decision with regard to application of clause 8(3)(1)(c) of Establishment of Medical College Regulations (Amendment), 2010 (Part II), dated 16th April, 2010 and to give final opportunity to the college authorities for submission of compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

23. Compliance Verification Assessment of the physical and the other teaching facilities available for 100 MBBS seats at Kalinga Institute of Medical Sciences, Bhubaneswar under KIIT University, Bhubaneswar.

Read: the matter with regard to compliance verification assessment of the physical and the other teaching facilities available for 100 MBBS seats at Kalinga Institute of Medical Sciences, Bhubaneswar under KIIT University, Bhubaneswar.

The Executive Committee of the Council considered the compliance verification assessment report (20.05.2015) along with assessment report (27th & 28th January, 2015) and noted the following:-

1. Salary discrepancy as pointed out in the last assessment could not be verified as documents were not provided by the institute.
2. Shortage of Residents is 25.74 % as detailed in the report. Many Residents are not staying in the hostel. Residents' hostel allotment letter & hostel block no. & room no. are not matching.
3. Proper explanation in respect of salary certificates in respect of Dr. Swati Banerjee, Dr. P.K. Sengupta, Dr. S. Sarkar is not produced. Deficiency remains as it is.
4. Bed occupancy was 48.6 % on day of assessment.
5. There were only 8 Major & 2 Minor operations on day of assessment.
6. Data given by the institute is inflated.
7. Students & Interns from Dental college also are staying in Medical college hostels. Deficiency remains as it is.
8. Wards: Toilet facilities for General Medicine & Paediatrics wards are outside the ward & inadequate. Out of 2 Paediatric wards, 1 is very small in size. Pantry, Store room, Treatment room, Doctors' room & Demonstration room are common amongst all wards on a floor. Capacity of most of the wards is 18 or 12. Deficiency remains as it is.
9. There was NIL normal delivery & NIL Caesarean section on day of assessment.
10. During head count, the following faculty of Anatomy department were absent:
 - (i) Dr. S. Mohapatra, Professor;
 - (ii) Dr. S. Ghosh, Professor;
 - (iii) Dr. S.R. Mohanty, Asst. Prof.;
 - (iv) Dr. S. Solan, Asst. Prof.;
 - (v) Dr. Mamata Panigrahi, Asst. Prof.;
 - (vi) Mr. J. Upadhyay, Tutor.

However, some junior assistant of the department had signed for them in the attendance sheet. He apologized for this act after physical verification was carried out.

11. In Orthopaedics, ENT, Skin & VD wards, male & female patients are kept together.
12. There were only 2 patients in ICCU & NIL patient in SICU on day of assessment.
13. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to reiterate its earlier decision with regard to application of clause 8(3)(1)(c) & 8(3)(1)(d) of Establishment of Medical College Regulations (Amendment), 2010 (Part II), dated 16th April, 2010 and to give final opportunity to the college authorities for submission of compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

The Executive Committee of the Council further decided to refer the matter of the above mentioned faculty of the Anatomy department and Dean/Principal of the colleges to the Ethics Committee for necessary action under Indian Medical Council (Professional Conduct, Etiquette & Ethics) Regulations, 2002.

24. Compliance Verification Assessment of the physical and the other teaching facilities available for 100 MBBS seats at Mahatma Gandhi Mission's Medical College, Navi Mumbai under MGM Institute of Health Sciences, Navi Mumbai.

Read: the matter with regard to compliance verification assessment of the physical and the other teaching facilities available for 100 MBBS seats at Mahatma

Gandhi Mission's Medical College, Navi Mumbai under MGM Institute of Health Sciences, Navi Mumbai.

The Executive Committee of the Council considered the compliance verification assessment report (20.05.2015) along with assessment report (3rd & 4th December, 2014) and noted the following:-

1. Deficiency of teaching faculty is 18.84 % as detailed in the report.
2. Shortage of Residents is 15.15 % as detailed in the report.
3. Bed occupancy is 55.6 % on day of assessment.
4. In respect of Dr. Abhishek Gupta, JR in Orthopaedics, signature in attendance sheet & during physical verification did not match.
5. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to reiterate its earlier decision with regard to application of clause 8(3)(1)(c) of Establishment of Medical College Regulations (Amendment), 2010 (Part II), dated 16th April, 2010 and to give final opportunity to the college authorities for submission of compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

25. Compliance Verification Assessment of the physical and the other teaching facilities available for 100 MBBS seats at Al-Ameen Medical College & Hospital, Bijapur under Rajiv Gandhi University of Health Sciences, Bangalore.

Read: the matter with regard to compliance verification assessment of the physical and the other teaching facilities available for 100 MBBS seats at Al-Ameen Medical College & Hospital, Bijapur under Rajiv Gandhi University of Health Sciences, Bangalore.

The Executive Committee of the Council considered the compliance verification assessment report (20.05.2015) along with assessment report (8th & 9th December, 2014) and noted the following:-

1. Deficiency of faculty is 43.38 % as detailed in the report.
2. Shortage of Residents is 61 % as detailed in the report.
3. E class facility for lecture theaters was not demonstrated. Deficiency remains as it is.
4. In Ophthalmology OPD, Refraction room & Dark room are in the same room. Deficiency remains as it is.
5. ENT & Orthopaedics OTs have more than 1 table which is not as per norms. Anaesthesia & Resuscitation equipment are inadequate in several O.T.s. Septic O.T. is poorly equipped.
6. Till 11:20 a.m., no surgery was performed & no OT list was available.
7. AERB approval is not available for CT scan, Fluoroscopy, mammography, C arm. Deficiency remains as it is.
8. RHTC: Separate blocks for Boys & Girls are not available.
9. Ventilators are inadequate in ICUs. Deficiency remains as it is.
10. Storage area is inadequate in Central laundry. Deficiency remains as it is.
11. OPD attendance was only 281 till 1 p.m. on day of assessment. Till 12 noon, most of the OPDs were either empty or closed.
12. Bed occupancy was 56.15 % on day of assessment. There were NIL patients in Tb & Chest, Skin & VD, Psychiatry & Ophthalmology.
13. There was NIL normal delivery on day of assessment.
14. Data given by the institute are highly inflated.
15. Wards are not as per MSR Regulations. Distance between 2 beds is < 1.5m.
16. Videography was not provided in spite of repeated requests.
17. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to reiterate its earlier decision with regard to application of clause 8(3)(1)(c) of Establishment of Medical College Regulations (Amendment), 2010 (Part II), dated 16th April, 2010 and to give final opportunity to the college authorities for submission of compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

26. Shri Krishna Medical College, Muzaffarpur – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

Read: the matter with regard to Shri Krishna Medical College, Muzaffarpur – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

The Executive Committee noted that the Central Govt. vide letter dated 22.05.2015 has forwarded a copy of letter dated 17.05.2015 and undertaking dated 13.05.2015 and 25.05.2015 of the Principal Secretary to the Govt. of Bihar, Medical Education & Drugs Department. From the documents it was observed that the college has rectified many of the deficiencies pointed out in the Assessment Report dated 06.05.2015 and further the competent State authorities has filed an appropriate undertaking regarding the measures undertaken by the State Govt. to rectify the deficiencies in a time bound manner.

The Executive Committee also observed that the office of the Council is in receipt of a letter dated 22.5.2015 from the Ministry of Health, Government of India. Through this letter dated 22.05.2015 the Ministry of Health, Govt. of India has requested the MCI to approach the Hon'ble Supreme Court for extension of time for making recommendation to the Central Govt. and also for extension of time for the Central Govt. to take final decision for the current academic session 2015-16. This letter dated 22.05.15, was considered and deliberated upon by the Executive Committee of the Council.

In this regard, the Executive Committee of the Council observed that a similar request from the Ministry of Health, Govt. of India requesting the Council to approach the Hon'ble Supreme Court for seeking extension of time, had also been received in the previous year being D.O. letter No. FTS-135517/2014 dated 8th July, 2014. This letter was responded to by the Council vide letter dated 10th July, 2014.

During the deliberations on the Ministry of Health, Govt. of India letter dated 22.05.15, it is observed by the Executive Committee of the Council that as per the time schedule stipulated by the Hon'ble Apex Court and which is mandatorily required to be followed by all concerned including the Council and the Central Govt., the MCI had to send its recommendations to the Ministry of Health, Govt. of India latest by 15.05.2015 and the Central Govt. has to take a final decision in this regard by 15.06.2015.

The MCI has conducted inspections in all the cases of medical colleges seeking establishment of new medical colleges as well as seeking renewal of permission for the academic session 2015-16 in pursuance to the time schedule filed before the Hon'ble Apex Court in W.P (C) No. 469/2014 – Hind Charitable Trust & Shekhar Hospital Vs. UOI & Ors., by 31st of January 2015, whereafter, wherever required the deficiencies were forwarded to the colleges so as to enable them to furnish their compliances. Thereafter, the Central Govt. granted personal hearing to the colleges and upon receipt of the compliances and in all those cases where the colleges were eligible for compliance verification inspection, the MCI carried out compliance verification inspections during the months of March to mid May, 2015 and finally sent its recommendations to the Central Govt. by 15.05.2015. Any action on the part of the MCI after 15.05.2015 would be in violation of the orders passed by the Hon'ble Supreme Court.

There is not even a single case wherein the MCI could not carry out compliance verification inspection due to paucity of time. The MCI had carried out compliance verification inspections in all cases wherein the medical colleges were eligible for the same, as stated above.

MANDATORY PROVISIONS OF CLAUSE 8 OF MCI REGULATIONS ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999 AS AMENDED

Wherever deficiencies in relation to infrastructural, teaching and other facilities were found to be extremely gross regarding teaching faculty, residents and bed occupancy – thereby those colleges falling within the purview of clause (i) 8 (3)(1)(a) or (ii) 8(3)(1)(b) or (iii) 8(3)(1)(c) – appropriate action had been taken by the Council. The provision of clause 8(3)(1)(a) to 8(3)(1)(c) are set out as under:-

“...8. GRANT OF PERMISSION:

(1) & (2).

“(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) **Colleges in the stage upto II renewal (i.e. Admission of third batch):**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(b) **Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(c) **Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, **such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition** of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....”

The Executive Committee of the Council took note of the above-mentioned provisions of the binding Regulations of 1999, which – under Clause 8(3)(1)(a) and

8(3)(1)(b) create a prohibition against any further consideration of colleges falling in those two categories, for the present academic year. Similarly, the colleges falling within the purview of 8(3)(1)(c), the mandatory stipulation contained therein prohibits any further processing/consideration of any application by any such college for Postgraduate Courses in the present academic year and also for issuance of show cause notice for recommendations for withdrawal of recognition.

COLLEGES / INSTITUTES FOUND TO HAVE EMPLOYED ANY TEACHER WITH FAKED / FORGED DOCUMENTS

In cases of those colleges where inspections had revealed fake faculty or fake / forged documents, thereby those colleges falling within the purview of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999. Such colleges falling within the purview of Regulation 8(3)(1)(d) of the 1999 Regulations were ineligible for any further consideration and as such the Council had stood restrained from inviting any compliance and / or undertaking any compliance verification. The provision of clause 8(3)(1)(d) is reproduced as under:-

“8(3)(1)(a-c)

(d) Colleges which are found to have employed teachers with faked / forged documents:

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, **such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree /processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.**

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Govt.”

The stipulations contained in Clause 8(3)(1)(d) of the 1999 Regulations mandatorily requires the Council that if any college falls within the purview of this provision then, inter alia, it will not be considered for renewal of permission / recognition for two academic years.

It was observed that in the previous year, the Executive Committee of the Council had considered the cases of the Govt. Medical Colleges. It was considered that all seats in the Govt. Medical Colleges are filled up purely on the basis of merit. Poor and needy patients are taken care of by the Govt. Medical Colleges and it is the Govt. Medical Colleges who also take care of providing basic medical care in the rural and difficult terrains of the country. More and more MBBS seats are required by the Govt. Medical Colleges in all the states in the country and it has always been the endeavour of the Council to remain sensitive and alive in relation to the Govt. Medical Colleges. With that concern in its mind in relation to the Govt. Medical Colleges, the MCI has always taken all necessary steps in ensuring that more and more MBBS seats become available in the Govt. Medical Colleges.

In the previous years also, so far as the Govt. Medical Colleges are concerned, the MCI had made request to the Ministry of Health, Govt. of India to permit Govt. Medical Colleges to make admissions in the MBBS course by relying upon requisite undertakings furnished by the competent State Authorities. The Council has always emphasized that steps / arrangements made by the MCI are only for the Govt. Medical Colleges - so as to subserve the larger public interest and no such arrangement is permissible for any private medical college.

The Executive Committee of the Council also found it appropriate to reiterate that it has always remained deeply concerned about the Govt. Medical Colleges and

it is reiterated that the Govt. Medical Colleges have always been given prompt action with complete cooperation, sensitivity and concern to the factors which apply in the case of Govt. Medical Colleges. Even for the present academic session also the MCI had considered the cases of Govt. Medical Colleges on the basis of undertaking submitted by the Health Secretary / Chief Secretary of the respective State Govt. wherein it was stated that the deficiencies shall be rectified within a period of three months. Only those Govt. Medical Colleges whose deficiencies were either extremely gross or whose Health Secretary / Chief Secretary had failed to appear even after repeated requests of the undersigned as well as the Secretary MCI, the Council was constrained to send negative recommendations in respect of such medical colleges.

The Hon'ble Supreme Court in a catena of cases including in the case of Mridul Dhar Vs. UOI & Ors. - (2005) 2 SCC 65 and in the case of Priya Gupta Vs. State of Chhattisgarh- (2012) 7 SCC 433, has categorically held that the time schedule for considering the application of a medical college has to be strictly adhered to and any deviation from the same shall invite action under the Contempt of Courts Act, 1971.

APPLICATION FOR EXTENSION FILED BY THE CENTRAL GOVT. IN THE PREVIOUS ACADEMIC YEAR (2014-15) WAS NOT ACCEDED TO BY THE HON'BLE SUPREME COURT

The Central Govt. for the academic session 2014-15 had moved an application being I.A No.11 / 2014 in Civil Appeal No(s). 4318/2012 - Priya Gupta Vs. State of Chhattisgarh for extension of time however the same was declined by the Hon'ble Supreme Court vide its order dated 31.07.2014.

The Executive Committee of the Council, in view of the above and the fact that the MCI has been able to consider and process all applications for establishment of new medical colleges as well as renewal of permissions for the current academic session 2015-16 within the time prescribed under the time schedule and has already forwarded all its recommendations to the Central Govt., decided that there is neither any occasion nor any permissibility nor any justification for the Council to approach the Hon'ble Supreme Court for extension of the time schedule.

The Executive Committee observed that on behalf of certain Govt. Medical Colleges, the competent State Authority had submitted the requisite undertaking and on that basis, the MCI had made recommendations in favour of those medical colleges. Besides and in addition to the above category of Govt. Medical Colleges where the requisite undertaking had been submitted, certain other Govt. medical colleges have actually informed the removal of deficiencies i.e. appointment of requisite faculty, residents etc. All these cases are also considered by the Executive Committee of the Council on the basis of the inspection reports, compliance submitted by these Govt. medical colleges along with requisite undertaking submitted by the competent state authority, which, in view of the Executive Committee of the Council, would be better placed as compared to the Govt. medical colleges on whose behalf requisite undertaking has been submitted. As such, the Executive Committee decided to request the Ministry of Health, Govt. of India to permit Shri Krishna Medical College, Muzaffarpur – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16 as the last date for Central Government being 15th June, 2015 as per the time schedule.

It is again made clear that this request of the Executive Committee is only with regard to Govt. Medical Colleges, as stated above.

The Executive Committee once again assures the Government of India of complete cooperation by the MCI within the scope available to it under the Act, the governing Regulations and the binding orders of the Hon'ble Supreme Court.

27. Jawaharlal Nehru Medical College, Bhagalpur – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

Read: the matter with regard to Jawaharlal Nehru Medical College, Bhagalpur – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

The Executive Committee noted that the Central Govt. vide letter dated 22.05.2015 has forwarded a copy of letter dated 17.05.2015 and undertaking dated 13.05.2015 and 25.05.2015 of the Principal Secretary to the Govt. of Bihar, Medical Education & Drugs Department. From the documents it was observed that the college has rectified many of the deficiencies pointed out in the Assessment Report dated 05.05.2015 and further the competent State authorities has filed an appropriate undertaking regarding the measures undertaken by the State Govt. to rectify the deficiencies in a time bound manner.

The Executive Committee also observed that the office of the Council is in receipt of a letter dated 22.5.2015 from the Ministry of Health, Government of India. Through this letter dated 22.05.2015 the Ministry of Health, Govt. of India has requested the MCI to approach the Hon'ble Supreme Court for extension of time for making recommendation to the Central Govt. and also for extension of time for the Central Govt. to take final decision for the current academic session 2015-16. This letter dated 22.05.15, was considered and deliberated upon by the Executive Committee of the Council.

In this regard, the Executive Committee of the Council observed that a similar request from the Ministry of Health, Govt. of India requesting the Council to approach the Hon'ble Supreme Court for seeking extension of time, had also been received in the previous year being D.O. letter No. FTS-135517/2014 dated 8th July, 2014. This letter was responded to by the Council vide letter dated 10th July, 2014.

During the deliberations on the Ministry of Health, Govt. of India letter dated 22.05.15, it is observed by the Executive Committee of the Council that as per the time schedule stipulated by the Hon'ble Apex Court and which is mandatorily required to be followed by all concerned including the Council and the Central Govt., the MCI had to send its recommendations to the Ministry of Health, Govt. of India latest by 15.05.2015 and the Central Govt. has to take a final decision in this regard by 15.06.2015.

The MCI has conducted inspections in all the cases of medical colleges seeking establishment of new medical colleges as well as seeking renewal of permission for the academic session 2015-16 in pursuance to the time schedule filed before the Hon'ble Apex Court in W.P (C) No. 469/2014 – Hind Charitable Trust & Shekhar Hospital Vs. UOI & Ors., by 31st of January 2015, whereafter, wherever required the deficiencies were forwarded to the colleges so as to enable them to furnish their compliances. Thereafter, the Central Govt. granted personal hearing to the colleges and upon receipt of the compliances and in all those cases where the colleges were eligible for compliance verification inspection, the MCI carried out compliance verification inspections during the months of March to mid May, 2015 and finally sent its recommendations to the Central Govt. by 15.05.2015. Any action on the part of the MCI after 15.05.2015 would be in violation of the orders passed by the Hon'ble Supreme Court.

There is not even a single case wherein the MCI could not carry out compliance verification inspection due to paucity of time. The MCI had carried out compliance verification inspections in all cases wherein the medical colleges were eligible for the same, as stated above.

MANDATORY PROVISIONS OF CLAUSE 8 OF MCI REGULATIONS ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999 AS AMENDED

Wherever deficiencies in relation to infrastructural, teaching and other facilities were found to be extremely gross regarding teaching faculty, residents and bed occupancy – thereby those colleges falling within the purview of clause (i) 8 (3)(1)(a) or (ii) 8(3)(1)(b) or (iii) 8(3)(1)(c) – appropriate action had been taken by the Council. The provision of clause 8(3)(1)(a) to 8(3)(1)(c) are set out as under:-

“...8. GRANT OF PERMISSION:

(1) & (2).

“(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) **Colleges in the stage upto II renewal (i.e. Admission of third batch):**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(b) **Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(c) **Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, **such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition** of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....”

The Executive Committee of the Council took note of the above-mentioned provisions of the binding Regulations of 1999, which – under Clause 8(3)(1)(a) and 8(3)(1)(b) create a prohibition against any further consideration of colleges falling in those two categories, for the present academic year. Similarly, the colleges falling within the purview of 8(3)(1)(c), the mandatory stipulation contained therein prohibits any further processing/consideration of any application by any such college for

Postgraduate Courses in the present academic year and also for issuance of show cause notice for recommendations for withdrawal of recognition.

COLLEGES / INSTITUTES FOUND TO HAVE EMPLOYED ANY TEACHER WITH FAKED / FORGED DOCUMENTS

In cases of those colleges where inspections had revealed fake faculty or fake / forged documents, thereby those colleges falling within the purview of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999. Such colleges falling within the purview of Regulation 8(3)(1)(d) of the 1999 Regulations were ineligible for any further consideration and as such the Council had stood restrained from inviting any compliance and / or undertaking any compliance verification. The provision of clause 8(3)(1)(d) is reproduced as under:-

“8(3)(1)(a-c)

(d) Colleges which are found to have employed teachers with faked / forged documents:

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, **such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree /processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.**

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Govt.”

The stipulations contained in Clause 8(3)(1)(d) of the 1999 Regulations mandatorily requires the Council that if any college falls within the purview of this provision then, inter alia, it will not be considered for renewal of permission / recognition for two academic years.

It was observed that in the previous year, the Executive Committee of the Council had considered the cases of the Govt. Medical Colleges. It was considered that all seats in the Govt. Medical Colleges are filled up purely on the basis of merit. Poor and needy patients are taken care of by the Govt. Medical Colleges and it is the Govt. Medical Colleges who also take care of providing basic medical care in the rural and difficult terrains of the country. More and more MBBS seats are required by the Govt. Medical Colleges in all the states in the country and it has always been the endeavour of the Council to remain sensitive and alive in relation to the Govt. Medical Colleges. With that concern in its mind in relation to the Govt. Medical Colleges, the MCI has always taken all necessary steps in ensuring that more and more MBBS seats become available in the Govt. Medical Colleges.

In the previous years also, so far as the Govt. Medical Colleges are concerned, the MCI had made request to the Ministry of Health, Govt. of India to permit Govt. Medical Colleges to make admissions in the MBBS course by relying upon requisite undertakings furnished by the competent State Authorities. The Council has always emphasized that steps / arrangements made by the MCI are only for the Govt. Medical Colleges - so as to subserve the larger public interest and no such arrangement is permissible for any private medical college.

The Executive Committee of the Council also found it appropriate to reiterate that it has always remained deeply concerned about the Govt. Medical Colleges and it is reiterated that the Govt. Medical Colleges have always been given prompt action with complete cooperation, sensitivity and concern to the factors which apply in the case of Govt. Medical Colleges. Even for the present academic session also the MCI had considered the cases of Govt. Medical Colleges on the basis of undertaking

submitted by the Health Secretary / Chief Secretary of the respective State Govt. wherein it was stated that the deficiencies shall be rectified within a period of three months. Only those Govt. Medical Colleges whose deficiencies were either extremely gross or whose Health Secretary / Chief Secretary had failed to appear even after repeated requests of the undersigned as well as the Secretary MCI, the Council was constrained to send negative recommendations in respect of such medical colleges.

The Hon'ble Supreme Court in a catena of cases including in the case of Mridul Dhar Vs. UOI & Ors. - (2005) 2 SCC 65 and in the case of Priya Gupta Vs. State of Chhattisgarh- (2012) 7 SCC 433, has categorically held that the time schedule for considering the application of a medical college has to be strictly adhered to and any deviation from the same shall invite action under the Contempt of Courts Act, 1971.

APPLICATION FOR EXTENSION FILED BY THE CENTRAL GOVT. IN THE PREVIOUS ACADEMIC YEAR (2014-15) WAS NOT ACCEDED TO BY THE HON'BLE SUPREME COURT

The Central Govt. for the academic session 2014-15 had moved an application being I.A No.11 / 2014 in Civil Appeal No(s). 4318/2012 - Priya Gupta Vs. State of Chhattisgarh for extension of time however the same was declined by the Hon'ble Supreme Court vide its order dated 31.07.2014.

The Executive Committee of the Council, in view of the above and the fact that the MCI has been able to consider and process all applications for establishment of new medical colleges as well as renewal of permissions for the current academic session 2015-16 within the time prescribed under the time schedule and has already forwarded all its recommendations to the Central Govt., decided that there is neither any occasion nor any permissibility nor any justification for the Council to approach the Hon'ble Supreme Court for extension of the time schedule.

The Executive Committee observed that on behalf of certain Govt. Medical Colleges, the competent State Authority had submitted the requisite undertaking and on that basis, the MCI had made recommendations in favour of those medical colleges. Besides and in addition to the above category of Govt. Medical Colleges where the requisite undertaking had been submitted, certain other Govt. medical colleges have actually informed the removal of deficiencies i.e. appointment of requisite faculty, residents etc. All these cases are also considered by the Executive Committee of the Council on the basis of the inspection reports, compliance submitted by these Govt. medical colleges along with requisite undertaking submitted by the competent state authority, which, in view of the Executive Committee of the Council, would be better placed as compared to the Govt. medical colleges on whose behalf requisite undertaking has been submitted. As such, the Executive Committee decided to request the Ministry of Health, Govt. of India to permit Jawaharlal Nehru Medical College, Bhagalpur – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16 as the last date for Central Government being 15th June, 2015 as per the time schedule.

It is again made clear that this request of the Executive Committee is only with regard to Govt. Medical Colleges, as stated above.

The Executive Committee once again assures the Government of India of complete cooperation by the MCI within the scope available to it under the Act, the governing Regulations and the binding orders of the Hon'ble Supreme Court.

28. Anugrah Narayan Magadh Medical College, Gaya – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

Read: the matter with regard to Anugrah Narayan Magadh Medical College, Gaya – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

The Executive Committee noted that the Central Govt. vide letter dated 22.05.2015 has forwarded a copy of letter dated 17.05.2015 and undertaking dated 13.05.2015 and 25.05.2015 of the Principal Secretary to the Govt. of Bihar, Medical Education & Drugs Department. From the documents it was observed that the college has rectified many of the deficiencies pointed out in the Assessment Report dated 06.05.2015 and further the competent State authorities has filed an appropriate undertaking regarding the measures undertaken by the State Govt. to rectify the deficiencies in a time bound manner.

The Executive Committee also observed that the office of the Council is in receipt of a letter dated 22.5.2015 from the Ministry of Health, Government of India. Through this letter dated 22.05.2015 the Ministry of Health, Govt. of India has requested the MCI to approach the Hon'ble Supreme Court for extension of time for making recommendation to the Central Govt. and also for extension of time for the Central Govt. to take final decision for the current academic session 2015-16. This letter dated 22.05.15, was considered and deliberated upon by the Executive Committee of the Council.

In this regard, the Executive Committee of the Council observed that a similar request from the Ministry of Health, Govt. of India requesting the Council to approach the Hon'ble Supreme Court for seeking extension of time, had also been received in the previous year being D.O. letter No. FTS-135517/2014 dated 8th July, 2014. This letter was responded to by the Council vide letter dated 10th July, 2014.

During the deliberations on the Ministry of Health, Govt. of India letter dated 22.05.15, it is observed by the Executive Committee of the Council that as per the time schedule stipulated by the Hon'ble Apex Court and which is mandatorily required to be followed by all concerned including the Council and the Central Govt., the MCI had to send its recommendations to the Ministry of Health, Govt. of India latest by 15.05.2015 and the Central Govt. has to take a final decision in this regard by 15.06.2015.

The MCI has conducted inspections in all the cases of medical colleges seeking establishment of new medical colleges as well as seeking renewal of permission for the academic session 2015-16 in pursuance to the time schedule filed before the Hon'ble Apex Court in W.P (C) No. 469/2014 – Hind Charitable Trust & Shekhar Hospital Vs. UOI & Ors., by 31st of January 2015, whereafter, wherever required the deficiencies were forwarded to the colleges so as to enable them to furnish their compliances. Thereafter, the Central Govt. granted personal hearing to the colleges and upon receipt of the compliances and in all those cases where the colleges were eligible for compliance verification inspection, the MCI carried out compliance verification inspections during the months of March to mid May, 2015 and finally sent its recommendations to the Central Govt. by 15.05.2015. Any action on the part of the MCI after 15.05.2015 would be in violation of the orders passed by the Hon'ble Supreme Court.

There is not even a single case wherein the MCI could not carry out compliance verification inspection due to paucity of time. The MCI had carried out compliance verification inspections in all cases wherein the medical colleges were eligible for the same, as stated above.

MANDATORY PROVISIONS OF CLAUSE 8 OF MCI REGULATIONS ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999 AS AMENDED

Wherever deficiencies in relation to infrastructural, teaching and other facilities were found to be extremely gross regarding teaching faculty, residents and bed occupancy – thereby those colleges falling within the purview of clause (i) 8 (3)(1)(a) or (ii) 8(3)(1)(b) or (iii) 8(3)(1)(c) – appropriate action had been taken by the Council. The provision of clause 8(3)(1)(a) to 8(3)(1)(c) are set out as under:-

“...8. GRANT OF PERMISSION:

(1) & (2).

“(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) **Colleges in the stage upto II renewal (i.e. Admission of third batch):**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(b) **Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(c) **Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, **such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition** of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....”

The Executive Committee of the Council took note of the above-mentioned provisions of the binding Regulations of 1999, which – under Clause 8(3)(1)(a) and 8(3)(1)(b) create a prohibition against any further consideration of colleges falling in those two categories, for the present academic year. Similarly, the colleges falling within the purview of 8(3)(1)(c), the mandatory stipulation contained therein prohibits any further processing/consideration of any application by any such college for

Postgraduate Courses in the present academic year and also for issuance of show cause notice for recommendations for withdrawal of recognition.

COLLEGES / INSTITUTES FOUND TO HAVE EMPLOYED ANY TEACHER WITH FAKED / FORGED DOCUMENTS

In cases of those colleges where inspections had revealed fake faculty or fake / forged documents, thereby those colleges falling within the purview of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999. Such colleges falling within the purview of Regulation 8(3)(1)(d) of the 1999 Regulations were ineligible for any further consideration and as such the Council had stood restrained from inviting any compliance and / or undertaking any compliance verification. The provision of clause 8(3)(1)(d) is reproduced as under:-

“8(3)(1)(a-c)

(d) Colleges which are found to have employed teachers with faked / forged documents:

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, **such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree /processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.**

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Govt.”

The stipulations contained in Clause 8(3)(1)(d) of the 1999 Regulations mandatorily requires the Council that if any college falls within the purview of this provision then, inter alia, it will not be considered for renewal of permission / recognition for two academic years.

It was observed that in the previous year, the Executive Committee of the Council had considered the cases of the Govt. Medical Colleges. It was considered that all seats in the Govt. Medical Colleges are filled up purely on the basis of merit. Poor and needy patients are taken care of by the Govt. Medical Colleges and it is the Govt. Medical Colleges who also take care of providing basic medical care in the rural and difficult terrains of the country. More and more MBBS seats are required by the Govt. Medical Colleges in all the states in the country and it has always been the endeavour of the Council to remain sensitive and alive in relation to the Govt. Medical Colleges. With that concern in its mind in relation to the Govt. Medical Colleges, the MCI has always taken all necessary steps in ensuring that more and more MBBS seats become available in the Govt. Medical Colleges.

In the previous years also, so far as the Govt. Medical Colleges are concerned, the MCI had made request to the Ministry of Health, Govt. of India to permit Govt. Medical Colleges to make admissions in the MBBS course by relying upon requisite undertakings furnished by the competent State Authorities. The Council has always emphasized that steps / arrangements made by the MCI are only for the Govt. Medical Colleges - so as to subserve the larger public interest and no such arrangement is permissible for any private medical college.

The Executive Committee of the Council also found it appropriate to reiterate that it has always remained deeply concerned about the Govt. Medical Colleges and it is reiterated that the Govt. Medical Colleges have always been given prompt action with complete cooperation, sensitivity and concern to the factors which apply in the case of Govt. Medical Colleges. Even for the present academic session also the MCI had considered the cases of Govt. Medical Colleges on the basis of undertaking

submitted by the Health Secretary / Chief Secretary of the respective State Govt. wherein it was stated that the deficiencies shall be rectified within a period of three months. Only those Govt. Medical Colleges whose deficiencies were either extremely gross or whose Health Secretary / Chief Secretary had failed to appear even after repeated requests of the undersigned as well as the Secretary MCI, the Council was constrained to send negative recommendations in respect of such medical colleges.

The Hon'ble Supreme Court in a catena of cases including in the case of Mridul Dhar Vs. UOI & Ors. - (2005) 2 SCC 65 and in the case of Priya Gupta Vs. State of Chhattisgarh- (2012) 7 SCC 433, has categorically held that the time schedule for considering the application of a medical college has to be strictly adhered to and any deviation from the same shall invite action under the Contempt of Courts Act, 1971.

APPLICATION FOR EXTENSION FILED BY THE CENTRAL GOVT. IN THE PREVIOUS ACADEMIC YEAR (2014-15) WAS NOT ACCEDED TO BY THE HON'BLE SUPREME COURT

The Central Govt. for the academic session 2014-15 had moved an application being I.A No.11 / 2014 in Civil Appeal No(s). 4318/2012 - Priya Gupta Vs. State of Chhattisgarh for extension of time however the same was declined by the Hon'ble Supreme Court vide its order dated 31.07.2014.

The Executive Committee of the Council, in view of the above and the fact that the MCI has been able to consider and process all applications for establishment of new medical colleges as well as renewal of permissions for the current academic session 2015-16 within the time prescribed under the time schedule and has already forwarded all its recommendations to the Central Govt., decided that there is neither any occasion nor any permissibility nor any justification for the Council to approach the Hon'ble Supreme Court for extension of the time schedule.

The Executive Committee observed that on behalf of certain Govt. Medical Colleges, the competent State Authority had submitted the requisite undertaking and on that basis, the MCI had made recommendations in favour of those medical colleges. Besides and in addition to the above category of Govt. Medical Colleges where the requisite undertaking had been submitted, certain other Govt. medical colleges have actually informed the removal of deficiencies i.e. appointment of requisite faculty, residents etc. All these cases are also considered by the Executive Committee of the Council on the basis of the inspection reports, compliance submitted by these Govt. medical colleges along with requisite undertaking submitted by the competent state authority, which, in view of the Executive Committee of the Council, would be better placed as compared to the Govt. medical colleges on whose behalf requisite undertaking has been submitted. As such, the Executive Committee decided to request the Ministry of Health, Govt. of India to permit Anugrah Narayan Magadh Medical College, Gaya – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16 as the last date for Central Government being 15th June, 2015 as per the time schedule.

It is again made clear that this request of the Executive Committee is only with regard to Govt. Medical Colleges, as stated above.

The Executive Committee once again assures the Government of India of complete cooperation by the MCI within the scope available to it under the Act, the governing Regulations and the binding orders of the Hon'ble Supreme Court.

29. Govt. Medical College, Akola – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to Govt. Medical College, Akola – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee noted that the Central Govt. vide letter dated 22.05.2015 has forwarded a copy of letter dated 14.05.2015 and undertaking dated 15.05.2015 of the Principal Secretary to the Govt. of Maharashtra, Medical Education & Drugs Department of Govt. of Maharashtra (which is not as per the MCI format). From the documents it was observed that neither the colleges have rectified any of the deficiencies pointed out in the Assessment Report dated 30.04.2015 nor have the competent State authorities filed an appropriate undertaking regarding the measures undertaken by the State Govt. to rectify the deficiencies in a time bound manner.

The Executive Committee observed that the office of the Council has received a letter dated 22.5.2015 from the Ministry of Health, Government of India wherein the ministry has requested the MCI to approach the Hon'ble Supreme Court for extension of time for making recommendation to the Central Govt. and also for extension of time for the Central Govt. to take final decision for the current academic session 2015-16. This letter dated 22.05.15, was considered and deliberated upon by the Executive Committee of the Council.

In this regard, the Executive Committee of the Council observed that a similar request from the Ministry of Health, Govt. of India requesting the Council to approach the Hon'ble Supreme Court for seeking extension of time, had also been received in the previous year being D.O. letter No. FTS-135517/2014 dated 8th July, 2014. This letter was responded to by the Council vide letter dated 10.07.2014.

During the deliberations on the Ministry of Health, Govt. of India letter dated 22.05.15, it is observed by the Executive Committee of the Council that as per the time schedule stipulated by the Hon'ble Apex Court and which is mandatorily required to be followed by all concerned including the Council and the Central Govt., the MCI had to send its recommendations to the Ministry of Health, Govt. of India latest by 15.05.2015 and the Central Govt. has to take a final decision in this regard by 15.06.2015.

The MCI has conducted inspections in all the cases of medical colleges seeking establishment of new medical colleges as well as seeking renewal of permission for the academic session 2015-16 in pursuance to the time schedule filed before the Hon'ble Apex Court in W.P (C) No. 469/2014 – Hind Charitable Trust & Shekhar Hospital Vs. UOI & Ors., by 31st of January 2015, whereafter, wherever required the deficiencies were forwarded to the colleges so as to enable them to furnish their compliances. Thereafter, the Central Govt. granted personal hearing to the colleges and upon receipt of the compliances and in all those cases where the colleges were eligible for compliance verification inspection, the MCI carried out compliance verification inspections during the months of March to mid May, 2015 and finally sent its recommendations to the Central Govt. by 15.05.2015. Any action on the part of the MCI after 15.05.2015 would be in violation of the orders passed by the Hon'ble Supreme Court.

There is not even a single case wherein the MCI could not carry out compliance verification inspection due to paucity of time. The MCI had carried out compliance verification inspections in all cases wherein the medical colleges were eligible for the same, as stated above.

MANDATORY PROVISIONS OF CLAUSE 8 OF MCI REGULATIONS ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999 AS AMENDED

Wherever deficiencies in relation to infrastructural, teaching and other facilities were found to be extremely gross regarding teaching faculty, residents and bed occupancy – thereby those colleges falling within the purview of clause (i) 8 (3)(1)(a) or (ii) 8(3)(1)(b) or (iii) 8(3)(1)(c) – appropriate action had been taken by the Council. The provision of clause 8(3)(1)(a) to 8(3)(1)(c) are set out as under:-

“...8. GRANT OF PERMISSION:

(1) & (2).

“(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) **Colleges in the stage upto II renewal (i.e. Admission of third batch):**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(b) **Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(c) **Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, **such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition** of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....”

The Executive Committee of the Council took note of the above-mentioned provisions of the binding Regulations of 1999, which – under Clause 8(3)(1)(a) and 8(3)(1)(b) create a prohibition against any further consideration of colleges falling in those two categories, for the present academic year. Similarly, the colleges falling within the purview of 8(3)(1)(c), the mandatory stipulation contained therein prohibits any further processing/consideration of any application by any such college for Postgraduate Courses in the present academic year and also for issuance of show cause notice for recommendations for withdrawal of recognition.

COLLEGES / INSTITUTES FOUND TO HAVE EMPLOYED ANY TEACHER WITH FAKED / FORGED DOCUMENTS

In cases of those colleges where inspections had revealed fake faculty or fake / forged documents, thereby those colleges falling within the purview of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999. Such colleges falling within the purview of Regulation 8(3)(1)(d) of the 1999 Regulations were ineligible for any further consideration and as such the Council had stood restrained from inviting any compliance and / or undertaking any compliance verification. The provision of clause 8(3)(1)(d) is reproduced as under:-

“8(3)(1)(a-c)

(d) Colleges which are found to have employed teachers with faked / forged documents:

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, **such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree /processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.**

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Govt.”

The stipulations contained in Clause 8(3)(1)(d) of the 1999 Regulations mandatorily requires the Council that if any college falls within the purview of this provision then, inter alia, it will not be considered for renewal of permission / recognition for two academic years.

It was observed that in the previous year, the Executive Committee of the Council had considered the cases of the Govt. Medical Colleges. It was considered that all seats in the Govt. Medical Colleges are filled up purely on the basis of merit. Poor and needy patients are taken care of by the Govt. Medical Colleges and it is the Govt. Medical Colleges who also take care of providing basic medical care in the rural and difficult terrains of the country. More and more MBBS seats are required by the Govt. Medical Colleges in all the states in the country and it has always been the endeavour of the Council to remain sensitive and alive in relation to the Govt. Medical Colleges. With that concern in its mind in relation to the Govt. Medical Colleges, the MCI has always taken all necessary steps in ensuring that more and more MBBS seats become available in the Govt. Medical Colleges.

In the previous years also, so far as the Govt. Medical Colleges are concerned, the MCI had made request to the Ministry of Health, Govt. of India to permit Govt. Medical Colleges to make admissions in the MBBS course by relying upon requisite undertakings furnished by the competent State Authorities. The Council has always emphasized that steps / arrangements made by the MCI are only for the Govt. Medical Colleges - so as to subserve the larger public interest and no such arrangement is permissible for any private medical college.

The Executive Committee of the Council also found it appropriate to reiterate that it has always remained deeply concerned about the Govt. Medical Colleges and it is reiterated that the Govt. Medical Colleges have always been given prompt action with complete cooperation, sensitivity and concern to the factors which apply in the case of Govt. Medical Colleges. Even for the present academic session also the MCI had considered the cases of Govt. Medical Colleges on the basis of undertaking submitted by the Health Secretary / Chief Secretary of the respective State Govt. wherein it was stated that the deficiencies shall be rectified within a period of three months. Only those Govt. Medical Colleges whose deficiencies were either extremely gross or whose Health Secretary / Chief Secretary had failed to appear even after

repeated requests of the undersigned as well as the Secretary MCI, the Council was constrained to send negative recommendations in respect of such medical colleges.

The Hon'ble Supreme Court in a catena of cases including in the case of Mridul Dhar Vs. UOI & Ors. - (2005) 2 SCC 65 and in the case of Priya Gupta Vs. State of Chhattisgarh- (2012) 7 SCC 433, has categorically held that the time schedule for considering the application of a medical college has to be strictly adhered to and any deviation from the same shall invite action under the Contempt of Courts Act, 1971.

APPLICATION FOR EXTENSION FILED BY THE CENTRAL GOVT. IN THE PREVIOUS ACADEMIC YEAR (2014-15) WAS NOT ACCEDED TO BY THE HON'BLE SUPREME COURT

The Central Govt. for the academic session 2014-15 had moved an application being I.A No.11 / 2014 in Civil Appeal No(s). 4318/2012 - Priya Gupta Vs. State of Chhattisgarh for extension of time however the same was declined by the Hon'ble Supreme Court vide its order dated 31.07.2014.

The Executive Committee of the Council, in view of the above and the fact that the MCI has been able to consider and process all applications for establishment of new medical colleges as well as renewal of permissions for the current academic session 2015-16 within the time prescribed under the time schedule and has already forwarded all its recommendations to the Central Govt., decided that there is neither any occasion nor any permissibility nor any justification for the Council to approach the Hon'ble Supreme Court for extension of the time schedule.

The Executive Committee observed that on behalf of certain Govt. Medical Colleges, the competent State Authority had submitted the requisite undertaking and on that basis, the MCI had made recommendations in favour of those medical colleges. Besides and in addition to the above category of Govt. Medical Colleges where the requisite undertaking had been submitted, certain other Govt. medical colleges have actually informed the removal of deficiencies i.e. appointment of requisite faculty, residents etc. All these cases are also considered by the Executive Committee of the Council on the basis of the inspection reports, compliance submitted by these Govt. medical colleges along with requisite undertaking submitted by the competent state authority, which, in view of the Executive Committee of the Council, would be better placed as compared to the Govt. medical colleges on whose behalf requisite undertaking has been submitted.

The Executive Committee once again assures the Government of India of complete cooperation by the MCI within the scope available to it under the Act, the governing Regulations and the binding orders of the Hon'ble Supreme Court.

However as explained above the matter with regard to Govt. Medical College, Akola – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16 was considered by the Executive Committee wherein it was observed that the undertaking dated 15.05.2015 of the Principal Secretary to the Govt. of Maharashtra, Medical Education & Drugs Department of Govt. of Maharashtra was not as per the MCI format nor the college have rectified any of the deficiencies pointed out in the Assessment Report dated 30.04.2015. The Principal Secretary to the Govt. of Maharashtra has also failed to specify the steps undertaken by the State Govt. to rectify the deficiencies in a time bound manner. Therefore neither it is possible nor permissible under the provisions of IMC Act, 1956 and the regulations made thereunder as well as the law laid down by the Hon'ble Supreme Court of India to make any recommendation by MCI after 15th May 2015.

30. Govt. Medical College, Latur – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to Govt. Medical College, Latur – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee noted that the Central Govt. vide letter dated 22.05.2015 has forwarded a copy of letter dated 14.05.2015 and undertaking dated 15.05.2015 of the Principal Secretary to the Govt. of Maharashtra, Medical Education & Drugs Department of Govt. of Maharashtra (which is not as per the MCI format). From the documents it was observed that neither the colleges have rectified any of the deficiencies pointed out in the Assessment Report dated 06.05.2015. nor have the competent State authorities filed an appropriate undertaking regarding the measures undertaken by the State Govt. to rectify the deficiencies in a time bound manner.

The Executive Committee observed that the office of the Council has received a letter dated 22.5.2015 from the Ministry of Health, Government of India wherein the ministry has requested the MCI to approach the Hon'ble Supreme Court for extension of time for making recommendation to the Central Govt. and also for extension of time for the Central Govt. to take final decision for the current academic session 2015-16. This letter dated 22.05.15, was considered and deliberated upon by the Executive Committee of the Council.

In this regard, the Executive Committee of the Council observed that a similar request from the Ministry of Health, Govt. of India requesting the Council to approach the Hon'ble Supreme Court for seeking extension of time, had also been received in the previous year being D.O. letter No. FTS-135517/2014 dated 8th July, 2014. This letter was responded to by the Council vide letter dated 10.07.2014.

During the deliberations on the Ministry of Health, Govt. of India letter dated 22.05.15, it is observed by the Executive Committee of the Council that as per the time schedule stipulated by the Hon'ble Apex Court and which is mandatorily required to be followed by all concerned including the Council and the Central Govt., the MCI had to send its recommendations to the Ministry of Health, Govt. of India latest by 15.05.2015 and the Central Govt. has to take a final decision in this regard by 15.06.2015.

The MCI has conducted inspections in all the cases of medical colleges seeking establishment of new medical colleges as well as seeking renewal of permission for the academic session 2015-16 in pursuance to the time schedule filed before the Hon'ble Apex Court in W.P (C) No. 469/2014 – Hind Charitable Trust & Shekhar Hospital Vs. UOI & Ors., by 31st of January 2015, whereafter, wherever required the deficiencies were forwarded to the colleges so as to enable them to furnish their compliances. Thereafter, the Central Govt. granted personal hearing to the colleges and upon receipt of the compliances and in all those cases where the colleges were eligible for compliance verification inspection, the MCI carried out compliance verification inspections during the months of March to mid May, 2015 and finally sent its recommendations to the Central Govt. by 15.05.2015. Any action on the part of the MCI after 15.05.2015 would be in violation of the orders passed by the Hon'ble Supreme Court.

There is not even a single case wherein the MCI could not carry out compliance verification inspection due to paucity of time. The MCI had carried out compliance verification inspections in all cases wherein the medical colleges were eligible for the same, as stated above.

MANDATORY PROVISIONS OF CLAUSE 8 OF MCI REGULATIONS ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999 AS AMENDED

Wherever deficiencies in relation to infrastructural, teaching and other facilities were found to be extremely gross regarding teaching faculty, residents and bed occupancy – thereby those colleges falling within the purview of clause (i) 8 (3)(1)(a) or (ii) 8(3)(1)(b) or (iii) 8(3)(1)(c) – appropriate action had been taken by the Council. The provision of clause 8(3)(1)(a) to 8(3)(1)(c) are set out as under:-

“...8. GRANT OF PERMISSION:

(1) & (2).

“(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) **Colleges in the stage upto II renewal (i.e. Admission of third batch):**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(b) **Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(c) **Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, **such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition** of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....”

The Executive Committee of the Council took note of the above-mentioned provisions of the binding Regulations of 1999, which – under Clause 8(3)(1)(a) and 8(3)(1)(b) create a prohibition against any further consideration of colleges falling in those two categories, for the present academic year. Similarly, the colleges falling within the purview of 8(3)(1)(c), the mandatory stipulation contained therein prohibits any further processing/consideration of any application by any such college for Postgraduate Courses in the present academic year and also for issuance of show cause notice for recommendations for withdrawal of recognition.

COLLEGES / INSTITUTES FOUND TO HAVE EMPLOYED ANY TEACHER WITH FAKED / FORGED DOCUMENTS

In cases of those colleges where inspections had revealed fake faculty or fake / forged documents, thereby those colleges falling within the purview of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999. Such colleges falling within the purview of Regulation 8(3)(1)(d) of the 1999 Regulations were ineligible for any further consideration and as such the Council had stood restrained from inviting any compliance and / or undertaking any compliance verification. The provision of clause 8(3)(1)(d) is reproduced as under:-

“8(3)(1)(a-c)

(d) **Colleges which are found to have employed teachers with faked / forged documents:**

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, **such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree /processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.**

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Govt.”

The stipulations contained in Clause 8(3)(1)(d) of the 1999 Regulations mandatorily requires the Council that if any college falls within the purview of this provision then, inter alia, it will not be considered for renewal of permission / recognition for two academic years.

It was observed that in the previous year, the Executive Committee of the Council had considered the cases of the Govt. Medical Colleges. It was considered that all seats in the Govt. Medical Colleges are filled up purely on the basis of merit. Poor and needy patients are taken care of by the Govt. Medical Colleges and it is the Govt. Medical Colleges who also take care of providing basic medical care in the rural and difficult terrains of the country. More and more MBBS seats are required by the Govt. Medical Colleges in all the states in the country and it has always been the endeavour of the Council to remain sensitive and alive in relation to the Govt. Medical Colleges. With that concern in its mind in relation to the Govt. Medical Colleges, the MCI has always taken all necessary steps in ensuring that more and more MBBS seats become available in the Govt. Medical Colleges.

In the previous years also, so far as the Govt. Medical Colleges are concerned, the MCI had made request to the Ministry of Health, Govt. of India to permit Govt. Medical Colleges to make admissions in the MBBS course by relying upon requisite undertakings furnished by the competent State Authorities. The Council has always emphasized that steps / arrangements made by the MCI are only for the Govt. Medical Colleges - so as to subserve the larger public interest and no such arrangement is permissible for any private medical college.

The Executive Committee of the Council also found it appropriate to reiterate that it has always remained deeply concerned about the Govt. Medical Colleges and it is reiterated that the Govt. Medical Colleges have always been given prompt action with complete cooperation, sensitivity and concern to the factors which apply in the case of Govt. Medical Colleges. Even for the present academic session also the MCI had considered the cases of Govt. Medical Colleges on the basis of undertaking submitted by the Health Secretary / Chief Secretary of the respective State Govt. wherein it was stated that the deficiencies shall be rectified within a period of three months. Only those Govt. Medical Colleges whose deficiencies were either extremely gross or whose Health Secretary / Chief Secretary had failed to appear even after repeated requests of the undersigned as well as the Secretary MCI, the Council was constrained to send negative recommendations in respect of such medical colleges.

The Hon'ble Supreme Court in a catena of cases including in the case of Mridul Dhar Vs. UOI & Ors. - (2005) 2 SCC 65 and in the case of Priya Gupta Vs. State of Chhattisgarh- (2012) 7 SCC 433, has categorically held that the time schedule for considering the application of a medical college has to be strictly adhered to and any deviation from the same shall invite action under the Contempt of Courts Act, 1971.

APPLICATION FOR EXTENSION FILED BY THE CENTRAL GOVT. IN THE PREVIOUS ACADEMIC YEAR (2014-15) WAS NOT ACCEDED TO BY THE HON'BLE SUPREME COURT

The Central Govt. for the academic session 2014-15 had moved an application being I.A No.11 / 2014 in Civil Appeal No(s). 4318/2012 - Priya Gupta Vs. State of Chhattisgarh for extension of time however the same was declined by the Hon'ble Supreme Court vide its order dated 31.07.2014.

The Executive Committee of the Council, in view of the above and the fact that the MCI has been able to consider and process all applications for establishment of new medical colleges as well as renewal of permissions for the current academic session 2015-16 within the time prescribed under the time schedule and has already forwarded all its recommendations to the Central Govt., decided that there is neither any occasion nor any permissibility nor any justification for the Council to approach the Hon'ble Supreme Court for extension of the time schedule.

The Executive Committee observed that on behalf of certain Govt. Medical Colleges, the competent State Authority had submitted the requisite undertaking and on that basis, the MCI had made recommendations in favour of those medical colleges. Besides and in addition to the above category of Govt. Medical Colleges where the requisite undertaking had been submitted, certain other Govt. medical colleges have actually informed the removal of deficiencies i.e. appointment of requisite faculty, residents etc. All these cases are also considered by the Executive Committee of the Council on the basis of the inspection reports, compliance submitted by these Govt. medical colleges along with requisite undertaking submitted by the competent state authority, which, in view of the Executive Committee of the Council, would be better placed as compared to the Govt. medical colleges on whose behalf requisite undertaking has been submitted.

The Executive Committee once again assures the Government of India of complete cooperation by the MCI within the scope available to it under the Act, the governing Regulations and the binding orders of the Hon'ble Supreme Court.

However as explained above the matter with regard to Govt. Medical College, Latur – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16 was considered by the Executive Committee wherein it was observed that the undertaking dated 15.05.2015 of the Principal Secretary to the Govt. of Maharashtra, Medical Education & Drugs Department of Govt. of Maharashtra was not as per the MCI format nor the college have rectified any of the deficiencies pointed out in the Assessment Report dated 06.05.2015. The Principal Secretary to the Govt. of Maharashtra has also failed to specify the steps undertaken by the State Govt. to

rectify the deficiencies in a time bound manner. Therefore neither it is possible nor permissible under the provisions of IMC Act, 1956 and the regulations made thereunder as well as the law laid down by the Hon'ble Supreme Court of India to make any recommendation by MCI after 15th May 2015.

31. Dr. Vaishmpayan Memorial Govt. Medical College, Solapur – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to Dr. Vaishmpayan Memorial Govt. Medical College, Solapur – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee noted that the Central Govt. vide letter dated 22.05.2015 has forwarded a copy of letter dated 14.05.2015 and undertaking dated 15.05.2015 of the Principal Secretary to the Govt. of Maharashtra, Medical Education & Drugs Department of Govt. of Maharashtra (which is not as per the MCI format). From the documents it was observed that neither the colleges have rectified any of the deficiencies pointed out in the Assessment Report dated 29.04.2015 nor have the competent State authorities filed an appropriate undertaking regarding the measures undertaken by the State Govt. to rectify the deficiencies in a time bound manner.

The Executive Committee observed that the office of the Council has received a letter dated 22.5.2015 from the Ministry of Health, Government of India wherein the ministry has requested the MCI to approach the Hon'ble Supreme Court for extension of time for making recommendation to the Central Govt. and also for extension of time for the Central Govt. to take final decision for the current academic session 2015-16. This letter dated 22.05.15, was considered and deliberated upon by the Executive Committee of the Council.

In this regard, the Executive Committee of the Council observed that a similar request from the Ministry of Health, Govt. of India requesting the Council to approach the Hon'ble Supreme Court for seeking extension of time, had also been received in the previous year being D.O. letter No. FTS-135517/2014 dated 8th July, 2014. This letter was responded to by the Council vide letter dated 10.07.2014.

During the deliberations on the Ministry of Health, Govt. of India letter dated 22.05.15, it is observed by the Executive Committee of the Council that as per the time schedule stipulated by the Hon'ble Apex Court and which is mandatorily required to be followed by all concerned including the Council and the Central Govt., the MCI had to send its recommendations to the Ministry of Health, Govt. of India latest by 15.05.2015 and the Central Govt. has to take a final decision in this regard by 15.06.2015.

The MCI has conducted inspections in all the cases of medical colleges seeking establishment of new medical colleges as well as seeking renewal of permission for the academic session 2015-16 in pursuance to the time schedule filed before the Hon'ble Apex Court in W.P (C) No. 469/2014 – Hind Charitable Trust & Shekhar Hospital Vs. UOI & Ors., by 31st of January 2015, whereafter, wherever required the deficiencies were forwarded to the colleges so as to enable them to furnish their compliances. Thereafter, the Central Govt. granted personal hearing to the colleges and upon receipt of the compliances and in all those cases where the colleges were eligible for compliance verification inspection, the MCI carried out compliance verification inspections during the months of March to mid May, 2015 and finally sent its recommendations to the Central Govt. by 15.05.2015. Any action on the part of the MCI after 15.05.2015 would be in violation of the orders passed by the Hon'ble Supreme Court.

There is not even a single case wherein the MCI could not carry out compliance verification inspection due to paucity of time. The MCI had carried out

compliance verification inspections in all cases wherein the medical colleges were eligible for the same, as stated above.

MANDATORY PROVISIONS OF CLAUSE 8 OF MCI REGULATIONS ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999 AS AMENDED

Wherever deficiencies in relation to infrastructural, teaching and other facilities were found to be extremely gross regarding teaching faculty, residents and bed occupancy – thereby those colleges falling within the purview of clause (i) 8 (3)(1)(a) or (ii) 8(3)(1)(b) or (iii) 8(3)(1)(c) – appropriate action had been taken by the Council. The provision of clause 8(3)(1)(a) to 8(3)(1)(c) are set out as under:-

“...8. GRANT OF PERMISSION:

(1) & (2).

“(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) **Colleges in the stage upto II renewal (i.e. Admission of third batch):**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(b) **Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(c) **Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, **such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition** of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....”

The Executive Committee of the Council took note of the above-mentioned provisions of the binding Regulations of 1999, which – under Clause 8(3)(1)(a) and 8(3)(1)(b) create a prohibition against any further consideration of colleges falling in those two categories, for the present academic year. Similarly, the colleges falling within the purview of 8(3)(1)(c), the mandatory stipulation contained therein prohibits any further processing/consideration of any application by any such college for Postgraduate Courses in the present academic year and also for issuance of show cause notice for recommendations for withdrawal of recognition.

COLLEGES / INSTITUTES FOUND TO HAVE EMPLOYED ANY TEACHER WITH FAKED / FORGED DOCUMENTS

In cases of those colleges where inspections had revealed fake faculty or fake / forged documents, thereby those colleges falling within the purview of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999. Such colleges falling within the purview of Regulation 8(3)(1)(d) of the 1999 Regulations were ineligible for any further consideration and as such the Council had stood restrained from inviting any compliance and / or undertaking any compliance verification. The provision of clause 8(3)(1)(d) is reproduced as under:-

“8(3)(1)(a-c)

(d) **Colleges which are found to have employed teachers with faked / forged documents:**

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, **such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree /processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.**

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Govt.”

The stipulations contained in Clause 8(3)(1)(d) of the 1999 Regulations mandatorily requires the Council that if any college falls within the purview of this provision then, inter alia, it will not be considered for renewal of permission / recognition for two academic years.

It was observed that in the previous year, the Executive Committee of the Council had considered the cases of the Govt. Medical Colleges. It was considered that all seats in the Govt. Medical Colleges are filled up purely on the basis of merit. Poor and needy patients are taken care of by the Govt. Medical Colleges and it is the Govt. Medical Colleges who also take care of providing basic medical care in the rural and difficult terrains of the country. More and more MBBS seats are required by the Govt. Medical Colleges in all the states in the country and it has always been the endeavour of the Council to remain sensitive and alive in relation to the Govt. Medical Colleges. With that concern in its mind in relation to the Govt. Medical Colleges, the MCI has always taken all necessary steps in ensuring that more and more MBBS seats become available in the Govt. Medical Colleges.

In the previous years also, so far as the Govt. Medical Colleges are concerned, the MCI had made request to the Ministry of Health, Govt. of India to permit Govt. Medical Colleges to make admissions in the MBBS course by relying upon requisite undertakings furnished by the competent State Authorities. The Council has always emphasized that steps / arrangements made by the MCI are only for the Govt. Medical Colleges - so as to subserve the larger public interest and no such arrangement is permissible for any private medical college.

The Executive Committee of the Council also found it appropriate to reiterate that it has always remained deeply concerned about the Govt. Medical Colleges and it is reiterated that the Govt. Medical Colleges have always been given prompt action with complete cooperation, sensitivity and concern to the factors which apply in the case of Govt. Medical Colleges. Even for the present academic session also the MCI had considered the cases of Govt. Medical Colleges on the basis of undertaking submitted by the Health Secretary / Chief Secretary of the respective State Govt. wherein it was stated that the deficiencies shall be rectified within a period of three months. Only those Govt. Medical Colleges whose deficiencies were either extremely gross or whose Health Secretary / Chief Secretary had failed to appear even after repeated requests of the undersigned as well as the Secretary MCI, the Council was constrained to send negative recommendations in respect of such medical colleges.

The Hon'ble Supreme Court in a catena of cases including in the case of Mridul Dhar Vs. UOI & Ors. - (2005) 2 SCC 65 and in the case of Priya Gupta Vs. State of Chhattisgarh- (2012) 7 SCC 433, has categorically held that the time schedule for considering the application of a medical college has to be strictly adhered to and any deviation from the same shall invite action under the Contempt of Courts Act, 1971.

APPLICATION FOR EXTENSION FILED BY THE CENTRAL GOVT. IN THE PREVIOUS ACADEMIC YEAR (2014-15) WAS NOT ACCEDED TO BY THE HON'BLE SUPREME COURT

The Central Govt. for the academic session 2014-15 had moved an application being I.A No.11 / 2014 in Civil Appeal No(s). 4318/2012 - Priya Gupta Vs. State of Chhattisgarh for extension of time however the same was declined by the Hon'ble Supreme Court vide its order dated 31.07.2014.

The Executive Committee of the Council, in view of the above and the fact that the MCI has been able to consider and process all applications for establishment of new medical colleges as well as renewal of permissions for the current academic session 2015-16 within the time prescribed under the time schedule and has already forwarded all its recommendations to the Central Govt., decided that there is neither any occasion nor any permissibility nor any justification for the Council to approach the Hon'ble Supreme Court for extension of the time schedule.

The Executive Committee observed that on behalf of certain Govt. Medical Colleges, the competent State Authority had submitted the requisite undertaking and on that basis, the MCI had made recommendations in favour of those medical colleges. Besides and in addition to the above category of Govt. Medical Colleges where the requisite undertaking had been submitted, certain other Govt. medical colleges have actually informed the removal of deficiencies i.e. appointment of requisite faculty, residents etc. All these cases are also considered by the Executive Committee of the Council on the basis of the inspection reports, compliance submitted by these Govt. medical colleges along with requisite undertaking submitted by the competent state authority, which, in view of the Executive Committee of the Council, would be better placed as compared to the Govt. medical colleges on whose behalf requisite undertaking has been submitted.

The Executive Committee once again assures the Government of India of complete cooperation by the MCI within the scope available to it under the Act, the governing Regulations and the binding orders of the Hon'ble Supreme Court.

However as explained above the matter with regard to Dr. Vaishmpayan Memorial Govt. Medical College, Solapur – renewal of permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16 was considered by the Executive Committee wherein it was observed that the undertaking dated 15.05.2015 of the Principal Secretary to the Govt. of Maharashtra, Medical Education & Drugs Department of Govt. of Maharashtra was not as per the MCI format nor the college have rectified any of the deficiencies pointed out in the Assessment Report dated 29.04.2015. The Principal Secretary to the Govt. of Maharashtra has also failed to specify the steps undertaken

by the State Govt. to rectify the deficiencies in a time bound manner. Therefore neither it is possible nor permissible under the provisions of IMC Act, 1956 and the regulations made thereunder as well as the law laid down by the Hon'ble Supreme Court of India to make any recommendation by MCI after 15th May 2015.

32. Rajashree Chatrapati Shahu Maharaj Govt. Medical College, Kolhapur – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to Rajashree Chatrapati Shahu Maharaj Govt. Medical College, Kolhapur – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee noted that the Central Govt. vide letter dated 22.05.2015 has forwarded a copy of letter dated 14.05.2015 and undertaking dated 15.05.2015 of the Principal Secretary to the Govt. of Maharashtra, Medical Education & Drugs Department of Govt. of Maharashtra (which is not as per the MCI format). From the documents it was observed that neither the colleges have rectified any of the deficiencies pointed out in the Assessment Report dated 30.04.2015 nor have the competent State authorities filed an appropriate undertaking regarding the measures undertaken by the State Govt. to rectify the deficiencies in a time bound manner.

The Executive Committee observed that the office of the Council has received a letter dated 22.5.2015 from the Ministry of Health, Government of India wherein the ministry has requested the MCI to approach the Hon'ble Supreme Court for extension of time for making recommendation to the Central Govt. and also for extension of time for the Central Govt. to take final decision for the current academic session 2015-16. This letter dated 22.05.15, was considered and deliberated upon by the Executive Committee of the Council.

In this regard, the Executive Committee of the Council observed that a similar request from the Ministry of Health, Govt. of India requesting the Council to approach the Hon'ble Supreme Court for seeking extension of time, had also been received in the previous year being D.O. letter No. FTS-135517/2014 dated 8th July, 2014. This letter was responded to by the Council vide letter dated 10.07.2014.

During the deliberations on the Ministry of Health, Govt. of India letter dated 22.05.15, it is observed by the Executive Committee of the Council that as per the time schedule stipulated by the Hon'ble Apex Court and which is mandatorily required to be followed by all concerned including the Council and the Central Govt., the MCI had to send its recommendations to the Ministry of Health, Govt. of India latest by 15.05.2015 and the Central Govt. has to take a final decision in this regard by 15.06.2015.

The MCI has conducted inspections in all the cases of medical colleges seeking establishment of new medical colleges as well as seeking renewal of permission for the academic session 2015-16 in pursuance to the time schedule filed before the Hon'ble Apex Court in W.P (C) No. 469/2014 – Hind Charitable Trust & Shekhar Hospital Vs. UOI & Ors., by 31st of January 2015, whereafter, wherever required the deficiencies were forwarded to the colleges so as to enable them to furnish their compliances. Thereafter, the Central Govt. granted personal hearing to the colleges and upon receipt of the compliances and in all those cases where the colleges were eligible for compliance verification inspection, the MCI carried out compliance verification inspections during the months of March to mid May, 2015 and finally sent its recommendations to the Central Govt. by 15.05.2015. Any action on the part of the MCI after 15.05.2015 would be in violation of the orders passed by the Hon'ble Supreme Court.

There is not even a single case wherein the MCI could not carry out compliance verification inspection due to paucity of time. The MCI had carried out

compliance verification inspections in all cases wherein the medical colleges were eligible for the same, as stated above.

MANDATORY PROVISIONS OF CLAUSE 8 OF MCI REGULATIONS ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999 AS AMENDED

Wherever deficiencies in relation to infrastructural, teaching and other facilities were found to be extremely gross regarding teaching faculty, residents and bed occupancy – thereby those colleges falling within the purview of clause (i) 8 (3)(1)(a) or (ii) 8(3)(1)(b) or (iii) 8(3)(1)(c) – appropriate action had been taken by the Council. The provision of clause 8(3)(1)(a) to 8(3)(1)(c) are set out as under:-

“...8. GRANT OF PERMISSION:

(1) & (2).

“(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) **Colleges in the stage upto II renewal (i.e. Admission of third batch):**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(b) **Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(c) **Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, **such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition** of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....”

The Executive Committee of the Council took note of the above-mentioned provisions of the binding Regulations of 1999, which – under Clause 8(3)(1)(a) and 8(3)(1)(b) create a prohibition against any further consideration of colleges falling in those two categories, for the present academic year. Similarly, the colleges falling within the purview of 8(3)(1)(c), the mandatory stipulation contained therein prohibits any further processing/consideration of any application by any such college for Postgraduate Courses in the present academic year and also for issuance of show cause notice for recommendations for withdrawal of recognition.

COLLEGES / INSTITUTES FOUND TO HAVE EMPLOYED ANY TEACHER WITH FAKED / FORGED DOCUMENTS

In cases of those colleges where inspections had revealed fake faculty or fake / forged documents, thereby those colleges falling within the purview of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999. Such colleges falling within the purview of Regulation 8(3)(1)(d) of the 1999 Regulations were ineligible for any further consideration and as such the Council had stood restrained from inviting any compliance and / or undertaking any compliance verification. The provision of clause 8(3)(1)(d) is reproduced as under:-

“8(3)(1)(a-c)

(d) **Colleges which are found to have employed teachers with faked / forged documents:**

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, **such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree /processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.**

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Govt.”

The stipulations contained in Clause 8(3)(1)(d) of the 1999 Regulations mandatorily requires the Council that if any college falls within the purview of this provision then, inter alia, it will not be considered for renewal of permission / recognition for two academic years.

It was observed that in the previous year, the Executive Committee of the Council had considered the cases of the Govt. Medical Colleges. It was considered that all seats in the Govt. Medical Colleges are filled up purely on the basis of merit. Poor and needy patients are taken care of by the Govt. Medical Colleges and it is the Govt. Medical Colleges who also take care of providing basic medical care in the rural and difficult terrains of the country. More and more MBBS seats are required by the Govt. Medical Colleges in all the states in the country and it has always been the endeavour of the Council to remain sensitive and alive in relation to the Govt. Medical Colleges. With that concern in its mind in relation to the Govt. Medical Colleges, the MCI has always taken all necessary steps in ensuring that more and more MBBS seats become available in the Govt. Medical Colleges.

In the previous years also, so far as the Govt. Medical Colleges are concerned, the MCI had made request to the Ministry of Health, Govt. of India to permit Govt. Medical Colleges to make admissions in the MBBS course by relying upon requisite undertakings furnished by the competent State Authorities. The Council has always emphasized that steps / arrangements made by the MCI are only for the Govt. Medical Colleges - so as to subserve the larger public interest and no such arrangement is permissible for any private medical college.

The Executive Committee of the Council also found it appropriate to reiterate that it has always remained deeply concerned about the Govt. Medical Colleges and it is reiterated that the Govt. Medical Colleges have always been given prompt action with complete cooperation, sensitivity and concern to the factors which apply in the case of Govt. Medical Colleges. Even for the present academic session also the MCI had considered the cases of Govt. Medical Colleges on the basis of undertaking submitted by the Health Secretary / Chief Secretary of the respective State Govt. wherein it was stated that the deficiencies shall be rectified within a period of three months. Only those Govt. Medical Colleges whose deficiencies were either extremely gross or whose Health Secretary / Chief Secretary had failed to appear even after repeated requests of the undersigned as well as the Secretary MCI, the Council was constrained to send negative recommendations in respect of such medical colleges.

The Hon'ble Supreme Court in a catena of cases including in the case of Mridul Dhar Vs. UOI & Ors. - (2005) 2 SCC 65 and in the case of Priya Gupta Vs. State of Chhattisgarh- (2012) 7 SCC 433, has categorically held that the time schedule for considering the application of a medical college has to be strictly adhered to and any deviation from the same shall invite action under the Contempt of Courts Act, 1971.

APPLICATION FOR EXTENSION FILED BY THE CENTRAL GOVT. IN THE PREVIOUS ACADEMIC YEAR (2014-15) WAS NOT ACCEDED TO BY THE HON'BLE SUPREME COURT

The Central Govt. for the academic session 2014-15 had moved an application being I.A No.11 / 2014 in Civil Appeal No(s). 4318/2012 - Priya Gupta Vs. State of Chhattisgarh for extension of time however the same was declined by the Hon'ble Supreme Court vide its order dated 31.07.2014.

The Executive Committee of the Council, in view of the above and the fact that the MCI has been able to consider and process all applications for establishment of new medical colleges as well as renewal of permissions for the current academic session 2015-16 within the time prescribed under the time schedule and has already forwarded all its recommendations to the Central Govt., decided that there is neither any occasion nor any permissibility nor any justification for the Council to approach the Hon'ble Supreme Court for extension of the time schedule.

The Executive Committee observed that on behalf of certain Govt. Medical Colleges, the competent State Authority had submitted the requisite undertaking and on that basis, the MCI had made recommendations in favour of those medical colleges. Besides and in addition to the above category of Govt. Medical Colleges where the requisite undertaking had been submitted, certain other Govt. medical colleges have actually informed the removal of deficiencies i.e. appointment of requisite faculty, residents etc. All these cases are also considered by the Executive Committee of the Council on the basis of the inspection reports, compliance submitted by these Govt. medical colleges along with requisite undertaking submitted by the competent state authority, which, in view of the Executive Committee of the Council, would be better placed as compared to the Govt. medical colleges on whose behalf requisite undertaking has been submitted.

The Executive Committee once again assures the Government of India of complete cooperation by the MCI within the scope available to it under the Act, the governing Regulations and the binding orders of the Hon'ble Supreme Court.

However as explained above the matter with regard to Rajashree Chatrapati Shahu Maharaj Govt. Medical College, Kolhapur – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16 was considered by the Executive Committee wherein it was observed that the undertaking dated 15.05.2015 of the Principal Secretary to the Govt. of Maharashtra, Medical Education & Drugs Department of Govt. of Maharashtra was not as per the MCI format nor the college have rectified any of the deficiencies pointed out in the Assessment Report dated 30.04.2015. The Principal Secretary to the Govt. of Maharashtra has also failed to specify the steps

undertaken by the State Govt. to rectify the deficiencies in a time bound manner. Therefore neither it is possible nor permissible under the provisions of IMC Act, 1956 and the regulations made thereunder as well as the law laid down by the Hon'ble Supreme Court of India to make any recommendation by MCI after 15th May 2015.

33. Shri Vasantnaik Govt. Medical College, Yavatmal – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to Shri Vasantnaik Govt. Medical College, Yavatmal – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee noted that the Central Govt. vide letter dated 22.05.2015 has forwarded a copy of letter dated 14.05.2015 and undertaking dated 15.05.2015 of the Principal Secretary to the Govt. of Maharashtra, Medical Education & Drugs Department of Govt. of Maharashtra (which is not as per the MCI format). From the documents it was observed that neither the colleges have rectified any of the deficiencies pointed out in the Assessment Report dated 30.04.2015 nor have the competent State authorities filed an appropriate undertaking regarding the measures undertaken by the State Govt. to rectify the deficiencies in a time bound manner.

The Executive Committee observed that the office of the Council has received a letter dated 22.5.2015 from the Ministry of Health, Government of India wherein the ministry has requested the MCI to approach the Hon'ble Supreme Court for extension of time for making recommendation to the Central Govt. and also for extension of time for the Central Govt. to take final decision for the current academic session 2015-16. This letter dated 22.05.15, was considered and deliberated upon by the Executive Committee of the Council.

In this regard, the Executive Committee of the Council observed that a similar request from the Ministry of Health, Govt. of India requesting the Council to approach the Hon'ble Supreme Court for seeking extension of time, had also been received in the previous year being D.O. letter No. FTS-135517/2014 dated 8th July, 2014. This letter was responded to by the Council vide letter dated 10.07.2014.

During the deliberations on the Ministry of Health, Govt. of India letter dated 22.05.15, it is observed by the Executive Committee of the Council that as per the time schedule stipulated by the Hon'ble Apex Court and which is mandatorily required to be followed by all concerned including the Council and the Central Govt., the MCI had to send its recommendations to the Ministry of Health, Govt. of India latest by 15.05.2015 and the Central Govt. has to take a final decision in this regard by 15.06.2015.

The MCI has conducted inspections in all the cases of medical colleges seeking establishment of new medical colleges as well as seeking renewal of permission for the academic session 2015-16 in pursuance to the time schedule filed before the Hon'ble Apex Court in W.P (C) No. 469/2014 – Hind Charitable Trust & Shekhar Hospital Vs. UOI & Ors., by 31st of January 2015, whereafter, wherever required the deficiencies were forwarded to the colleges so as to enable them to furnish their compliances. Thereafter, the Central Govt. granted personal hearing to the colleges and upon receipt of the compliances and in all those cases where the colleges were eligible for compliance verification inspection, the MCI carried out compliance verification inspections during the months of March to mid May, 2015 and finally sent its recommendations to the Central Govt. by 15.05.2015. Any action on the part of the MCI after 15.05.2015 would be in violation of the orders passed by the Hon'ble Supreme Court.

There is not even a single case wherein the MCI could not carry out compliance verification inspection due to paucity of time. The MCI had carried out compliance verification inspections in all cases wherein the medical colleges were eligible for the same, as stated above.

MANDATORY PROVISIONS OF CLAUSE 8 OF MCI REGULATIONS ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999 AS AMENDED

Wherever deficiencies in relation to infrastructural, teaching and other facilities were found to be extremely gross regarding teaching faculty, residents and bed occupancy – thereby those colleges falling within the purview of clause (i) 8 (3)(1)(a) or (ii) 8(3)(1)(b) or (iii) 8(3)(1)(c) – appropriate action had been taken by the Council. The provision of clause 8(3)(1)(a) to 8(3)(1)(c) are set out as under:-

“...8. GRANT OF PERMISSION:

(1) & (2).

“(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) **Colleges in the stage upto II renewal (i.e. Admission of third batch):**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(b) **Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(c) **Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, **such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition** of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....”

The Executive Committee of the Council took note of the above-mentioned provisions of the binding Regulations of 1999, which – under Clause 8(3)(1)(a) and 8(3)(1)(b) create a prohibition against any further consideration of colleges falling in

those two categories, for the present academic year. Similarly, the colleges falling within the purview of 8(3)(1)(c), the mandatory stipulation contained therein prohibits any further processing/consideration of any application by any such college for Postgraduate Courses in the present academic year and also for issuance of show cause notice for recommendations for withdrawal of recognition.

COLLEGES / INSTITUTES FOUND TO HAVE EMPLOYED ANY TEACHER WITH FAKED / FORGED DOCUMENTS

In cases of those colleges where inspections had revealed fake faculty or fake / forged documents, thereby those colleges falling within the purview of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999. Such colleges falling within the purview of Regulation 8(3)(1)(d) of the 1999 Regulations were ineligible for any further consideration and as such the Council had stood restrained from inviting any compliance and / or undertaking any compliance verification. The provision of clause 8(3)(1)(d) is reproduced as under:-

“8(3)(1)(a-c)

(d) Colleges which are found to have employed teachers with faked / forged documents:

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, **such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree /processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.**

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Govt.”

The stipulations contained in Clause 8(3)(1)(d) of the 1999 Regulations mandatorily requires the Council that if any college falls within the purview of this provision then, inter alia, it will not be considered for renewal of permission / recognition for two academic years.

It was observed that in the previous year, the Executive Committee of the Council had considered the cases of the Govt. Medical Colleges. It was considered that all seats in the Govt. Medical Colleges are filled up purely on the basis of merit. Poor and needy patients are taken care of by the Govt. Medical Colleges and it is the Govt. Medical Colleges who also take care of providing basic medical care in the rural and difficult terrains of the country. More and more MBBS seats are required by the Govt. Medical Colleges in all the states in the country and it has always been the endeavour of the Council to remain sensitive and alive in relation to the Govt. Medical Colleges. With that concern in its mind in relation to the Govt. Medical Colleges, the MCI has always taken all necessary steps in ensuring that more and more MBBS seats become available in the Govt. Medical Colleges.

In the previous years also, so far as the Govt. Medical Colleges are concerned, the MCI had made request to the Ministry of Health, Govt. of India to permit Govt. Medical Colleges to make admissions in the MBBS course by relying upon requisite undertakings furnished by the competent State Authorities. The Council has always emphasized that steps / arrangements made by the MCI are only for the Govt. Medical Colleges - so as to subserve the larger public interest and no such arrangement is permissible for any private medical college.

The Executive Committee of the Council also found it appropriate to reiterate that it has always remained deeply concerned about the Govt. Medical Colleges and it is reiterated that the Govt. Medical Colleges have always been given prompt action with complete cooperation, sensitivity and concern to the factors which apply in the

case of Govt. Medical Colleges. Even for the present academic session also the MCI had considered the cases of Govt. Medical Colleges on the basis of undertaking submitted by the Health Secretary / Chief Secretary of the respective State Govt. wherein it was stated that the deficiencies shall be rectified within a period of three months. Only those Govt. Medical Colleges whose deficiencies were either extremely gross or whose Health Secretary / Chief Secretary had failed to appear even after repeated requests of the undersigned as well as the Secretary MCI, the Council was constrained to send negative recommendations in respect of such medical colleges.

The Hon'ble Supreme Court in a catena of cases including in the case of Mridul Dhar Vs. UOI & Ors. - (2005) 2 SCC 65 and in the case of Priya Gupta Vs. State of Chhattisgarh- (2012) 7 SCC 433, has categorically held that the time schedule for considering the application of a medical college has to be strictly adhered to and any deviation from the same shall invite action under the Contempt of Courts Act, 1971.

APPLICATION FOR EXTENSION FILED BY THE CENTRAL GOVT. IN THE PREVIOUS ACADEMIC YEAR (2014-15) WAS NOT ACCEDED TO BY THE HON'BLE SUPREME COURT

The Central Govt. for the academic session 2014-15 had moved an application being I.A No.11 / 2014 in Civil Appeal No(s). 4318/2012 - Priya Gupta Vs. State of Chhattisgarh for extension of time however the same was declined by the Hon'ble Supreme Court vide its order dated 31.07.2014.

The Executive Committee of the Council, in view of the above and the fact that the MCI has been able to consider and process all applications for establishment of new medical colleges as well as renewal of permissions for the current academic session 2015-16 within the time prescribed under the time schedule and has already forwarded all its recommendations to the Central Govt., decided that there is neither any occasion nor any permissibility nor any justification for the Council to approach the Hon'ble Supreme Court for extension of the time schedule.

The Executive Committee observed that on behalf of certain Govt. Medical Colleges, the competent State Authority had submitted the requisite undertaking and on that basis, the MCI had made recommendations in favour of those medical colleges. Besides and in addition to the above category of Govt. Medical Colleges where the requisite undertaking had been submitted, certain other Govt. medical colleges have actually informed the removal of deficiencies i.e. appointment of requisite faculty, residents etc. All these cases are also considered by the Executive Committee of the Council on the basis of the inspection reports, compliance submitted by these Govt. medical colleges along with requisite undertaking submitted by the competent state authority, which, in view of the Executive Committee of the Council, would be better placed as compared to the Govt. medical colleges on whose behalf requisite undertaking has been submitted.

The Executive Committee once again assures the Government of India of complete cooperation by the MCI within the scope available to it under the Act, the governing Regulations and the binding orders of the Hon'ble Supreme Court.

However as explained above the matter with regard to Shri Vasantrao Naik Govt. Medical College, Yavatmal – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16 was considered by the Executive Committee wherein it was observed that the undertaking dated 15.05.2015 of the Principal Secretary to the Govt. of Maharashtra, Medical Education & Drugs Department of Govt. of Maharashtra was not as per the MCI format nor the college have rectified any of the deficiencies pointed out in the Assessment Report dated 30.04.2015. The Principal Secretary to the Govt. of Maharashtra has also failed to specify the steps undertaken by the State Govt. to rectify the deficiencies in a time bound manner. Therefore neither it is possible nor permissible under the provisions of IMC Act, 1956 and the regulations made thereunder as well as the law laid down by the Hon'ble Supreme Court of India to make any recommendation by MCI after 15th May 2015.

34. Sri Bhausaheb Hire Govt. Medical College, Dhule – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

Read: the matter with regard to Sri Bhausaheb Hire Govt. Medical College, Dhule – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16.

The Executive Committee noted that the Central Govt. vide letter dated 22.05.2015 has forwarded a copy of letter dated 14.05.2015 and undertaking dated 15.05.2015 of the Principal Secretary to the Govt. of Maharashtra, Medical Education & Drugs Department of Govt. of Maharashtra (which is not as per the MCI format). From the documents it was observed that neither the colleges have rectified any of the deficiencies pointed out in the Assessment Report dated 06.05.2015 nor have the competent State authorities filed an appropriate undertaking regarding the measures undertaken by the State Govt. to rectify the deficiencies in a time bound manner.

The Executive Committee observed that the office of the Council has received a letter dated 22.5.2015 from the Ministry of Health, Government of India wherein the ministry has requested the MCI to approach the Hon'ble Supreme Court for extension of time for making recommendation to the Central Govt. and also for extension of time for the Central Govt. to take final decision for the current academic session 2015-16. This letter dated 22.05.15, was considered and deliberated upon by the Executive Committee of the Council.

In this regard, the Executive Committee of the Council observed that a similar request from the Ministry of Health, Govt. of India requesting the Council to approach the Hon'ble Supreme Court for seeking extension of time, had also been received in the previous year being D.O. letter No. FTS-135517/2014 dated 8th July, 2014. This letter was responded to by the Council vide letter dated 10.07.2014.

During the deliberations on the Ministry of Health, Govt. of India letter dated 22.05.15, it is observed by the Executive Committee of the Council that as per the time schedule stipulated by the Hon'ble Apex Court and which is mandatorily required to be followed by all concerned including the Council and the Central Govt., the MCI had to send its recommendations to the Ministry of Health, Govt. of India latest by 15.05.2015 and the Central Govt. has to take a final decision in this regard by 15.06.2015.

The MCI has conducted inspections in all the cases of medical colleges seeking establishment of new medical colleges as well as seeking renewal of permission for the academic session 2015-16 in pursuance to the time schedule filed before the Hon'ble Apex Court in W.P (C) No. 469/2014 – Hind Charitable Trust & Shekhar Hospital Vs. UOI & Ors., by 31st of January 2015, whereafter, wherever required the deficiencies were forwarded to the colleges so as to enable them to furnish their compliances. Thereafter, the Central Govt. granted personal hearing to the colleges and upon receipt of the compliances and in all those cases where the colleges were eligible for compliance verification inspection, the MCI carried out compliance verification inspections during the months of March to mid May, 2015 and finally sent its recommendations to the Central Govt. by 15.05.2015. Any action on the part of the MCI after 15.05.2015 would be in violation of the orders passed by the Hon'ble Supreme Court.

There is not even a single case wherein the MCI could not carry out compliance verification inspection due to paucity of time. The MCI had carried out compliance verification inspections in all cases wherein the medical colleges were eligible for the same, as stated above.

MANDATORY PROVISIONS OF CLAUSE 8 OF MCI REGULATIONS ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999 AS AMENDED

Wherever deficiencies in relation to infrastructural, teaching and other facilities were found to be extremely gross regarding teaching faculty, residents and bed occupancy – thereby those colleges falling within the purview of clause (i) 8 (3)(1)(a)

or (ii) 8(3)(1)(b) or (iii) 8(3)(1)(c) – appropriate action had been taken by the Council. The provision of clause 8(3)(1)(a) to 8(3)(1)(c) are set out as under:-

“...8. GRANT OF PERMISSION:

(1) & (2).

“(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) **Colleges in the stage upto II renewal (i.e. Admission of third batch):**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(b) **Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(c) **Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, **such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition** of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....”

The Executive Committee of the Council took note of the above-mentioned provisions of the binding Regulations of 1999, which – under Clause 8(3)(1)(a) and 8(3)(1)(b) create a prohibition against any further consideration of colleges falling in those two categories, for the present academic year. Similarly, the colleges falling within the purview of 8(3)(1)(c), the mandatory stipulation contained therein prohibits any further processing/consideration of any application by any such college for Postgraduate Courses in the present academic year and also for issuance of show cause notice for recommendations for withdrawal of recognition.

COLLEGES / INSTITUTES FOUND TO HAVE EMPLOYED ANY TEACHER WITH FAKED / FORGED DOCUMENTS

In cases of those colleges where inspections had revealed fake faculty or fake / forged documents, thereby those colleges falling within the purview of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999. Such colleges falling within the purview of Regulation 8(3)(1)(d) of the 1999 Regulations were ineligible for any further consideration and as such the Council had stood restrained from inviting any compliance and / or undertaking any compliance verification. The provision of clause 8(3)(1)(d) is reproduced as under:-

“8(3)(1)(a-c)

(d) Colleges which are found to have employed teachers with faked / forged documents:

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, **such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree /processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.**

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Govt.”

The stipulations contained in Clause 8(3)(1)(d) of the 1999 Regulations mandatorily requires the Council that if any college falls within the purview of this provision then, inter alia, it will not be considered for renewal of permission / recognition for two academic years.

It was observed that in the previous year, the Executive Committee of the Council had considered the cases of the Govt. Medical Colleges. It was considered that all seats in the Govt. Medical Colleges are filled up purely on the basis of merit. Poor and needy patients are taken care of by the Govt. Medical Colleges and it is the Govt. Medical Colleges who also take care of providing basic medical care in the rural and difficult terrains of the country. More and more MBBS seats are required by the Govt. Medical Colleges in all the states in the country and it has always been the endeavour of the Council to remain sensitive and alive in relation to the Govt. Medical Colleges. With that concern in its mind in relation to the Govt. Medical Colleges, the MCI has always taken all necessary steps in ensuring that more and more MBBS seats become available in the Govt. Medical Colleges.

In the previous years also, so far as the Govt. Medical Colleges are concerned, the MCI had made request to the Ministry of Health, Govt. of India to permit Govt. Medical Colleges to make admissions in the MBBS course by relying upon requisite undertakings furnished by the competent State Authorities. The Council has always emphasized that steps / arrangements made by the MCI are only for the Govt. Medical Colleges - so as to subserve the larger public interest and no such arrangement is permissible for any private medical college.

The Executive Committee of the Council also found it appropriate to reiterate that it has always remained deeply concerned about the Govt. Medical Colleges and it is reiterated that the Govt. Medical Colleges have always been given prompt action with complete cooperation, sensitivity and concern to the factors which apply in the case of Govt. Medical Colleges. Even for the present academic session also the MCI had considered the cases of Govt. Medical Colleges on the basis of undertaking submitted by the Health Secretary / Chief Secretary of the respective State Govt. wherein it was stated that the deficiencies shall be rectified within a period of three months. Only those Govt. Medical Colleges whose deficiencies were either extremely gross or whose Health Secretary / Chief Secretary had failed to appear even after

repeated requests of the undersigned as well as the Secretary MCI, the Council was constrained to send negative recommendations in respect of such medical colleges.

The Hon'ble Supreme Court in a catena of cases including in the case of Mridul Dhar Vs. UOI & Ors. - (2005) 2 SCC 65 and in the case of Priya Gupta Vs. State of Chhattisgarh- (2012) 7 SCC 433, has categorically held that the time schedule for considering the application of a medical college has to be strictly adhered to and any deviation from the same shall invite action under the Contempt of Courts Act, 1971.

APPLICATION FOR EXTENSION FILED BY THE CENTRAL GOVT. IN THE PREVIOUS ACADEMIC YEAR (2014-15) WAS NOT ACCEDED TO BY THE HON'BLE SUPREME COURT

The Central Govt. for the academic session 2014-15 had moved an application being I.A No.11 / 2014 in Civil Appeal No(s). 4318/2012 - Priya Gupta Vs. State of Chhattisgarh for extension of time however the same was declined by the Hon'ble Supreme Court vide its order dated 31.07.2014.

The Executive Committee of the Council, in view of the above and the fact that the MCI has been able to consider and process all applications for establishment of new medical colleges as well as renewal of permissions for the current academic session 2015-16 within the time prescribed under the time schedule and has already forwarded all its recommendations to the Central Govt., decided that there is neither any occasion nor any permissibility nor any justification for the Council to approach the Hon'ble Supreme Court for extension of the time schedule.

The Executive Committee observed that on behalf of certain Govt. Medical Colleges, the competent State Authority had submitted the requisite undertaking and on that basis, the MCI had made recommendations in favour of those medical colleges. Besides and in addition to the above category of Govt. Medical Colleges where the requisite undertaking had been submitted, certain other Govt. medical colleges have actually informed the removal of deficiencies i.e. appointment of requisite faculty, residents etc. All these cases are also considered by the Executive Committee of the Council on the basis of the inspection reports, compliance submitted by these Govt. medical colleges along with requisite undertaking submitted by the competent state authority, which, in view of the Executive Committee of the Council, would be better placed as compared to the Govt. medical colleges on whose behalf requisite undertaking has been submitted.

The Executive Committee once again assures the Government of India of complete cooperation by the MCI within the scope available to it under the Act, the governing Regulations and the binding orders of the Hon'ble Supreme Court.

However as explained above the matter with regard to Sri Bhausahab Hire Govt. Medical College, Dhule – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 50-100 for the academic session 2015-16 was considered by the Executive Committee wherein it was observed that the undertaking dated 15.05.2015 of the Principal Secretary to the Govt. of Maharashtra, Medical Education & Drugs Department of Govt. of Maharashtra was not as per the MCI format nor the college have rectified any of the deficiencies pointed out in the Assessment Report dated 06.05.2015. The Principal Secretary to the Govt. of Maharashtra has also failed to specify the steps undertaken by the State Govt. to rectify the deficiencies in a time bound manner. Therefore neither it is possible nor permissible under the provisions of IMC Act, 1956 and the regulations made thereunder as well as the law laid down by the Hon'ble Supreme Court of India to make any recommendation by MCI after 15th May 2015.

35. Recognition/approval of Malabar Medical College & Research Centre, Calicut, Kerala for the award of MBBS degree (150 seats) granted by the Kerala University of Health Sciences, Thrissur u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Malabar Medical College & Research Centre, Calicut, Kerala for the award of MBBS degree (150 seats) granted by the Kerala University of Health Sciences, Thrissur u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council noted that at its earlier meeting dated 13/05/2015 it was decided as under:-

“The Executive Committee of the Council considered the Council Assessors report (28th & 29th April, 2015) and decided to recommend to the Central Government for recognition/approval of Malabar Medical College & Research Centre, Calicut, Kerala for the award of MBBS degree (150 seats) granted by the Kerala University of Health Sciences, Thrissur u/s 11(2) of the IMC Act, 1956.

The Executive Committee further decided that the attention of the institute be drawn to Sectionss 8(3)(2), 8(3)(3) & 8(3)(4) of the Establishment of Medical Colleges Regulations (Amendment), 2010 (Part II) dated 16th April 2010 and act accordingly at appropriate time, which reads as under:-

8 (3) ...

(2) The recognition so granted to an Undergraduate Course for award of MBBS degree shall be for a maximum period of 5 years, upon which it shall have to be renewed.

(3) The procedure for ‘Renewal’ of recognition shall be same as applicable for the award of recognition.

(4) Failure to seek timely renewal of recognition as required in sub-clause (a) supra shall invariably result in stoppage of admissions to the concerned Undergraduate Course of MBBS at the said institute.”

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

In view of above, the Executive Committee of the Council further decided to recommend to the Central Government to renew the permission for admission of 6th batch of 150 MBBS students at Malabar Medical College & Research Centre, Calicut, Kerala for the academic year 2015-2016.”

The Executive Committee further noted that the above decision of the Executive Committee was communicated to the Central Govt. vide MCI's letter dated 14/05/2015.

Thereafter, the Council office has received a letter dated 13/05/2015 (received in the Council office on 20/05/2015) from The Controller of Examinations, Kerala University of Health Sciences, Thrissur, the relevant portion of the same is reproduced as under :-

“The inspection team deputed by KUHS conducted an inspection in Malabar Medical College in connection with the grant of continuing affiliation and as per the 1st referred report it was reported that the availability of the teaching faculty in the college is not up to the minimum standard. Though the record maintained by the college show that sufficient numbers of staff are available in the college the physical verification conducted by the inspection team revealed that less than 50% of them are available in the college. The report was scrutinized and it was decided to conduct another inspection and in terms of the re

inspection report referred as 3rd above also the attendance of the teaching faculty in the college is pathetic and not sufficient to instruct the medical students. It is not possible to permit the situation to continue like this in the interest of the students as well as the institution. Compromising on the vital needs of the institution is likely to dilute the standards of the medical education in the state. The inspection team has also reported that the clinical facilities available to the students are not upto the minimum standard. The students are not getting sufficient bed side training for the lack of inpatients. The first inspection report pointed out the fact that though 282 faculties were listed by the institution only 131 were available at the time of inspection (46%) and the report also pointed out that in the matter of clinical training improvements are to be made.

The university conducted another inspection to verify the availability of the teaching faculty and the improvement in the clinical training the 3rd referred report was submitted by the inspection team. The report revealed that there is not improvement in the availability of the teaching staff or in the clinical facilities. The specific report is with regard to clinical materials, it is **reported "Lack of adequate patients for bed side training"**. With regard to faculty it is reported **"Out of 321 faculties listed by the institution only 139 were available at the time of inspection"**. With regard to academic training it is reported **"Satisfactory in non clinical departments. To be improved in clinical departments"**.

The committee constituted to scrutinize the report did not recommend granting of continuation of provisional affiliation in the given circumstances. The college is in existence since 2010 and admissions are made in this college from the year 2010 onwards. In the academic year 2014 the college had not been granted renewal permission for MBBS course by the Medical Council of India for 150 seats and as per orders of the Honorable Supreme Court of India admissions were made under open quota in these 150 seats. It was decided to give some time to the college to make available the required staff and the inpatient facilities before taking the extreme step of rejecting the application for continuing affiliation submitted by the college.

Further if the college fails to maintain the minimum standards the university may not be in a position to grant the continuation of provisional affiliation which in turn will affect the prospects of the students now studying in the institution. Considering the extreme importance of the issue take immediate action in this regard."

The Executive Committee also noted that the Council office vide its e-mail dated 27/05/2015 requested the Registrar, Kerala University of Health Sciences, Thrissur to send the copy of the inspection report conducted by them for further action in the matter. A copy of the inspection report and scrutiny report of Malabar Medical College & Research Centre, Calicut was received on 27/05/2015 through fax from the Kerala University of Health Sciences, Thrissur.

The Executive Committee also noted that the Council office vide its letter dated 01/06/2015 has informed the receipt of the letter dated 20/05/2015 from the Controller of Examinations, Kerala University of Health Sciences, Thrissur to the Central Govt. and further that the competent authority has decided to conduct another assessment of Malabar Medical College & Research Centre, Calicut which is scheduled on 01/06/2015 and that the said assessment report will be placed before next Executive Committee which is going to be held on 04/06/2015 and the recommendation of the Committee will be communicated to the Central Govt. immediately with the request to keep the decision of the Central Govt. in abeyance pursuant to the recommendations of the Council vide letter dated 14/05/2015.

The Executive Committee of the Council considered the assessment report (01/06/2015) alongwith previous assessment report (28th & 29th April, 2015) and letter dated 13.05.2015 from the Controller of Examinations, Kerala University of Health Sciences, Thrissur and University reports and noted the following:-

1. Deficiency of faculty is 53.85 % as detailed in the report.
2. Shortage of Residents is 63.51 % as detailed in report.
3. In Biochemistry department, 4 out of 7 faculty are non-medical; hence the ratio of 50 % is violated.
4. In Microbiology department, 3 out of 6 faculty are non-medical; hence the ratio of 33 1/3 % is violated.
5. Bed occupancy is 19.72 % on the day of assessment which is grossly inadequate. Many patients were unnecessarily admitted after the entry of assessors into the college for no clinical indications.
6. There were only 09 Major & 10 Minor operations for the whole hospital on day of assessment which is inadequate.
7. There was only 1 Normal delivery & 1 Caesarean section on day of assessment.
8. OPD attendance is 1,148 against requirement of 1,200 as per Regulations.
9. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to recognise/approve Malabar Medical College & Research Centre, Calicut for the award of MBBS degree granted by the Kerala University of Health Sciences, Thrissur u/ 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within one month for further consideration of the matter.

The Executive Committee also decided to withdraw the recommendation to permit the Institute to admit 6th batch of students for academic year 2015-2016 and also to request Central Govt. to annul/withdraw the permission in case granted to the college to admit the students for 2015-16 batch.

The minutes of this item were read out, approved and confirmed in the meeting itself and the office is directed to send the communications to the Central Government & Institute immediately.

36. Regarding approval for UG courses for the academic year 2015-2016 for establishment of Medical Colleges/increase of MBBS seats/renewal of permission.

Read: the matter with regard to regarding approval for UG courses for the academic year 2015-2016 for establishment of Medical Colleges/increase of MBBS seats/renewal of permission.

The Executive Committee of the Council considered the D.O letter No. 11017/2/2009-ME.P-I dated 22/05/2015 of the Joint Secretary, Govt. of India, Ministry of Health & Family Welfare, New Delhi wherein it has been requested the MCI to approach the Hon'ble Supreme Court for extension of time for making recommendation to the Central Govt. and also for extension of time for the Central Govt. to take final decision for the current academic session 2015-16.

As per the time schedule stipulated by the Hon'ble Apex Court and which is mandatorily required to be followed by all concerned including the Council and the Central Govt., the MCI had to send its recommendations to the Ministry of Health, Govt. of India latest by 15.05.2015 and the Central Govt. has to take a final decision in this regard by 15.06.2015.

At the very outset, it is stated that the MCI has conducted inspections in all the cases of medical colleges seeking establishment of new medical colleges as well as seeking renewal of permission for the academic session 2015-16 in pursuance to the time schedule filed before the Hon'ble Apex Court in W.P (C) No. 469/2014 –

Hind Charitable Trust & Shekhar Hospital Vs. UOI & Ors., by 31st of January 2015, whereafter, wherever required the deficiencies were forwarded to the colleges so as to enable them to furnish their compliances. Thereafter, the Central Govt. granted personal hearing to the colleges and upon receipt of the compliances and in all those cases where the colleges were eligible for compliance verification inspection, the MCI carried out compliance verification inspections during the months of March to mid May, 2015 and finally sent its recommendations to the Central Govt. by 15.05.2015. Any action on the part of the MCI after 15.05.2015 would be in violation of the orders passed by the Hon'ble Supreme Court.

There is not even a single case wherein the MCI could not carry out compliance verification inspection due to paucity of time. The MCI had carried out compliance verification inspections in all cases wherein the medical colleges were eligible for the same, as stated above.

MANDATORY PROVISIONS OF CLAUSE 8 OF MCI REGULATIONS ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999 AS AMENDED

It is stated that wherever deficiencies in relation to infrastructural, teaching and other facilities were found to be extremely gross regarding teaching faculty, residents and bed occupancy – thereby those colleges falling within the purview of clause (i) 8(3)(1)(a) or (ii) 8(3)(1)(b) or (iii) 8(3)(1)(c) – appropriate action had been taken by the Council. The provision of clause 8(3)(1)(a) to 8(3)(1)(c) are set out as under:-

“...8. GRANT OF PERMISSION:

(1) & (2).

“(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) **Colleges in the stage upto II renewal (i.e. Admission of third batch):**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(b) **Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(c) **Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, **such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition** of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....”

The Executive Committee of the Council took note of the above-mentioned provisions of the binding Regulations of 1999, which – under Clause 8(3)(1)(a) and 8(3)(1)(b) create a prohibition against any further consideration of colleges falling in those two categories, for the present academic year. Similarly, the colleges falling within the purview of 8(3)(1)(c), the mandatory stipulation contained therein prohibits any further processing/consideration of any application by any such college for Postgraduate Courses in the present academic year and also for issuance of show cause notice for recommendations for withdrawal of recognition.

COLLEGES / INSTITUTES FOUND TO HAVE EMPLOYED ANY TEACHER WITH FAKED / FORGED DOCUMENTS

In cases of those colleges where inspections had revealed fake faculty or fake / forged documents, thereby those colleges falling within the purview of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999. Such colleges falling within the purview of Regulation 8(3)(1)(d) of the 1999 Regulations were ineligible for any further consideration and as such the Council had stood restrained from inviting any compliance and / or undertaking any compliance verification. The provision of clause 8(3)(1)(d) is reproduced as under:-

“8(3)(1)(a-c)

(d) **Colleges which are found to have employed teachers with faked / forged documents:**

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, **such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree /processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.**

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Govt.

The stipulations contained in Clause 8(3)(1)(d) of the 1999 Regulations mandatorily requires the Council that if any college falls within the purview of this provision then, inter alia, it will not be considered for renewal of permission / recognition for two academic years.

The MCI is always deeply concerned about the Govt. Medical Colleges and it is reiterated that the Govt. Medical Colleges have always been given prompt action with complete cooperation, sensitivity and concern to the factors which apply in the case of Govt. Medical Colleges. Even for the present academic session also the MCI had considered the cases of Govt. Medical Colleges on the basis of undertaking submitted by the Health Secretary / Chief Secretary of the respective State Govt.

wherein it was stated that the deficiencies shall be rectified within a period of three months. Only those Govt. Medical Colleges whose deficiencies were either extremely gross or whose Health Secretary / Chief Secretary had failed to appear even after repeated requests of the undersigned as well as the Secretary MCI, the Council was constrained to send negative recommendations in respect of such medical colleges.

The Executive Committee observed that on behalf of certain Govt. Medical Colleges, the competent State Authority had submitted the requisite undertaking and on that basis, the MCI had made recommendations in favour of those medical colleges. Besides and in addition to the above category of Govt. Medical Colleges where the requisite undertaking had been submitted, certain other Govt. medical colleges have actually informed the removal of deficiencies i.e. appointment of requisite faculty, residents etc. All these cases are also considered by the Executive Committee of the Council on the basis of the inspection reports, compliance submitted by these Govt. medical colleges along with requisite undertaking submitted by the competent state authority, which, in view of the Executive Committee of the Council, would be better placed as compared to the Govt. medical colleges on whose behalf requisite undertaking has been submitted.

The Executive Committee of the Council, in continuation of its concern for more and more MBBS seats becoming available to the most meritorious students in all the Govt. Medical Colleges decided to request the Ministry of Health, Govt. of India to permit admissions in the MBBS course in the present academic year 2015-16 to all those Govt. Medical Colleges where requisite undertakings by the competent State Authorities has been furnished and when in the similar manner, the Ministry of Health, Govt. of India had permitted admissions in the MBBS course to such Govt. Medical Colleges in the previous academic years as well. The Committee decided to send a list of 06 such Govt. Medical Colleges where the Council is requesting the Ministry of Health, Govt. of India to permit them to make admissions in the MBBS course in the present academic year 2015-16 for facilitating the issuance of appropriate orders by the Ministry of Health, Govt. of India before the last date being 15.06.2015. The Executive Committee again made clear that this request is only with regard to Govt. Medical Colleges, as stated above.

The Hon'ble Supreme Court in a catena of cases including in the case of Mridul Dhar Vs. UOI & Ors. - (2005) 2 SCC 65 and in the case of Priya Gupta Vs. State of Chhattisgarh- (2012) 7 SCC 433, has categorically held that the time schedule for considering the application of a medical college has to be strictly adhered to and any deviation from the same shall invite action under the Contempt of Courts Act, 1971.

The Executive Committee bring to the notice that the Central Govt. for the academic session 2014-15 had moved an application being I.A No.11 / 2014 in Civil Appeal No(s). 4318/2012 - Priya Gupta Vs. State of Chhattisgarh for extension of time however the same was declined by the Hon'ble Supreme Court vide its order dated 31.07.2014.

In view of the above and the fact that the MCI has been able to consider and process all applications for establishment of new medical colleges as well as renewal of permissions for the current academic session 2015-16 within the time prescribed under the time schedule and has already forwarded all its recommendations to the Central Govt., there is neither any occasion nor any permissibility nor any justification for the Council to approach the Hon'ble Supreme Court for extension of the time schedule.

The Executive Committee once again assures the Government of India of complete cooperation by the MCI within the scope available to it under the Act, the governing Regulations and the binding orders of the Hon'ble Supreme Court.

37. RNT Medical College, Udaipur – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

Read: the matter with regard to RNT Medical College, Udaipur – Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16.

The Executive Committee noted that the Central Govt. vide letter dated 03.06.2015 has forwarded a copy of letter dated 03.06.2015 and undertaking dated 13.05.2015 of the Health Secretary to the Govt. of Rajasthan, Department of Medical Education. From the documents it was observed that the college has rectified many of the deficiencies pointed out in the Assessment Report dated 29.04.2015 and further the competent State authorities has filed an appropriate undertaking regarding the measures undertaken by the State Govt. to rectify the deficiencies in a time bound manner.

The Executive Committee also observed that the office of the Council is in receipt of a letter dated 22.5.2015 from the Ministry of Health, Government of India. Through this letter dated 22.05.2015 the Ministry of Health, Govt. of India has requested the MCI to approach the Hon'ble Supreme Court for extension of time for making recommendation to the Central Govt. and also for extension of time for the Central Govt. to take final decision for the current academic session 2015-16. This letter dated 22.05.15, was considered and deliberated upon by the Executive Committee of the Council.

In this regard, the Executive Committee of the Council observed that a similar request from the Ministry of Health, Govt. of India requesting the Council to approach the Hon'ble Supreme Court for seeking extension of time, had also been received in the previous year being D.O. letter No. FTS-135517/2014 dated 8th July, 2014. This letter was responded to by the Council vide letter dated 10th July, 2014.

During the deliberations on the Ministry of Health, Govt. of India letter dated 22.05.15, it is observed by the Executive Committee of the Council that as per the time schedule stipulated by the Hon'ble Apex Court and which is mandatorily required to be followed by all concerned including the Council and the Central Govt., the MCI had to send its recommendations to the Ministry of Health, Govt. of India latest by 15.05.2015 and the Central Govt. has to take a final decision in this regard by 15.06.2015.

The MCI has conducted inspections in all the cases of medical colleges seeking establishment of new medical colleges as well as seeking renewal of permission for the academic session 2015-16 in pursuance to the time schedule filed before the Hon'ble Apex Court in W.P (C) No. 469/2014 – Hind Charitable Trust & Shekhar Hospital Vs. UOI & Ors., by 31st of January 2015, whereafter, wherever required the deficiencies were forwarded to the colleges so as to enable them to furnish their compliances. Thereafter, the Central Govt. granted personal hearing to the colleges and upon receipt of the compliances and in all those cases where the colleges were eligible for compliance verification inspection, the MCI carried out compliance verification inspections during the months of March to mid May, 2015 and finally sent its recommendations to the Central Govt. by 15.05.2015. Any action on the part of the MCI after 15.05.2015 would be in violation of the orders passed by the Hon'ble Supreme Court.

There is not even a single case wherein the MCI could not carry out compliance verification inspection due to paucity of time. The MCI had carried out compliance verification inspections in all cases wherein the medical colleges were eligible for the same, as stated above.

MANDATORY PROVISIONS OF CLAUSE 8 OF MCI REGULATIONS ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999 AS AMENDED

Wherever deficiencies in relation to infrastructural, teaching and other facilities were found to be extremely gross regarding teaching faculty, residents and bed occupancy – thereby those colleges falling within the purview of clause (i) 8 (3)(1)(a) or (ii) 8(3)(1)(b) or (iii) 8(3)(1)(c) – appropriate action had been taken by the Council. The provision of clause 8(3)(1)(a) to 8(3)(1)(c) are set out as under:-

“...8. GRANT OF PERMISSION:

(1) & (2).

“(3)(1). The permission to establish a medical college and admit students may be granted initially for a period of one year and may be renewed on yearly basis subject to verification of the achievements of annual targets. It shall be the responsibility of the person to apply to the Medical Council of India for purpose of renewal six months prior to the expiry of the initial permission. This process of renewal of permission will continue till such time the establishment of the medical college and expansion of the hospital facilities are completed and a formal recognition of the medical college is granted. Further admissions shall not be made at any stage unless the requirements of the Council are fulfilled. The Central Government may at any stage convey the deficiencies to the applicant and provide him an opportunity and time to rectify the deficiencies.

PROVIDED that in respect of

(a) **Colleges in the stage upto II renewal (i.e. Admission of third batch):**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is < 60 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(b) **Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B;B.S. degree:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is < 70 %, **such an institute will not be considered for renewal of permission in that Academic Year.**

(c) **Colleges which are already recognized for award of M.B.B.S. degree and/or running Postgraduate Courses:**

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is < 80 %, **such an institute will not be considered for processing applications for postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendation for withdrawal of recognition** of the courses run by that institute should not be made for Undergraduate and Postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted Postgraduate courses....”

The Executive Committee of the Council took note of the above-mentioned provisions of the binding Regulations of 1999, which – under Clause 8(3)(1)(a) and 8(3)(1)(b) create a prohibition against any further consideration of colleges falling in those two categories, for the present academic year. Similarly, the colleges falling within the purview of 8(3)(1)(c), the mandatory stipulation contained therein prohibits any further processing/consideration of any application by any such college for

Postgraduate Courses in the present academic year and also for issuance of show cause notice for recommendations for withdrawal of recognition.

COLLEGES / INSTITUTES FOUND TO HAVE EMPLOYED ANY TEACHER WITH FAKED / FORGED DOCUMENTS

In cases of those colleges where inspections had revealed fake faculty or fake / forged documents, thereby those colleges falling within the purview of Regulation 8(3)(1)(d) of the Establishment of Medical College Regulations, 1999. Such colleges falling within the purview of Regulation 8(3)(1)(d) of the 1999 Regulations were ineligible for any further consideration and as such the Council had stood restrained from inviting any compliance and / or undertaking any compliance verification. The provision of clause 8(3)(1)(d) is reproduced as under:-

“8(3)(1)(a-c)

(d) Colleges which are found to have employed teachers with faked / forged documents:

If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, **such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree /processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.**

However, the office of the Council shall ensure that such inspections are not carried out at least 3 days before upto 3 days after important religious and festival holidays declared by the Central/State Govt.”

The stipulations contained in Clause 8(3)(1)(d) of the 1999 Regulations mandatorily requires the Council that if any college falls within the purview of this provision then, inter alia, it will not be considered for renewal of permission / recognition for two academic years.

It was observed that in the previous year, the Executive Committee of the Council had considered the cases of the Govt. Medical Colleges. It was considered that all seats in the Govt. Medical Colleges are filled up purely on the basis of merit. Poor and needy patients are taken care of by the Govt. Medical Colleges and it is the Govt. Medical Colleges who also take care of providing basic medical care in the rural and difficult terrains of the country. More and more MBBS seats are required by the Govt. Medical Colleges in all the states in the country and it has always been the endeavour of the Council to remain sensitive and alive in relation to the Govt. Medical Colleges. With that concern in its mind in relation to the Govt. Medical Colleges, the MCI has always taken all necessary steps in ensuring that more and more MBBS seats become available in the Govt. Medical Colleges.

In the previous years also, so far as the Govt. Medical Colleges are concerned, the MCI had made request to the Ministry of Health, Govt. of India to permit Govt. Medical Colleges to make admissions in the MBBS course by relying upon requisite undertakings furnished by the competent State Authorities. The Council has always emphasized that steps / arrangements made by the MCI are only for the Govt. Medical Colleges - so as to subserve the larger public interest and no such arrangement is permissible for any private medical college.

The Executive Committee of the Council also found it appropriate to reiterate that it has always remained deeply concerned about the Govt. Medical Colleges and it is reiterated that the Govt. Medical Colleges have always been given prompt action with complete cooperation, sensitivity and concern to the factors which apply in the case of Govt. Medical Colleges. Even for the present academic session also the MCI had considered the cases of Govt. Medical Colleges on the basis of undertaking

submitted by the Health Secretary / Chief Secretary of the respective State Govt. wherein it was stated that the deficiencies shall be rectified within a period of three months. Only those Govt. Medical Colleges whose deficiencies were either extremely gross or whose Health Secretary / Chief Secretary had failed to appear even after repeated requests of the undersigned as well as the Secretary MCI, the Council was constrained to send negative recommendations in respect of such medical colleges.

The Hon'ble Supreme Court in a catena of cases including in the case of Mridul Dhar Vs. UOI & Ors. - (2005) 2 SCC 65 and in the case of Priya Gupta Vs. State of Chhattisgarh- (2012) 7 SCC 433, has categorically held that the time schedule for considering the application of a medical college has to be strictly adhered to and any deviation from the same shall invite action under the Contempt of Courts Act, 1971.

APPLICATION FOR EXTENSION FILED BY THE CENTRAL GOVT. IN THE PREVIOUS ACADEMIC YEAR (2014-15) WAS NOT ACCEDED TO BY THE HON'BLE SUPREME COURT

The Central Govt. for the academic session 2014-15 had moved an application being I.A No.11 / 2014 in Civil Appeal No(s). 4318/2012 - Priya Gupta Vs. State of Chhattisgarh for extension of time however the same was declined by the Hon'ble Supreme Court vide its order dated 31.07.2014.

The Executive Committee of the Council, in view of the above and the fact that the MCI has been able to consider and process all applications for establishment of new medical colleges as well as renewal of permissions for the current academic session 2015-16 within the time prescribed under the time schedule and has already forwarded all its recommendations to the Central Govt., decided that there is neither any occasion nor any permissibility nor any justification for the Council to approach the Hon'ble Supreme Court for extension of the time schedule.

The Executive Committee observed that on behalf of certain Govt. Medical Colleges, the competent State Authority had submitted the requisite undertaking and on that basis, the MCI had made recommendations in favour of those medical colleges. Besides and in addition to the above category of Govt. Medical Colleges where the requisite undertaking had been submitted, certain other Govt. medical colleges have actually informed the removal of deficiencies i.e. appointment of requisite faculty, residents etc. All these cases are also considered by the Executive Committee of the Council on the basis of the inspection reports, compliance submitted by these Govt. medical colleges along with requisite undertaking submitted by the competent state authority, which, in view of the Executive Committee of the Council, would be better placed as compared to the Govt. medical colleges on whose behalf requisite undertaking has been submitted. As such, the Executive Committee decided to request the Ministry of Health, Govt. of India to permit RNT Medical College, Udaipur – renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2015-16 as the last date for Central Government being 15th June, 2015 as per the time schedule.

It is again made clear that this request of the Executive Committee is only with regard to Govt. Medical Colleges, as stated above.

The Executive Committee once again assures the Government of India of complete cooperation by the MCI within the scope available to it under the Act, the governing Regulations and the binding orders of the Hon'ble Supreme Court.

38. Confidential report dated 11.03.2015 in the case of Dr. A.R.N. Setalvad, Former Secretary, MCI.

Read: the matter with regard to confidential report dated 11.03.2015 in the case of Dr. A.R.N. Setalvad, Former Secretary, MCI.

The Executive Committee of the Council perused the opinion of Council Advocate alongwith the enquiry report & representation of Dr. A.R.N. Setalvad which are kept on file and decided as under:

- (1) The charges are held to be disproved on the basis of the Inquiry Report submitted by the Inquiry Officer being an Hon'ble retired Chief Justice of the High Court;
- (2) The suspension of Dr. A.R.N. Setalvad be revoked with full benefits u/s 10(5)(c) of CCS CCA Rules, 1965;
- (3) In above view of the matter, all the retirement dues pending and not yet paid to the charged officer may be released and paid to him as per the rules.
- (4) The contention of Dr. A.R.N. Setalvad that even interest on his P.F. Account has not been paid upto date of actual payment as per Rules be examined and action as per prevailing rules be taken by Accounts department. Similarly his contention regarding balance of Terminal transfer T.A./D.A. not being paid as per Rules be also examined and action be taken by Accounts department in accordance with prevailing Rules.
- (5) A Sub-Committee comprising of Dr. Ajay Kumar, Chairman, Grievance & Administration Committee and Dr. D. Shantharam, Vice Chancellor, Tamil Nadu Dr. M.G.R. Medical University be formed to examine and submit its report on the following terms of reference:
 - (a) To examine the entire record to determine the procedural irregularities committed by the officials of the Council in the matter;
 - (b) If so, to affix the responsibility of the concerned officials in the matter;
 - (c) To suggest mechanism for better maintenance of records;

39. Attendance of members of Sub-Committees.

Read: the matter with regard to attendance of members of Sub-Committees.

The Executive Committee of the Council noted that several members have not been attending the meetings of their respective sub-committees regularly and it was decided to send a communication to those members requesting them to attend the meetings of the respective sub-committees and decided to re constitute following Sub Committees:-

(A) TEQ Sub-Committee

Dr. Kishor B Taori (Chairman),
 Dr. S Robinson Smile
 Dr. Shirish H Srivastava
 Dr. K S Sivakumar
 Dr. Surendra K Ahluwalia,
 Dr. Bhaskara Rao Ganni
 Dr. Vinay Krishna,
 Dr. Tirath Das Dogra
 Dr. Keshav Kumar Agrawal
 Dr. Chitta Ranjan Kar
 Dr.(Prof.) Arun Kumar Agrawal

(B) Migration Sub-Committee

Dr. Mukesh Sharma -Chairman
 Dr. Kothari Bhavinbhai S
 Dr. R Nisarga
 Dr. Jai Vir Singh
 Dr. Mhaske Chandrakant Bhaskar
 Dr. Mahendrasinh Dolatsinh Chauhan
 Dr. L P Thanagavelu
 Dr.(Prof.) Plaban Mukherjee
 Dr. Vijay Kumar Pandya
 Dr Tao Kaki
 Dr. Okram Ibomcha Singh
 Dr. Rajeev Sood

The Executive Committee of the Council further decided to form the following Sub-Committees:

(C) Sub-Committee for Monitoring of UG/PG admissions

- (i) Dr. Raj Bahadur, Vice-Chancellor, Baba Farid University of Health Sciences, Faridkot – Chairman
- (ii) Dr. Sanjeev Kumar Gupta, Prof. of Surgery, Institute of Medical Sciences, BHU, Varanasi, UP
- (iii) Sh. Shikhar Ranjan, Law Officer-Member
- (iv) Mrs. S. Savitha, Asstt.Secretary, UG-Member
- (v) Mr. Bijendar Singh, Assistant, Monitoring Cell

(D) Sub-Committee for scrutiny of declaration forms of fake/duplicate faculties & providing false information in Declaration Forms

- (i) Dr. Ravi Kant, Vice Chancellor, King George's Medical University, Lucknow – Chairman.
- (ii) Prof. Tariq Mansoor, Principal, JN Medical College, Aligarh- Member
- (iii) Sh. Shikhar Ranjan, Law Officer-Member
- (iv) Shri Anupam Dhua, Computer Programmer- Member
- (v) Mrs. S. Savitha, Asstt.Secretary, UG-Member

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

New Delhi, dated
04th June, 2015

(Dr. Reena Nayyar)
Secretary I/c

APPROVED

(Dr. Jayshree Mehta)
President