

No. MCI-5(3)/2017-Med.Misc./

MEDICAL COUNCIL OF INDIA
NEW DELHI
EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on 8th August, 2017 at 11.00 a.m.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, Chennai (Tamil Nadu)
Dr. Alok Ahuja	Lab Director, Dr. Ahujas Pathology & Imaging Centre, 7-B, Astley Hall, Dehradun (Uttarakhand)
Prof.(Dr.) Ashwani Kumar	Professor, Department of Microbiology, University College of Medical Sciences, Shahdara(Delhi-110095)
Dr. G.B. Gupta	Vice-Chancellor, Ayush & Health Sciences University, G.E. Road, Raipur (Chhattisgarh)
Dr. Kampa Shankar	Professor, General Medicine & Superintendent, Sir Ronald Ross Institute of Tropical & Communicable Diseases, Nallkunta, Hyderabad
Dr. NarainVenkteshBhandare	Consulting Surgeon, Bhandare Hospital, Fontainhas, Panaji(Goa-403001)
Dr. Sinam Rajendra Singh	Professor of Urology, Rajendra Instt. of Medical Sciences, Imphal (Manipur) & Director, Manipur Medical Council Imphal, Manipur

Dr. Reena Nayyar, Secretary I/c.

Apologies for absence were received from Dr. Anil Chauhan and Dr. Mhaske Chandrakant Bhaskar.

1. **Minutes of the Executive Committee Meeting held on 11th July, 2017 – Confirmation of.**

The Executive Committee of the Council confirmed the minutes of its meeting held on 11th July, 2017.

2. **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 11th July, 2017.

3. **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.

4. **Minutes of meeting of the TEQ Sub-Committee at its meetings held on 24.07.2017.**

Read: the matter with regard to minutes of meeting of the TEQ Sub-Committee at its meetings held on 24.07.2017.

The Executive Committee of the Council noted and approved the recommendations of the TEQ Sub-Committee with regards to item nos. 2,3,4,5,6,7,8,9,10 & 11. Rest of the items, the Executive Committee observed as under:-

Item No.12: Seeking clarification regarding issuance of Radiology report.

The Executive Committee noted that the item has been deferred by Sub-Committee for want of clarification.

Item No.13: Confirmation of eligibility for the post of Asstt.Prof. in department of Orthopedics in respect of Dr. Vinay Vasu Bangera in a medical college.

The Executive Committee observed that from the minutes, it is not clear where the candidate has done his Senior Residency. Further it is not clear as to how the above said candidate could have been appointed straightaway as Senior Resident as from the facts of the case, there is no evidence of his experience as a Resident in a Medical College affiliated teaching hospital. The Executive Committee decided that the matter be re-examined by Sub-Committee and re-submitted after taking appropriate decision.

5. Pre-PG Assessment – Compliance Verification Assessment of the physical and other teaching facilities available for starting of PG course at Chirayu Medical College & Hospital, Bhopal under Barkatullah University.

Read: the matter with regard to Pre-PG Assessment – Compliance Verification Assessment of the physical and other teaching facilities available for starting of PG course at Chirayu Medical College & Hospital, Bhopal under Barkatullah University.

The Executive Committee of the Council considered the compliance verification assessment report (20th July, 2017) alongwith previous report (3rd& 4th May, 2017) of the physical and other teaching facilities available for starting of PG course at Chirayu Medical College & Hospital, Bhopal under Barkatullah University and letters/representations dated 20/07/2017 & 25/07/2017 of the Dean of the institute and noted the following:-

1. OPD attendance on day of assessment is 1,043 against requirement of 1,200.
2. Bed Occupancy on day of assessment is 66.60% as verified by the assessors.
3. Deficiency of admitting patients with trivial complaints still remains. E.g., in General Medicine wards, out of 138 patients, only 100 can be considered as having been admitted properly.
4. Data of Minor Operations submitted by Institute seem to be inflated.
5. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to grant 01(One) month time to the institute to submit the compliance on rectification of deficiencies to the Council.

The Committee further decided to continue the application of clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II) dated 16th April, 2010 and amended on 18.03.2016.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

6. Pre-PG Assessment – Assessment of the physical and other teaching facilities available for starting of PG course at Sri Bhusaheb Hire Government Medical College, Dhule under Maharashtra University of Health Sciences, Nashik.

Read: the matter with regard to Pre-PG Assessment – Assessment of the physical and other teaching facilities available for starting of PG course at Sri Bhusaheb Hire Government Medical College, Dhule under Maharashtra University of Health Sciences, Nashik.

The Executive Committee of the Council considered the Pre-Pg Assessment report (19th& 20th July, 2017) and noted the following:-

1. Blood Separation Facility is not installed.
2. Deficiency of faculty is 16.66 % as detailed in the report.
3. Shortage of Residents is 14.28 % as detailed in the report.

4. Dr. C.D. Dange, Medical Superintendent has only 2 years of administrative experience against 10 years required; hence not eligible to hold the post.
5. OPD: Computers are available at Registration counters but not in use. There is no seating arrangement for patients in waiting area. Teaching areas are not available in some departments. Enquiry Desk is not available. Injection room is common for males/females. Dressing room is common for males/females. Separate Plaster Cutting room is not available. Child Welfare clinic is not functional.
6. Wards: Sanitation is very poor. Ancillary facilities are not available in some wards. STP/ETP is not available. Demonstration rooms in some wards are not furnished.
7. Casualty: Central O₂ and Central Suction are not available. Disaster Trolley is not available. Mobile X-ray is not functional.
8. Central Clinical laboratory: Separate sections of Microbiology, Haematology & Biochemistry are not available.
9. O.T.: Central O₂ and Central Suction are not available. Emergency O.T. in Casualty is in poor shape & not air-conditioned.
10. ICUs: Central O₂ and Central Suction are not available. There was no patient in SICU on day of assessment.
11. CT Scan available is 6 slice against minimum 16 slice required.
12. Examination Hall: Capacity of available Examination Hall is 200 against 250 required.
13. Lecture Theaters: Available Lecture Theater is 1 of capacity 100 against 3 of 80 each required. It is not of Gallery type. Audiovisual aids are not available. Hospital Lecture Theater is not available.
14. Central Library: Available area is 763 sq.m. against requirement of 1,000 sq.m. Students' Reading Room (Inside) & Residents' Reading room are not available.
15. Central Photography Section is not available.
16. Students' Hostels: Furniture is inadequate. Visitors' room, A.C. Study room with Computer & Internet and Recreation room are not available. Hygiene is poor.
17. Interns' Hostels: Furniture is inadequate. Visitors' room, A.C. Study room with Computer & Internet and Recreation room are not available. Hygiene is poor.
18. Residents' Hostels: Furniture is inadequate. Visitors' room, A.C. Study room with Computer & Internet and Recreation room are not available. Hygiene is poor.
19. Nurses' Hostels: Furniture is inadequate. Hygiene is poor.
20. Residential Quarters: Only 24 quarters are available for Non-teaching staff against requirement of 36.
21. Central Research Laboratory is not available.
22. Biochemistry: Facilities are inadequate as detailed in the report.
23. Common Rooms for Boys & Girls: There is no furniture. Attached toilets are not available.
24. Website: Information uploaded is sketchy as detailed in the report.
25. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to grant 01(One) month time to the institute to submit the compliance on rectification of deficiencies to the Council.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

7. Pre-PG Assessment – Compliance Verification Assessment of the physical and other teaching facilities available for starting of PG course at Govt. Medical College, Ananthapuram, A.P. under Dr. NTR University of Health Sciences, Vijayawada.

Read: the matter with regard to Pre-PG Assessment – Compliance Verification Assessment of the physical and other teaching facilities available for starting of PG course at Govt. Medical College, Ananthapuram, A.P. under Dr. NTR University of Health Sciences, Vijayawada.

The Executive Committee of the Council considered the compliance verification assessment report (21st July, 2017) along with the previous assessment reports (4th May, 2017, 11th November, 2016 and 16th& 17th May, 2016) and noted the following:-

1. Deficiency of faculty is 12.60% as detailed in the report.
2. Shortage of Residents is 97.01% as detailed in the report. Almost all Residents are not staying in the campus.
3. There were only 06 Major Operations for the whole hospital on day of assessment.
4. OPD Registration is partially computerized. IPD registration is not computerized.
5. MRD was locked at 9:40 a.m. on day of assessment. ICD X classification of diseases is not used.
6. Wards: In some wards, Pantry is not available. Deficiency remains as it is.
7. ICCU: It is not air-conditioned.
8. O.T.: Pre-operative ward is not available.
9. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to grant 01(One) month time to the institute to submit the compliance on rectification of deficiencies to the Council.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

8. Pre-PG Assessment – Compliance Verification Assessment of the physical and other teaching facilities available for starting of PG course at Govt. Thoothukudi Medical College, Thoothukudi under The Tamilnadu Dr. M.G.R. Medical University, Chennai.

Read: the matter with regard to Pre-PG Assessment – Compliance Verification Assessment of the physical and other teaching facilities available for starting of PG course at Govt. Thoothukudi Medical College, Thoothukudi under The Tamilnadu Dr. M.G.R. Medical University, Chennai.

The Executive Committee of the Council considered the compliance verification assessment report (20th July, 2017) alongwith previous assessment report (8th& 9th May, 2017) and decided that the Council

should process the applications for starting of postgraduate courses and take further necessary action.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

9. Pre-PG Assessment - Compliance Verification assessment of the physical and other teaching facilities available at Raichur Institute of Medical Sciences, Raichur under Rajiv Gandhi University of Health Sciences, Bangalore.

Read: the matter with regard to Pre-PG Assessment - Compliance Verification assessment of the physical and other teaching facilities available at Raichur Institute of Medical Sciences, Raichur under Rajiv Gandhi University of Health Sciences, Bangalore.

The Executive Committee of the Council considered the compliance verification assessment report (21st July, 2017) along with the previous assessment reports (20th February, 2017, 11th November 2016, 18th May 2016, 16th Dec., 2015, 9th March, 2015 &, 15th & 16th Sept., 2014) and noted the following:-

1. Shortage of Residents is 51.61 % as detailed in the report.
2. Many Residents are not staying in the campus.
3. Bed Occupancy at 10 a.m. on day of assessment is 61.91 %.
4. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to grant 01(One) month time to the institute to submit the compliance on rectification of deficiencies to the Council.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

10. Pre-PG Assessment – Compliance Verification Assessment of the physical and other teaching facilities available for starting of PG course at Bundelkhand Medical College, Sagar, Madhya Pradesh under Dr.Harising Gour University, Sagar.

Read: the matter with regard to Pre-PG Assessment – Compliance Verification Assessment of the physical and other teaching facilities available for starting of PG course at Bundelkhand Medical College, Sagar, Madhya Pradesh under Dr.Harising Gour University, Sagar.

The Executive Committee of the Council considered the compliance verification assessment report (21st July, 2017) alongwith previous assessment report (16th& 17th May, 2017) and noted the following:-

1. Blood Component Separation Facility is not available.
2. Deficiency of faculty is 28.30 % as detailed in the report.
3. There is no faculty in Dermatology. Deficiency remains as it is.
4. There is no Professor in the departments of Anatomy, Biochemistry, Paediatrics, O.G., Anaesthesiology, Radiodiagnosis & Dentistry.
5. Shortage of Residents is 30.46 % as detailed in the report.

6. Teaching Hospital: In Paediatrics, 2 wards of 30 beds each are run by the District Hospital where no faculty from the Medical College is posted.
7. Psychiatry & Dermatology wards were locked at time of taking round.
8. PICU is in open space without any equipment. NICU is in District Hospital where no faculty from the Medical College is posted.
9. Wards: Demonstration rooms are not available in some wards.
10. There were only 04 Major & 08 Minor Operations for the whole hospital on day of assessment.
11. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to grant 01(One) month time to the institute to submit the compliance on rectification of deficiencies to the Council.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

11. **Pre-PG Assessment – Compliance Verification Assessment of the physical and other teaching facilities available for starting of PG course at Govt. Dharmapuri Medical College, Dharmapuri under The Tamilnadu Dr. M.G.R. Medical University, Chennai.**

Read: the matter with regard to Pre-PG Assessment – Compliance Verification Assessment of the physical and other teaching facilities available for starting of PG course at Govt. Dharmapuri Medical College, Dharmapuri under The Tamilnadu Dr. M.G.R. Medical University, Chennai.

The Executive Committee of the Council considered the compliance verification assessment report (21st July, 2017) alongwith previous assessment report (8th& 9th May, 2017) and decided that the Council should process the applications for starting of postgraduate courses and take further necessary action.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

12. **Pre-PG Assessment – Compliance verification assessment of the physical and other teaching facilities available for starting of PG course at Indira Gandhi Medical College & Research Institute, Puducherry under Pondicherry University.**

Read: the matter with regard to Pre-PG Assessment – Compliance verification assessment of the physical and other teaching facilities available for starting of PG course at Indira Gandhi Medical College & Research Institute, Puducherry under Pondicherry University.

The Executive Committee of the Council considered the compliance verification assessment report (14th July, 2017) along with previous assessment reports (20th February, 2017, 15th November, 2016 and 2nd& 3rd June, 2016) and decided that the Council should process the applications for starting of postgraduate courses and take further necessary action.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

13. Annual Report of Medical Council of India for the academic year 2016-17.

Read: the matter with regard to annual report of Medical Council of India for the academic year 2016-17.

The Executive Committee of the Council decided to defer the matter for the next meeting.

14. Approval of the proceedings of the Ethics Committee meetings held on 13th June, 2017, 30th June & 01st July 2017, 20th & 21st July, 2017.

Read: the matter with regard to approval of the proceedings of the Ethics Committee meetings held on 13th June, 2017, 30th June & 01st July 2017, 20th & 21st July, 2017.

The Executive Committee of the Council perused the proceedings of the Ethics Committee meetings held on 13th June, 2017, 30th June & 01st July 2017, 20th & 21st July, 2017 and approved the following proceedings as under:-

1. The matter forwarded by the Chairman, Nepal Medical Council in regard to dual faculties, working full time simultaneously in India and Nepal.

2. Letter from Sh. K.R. Ramesh Kumar, Minister of Health & FW, Kolar, Karnataka regarding one year Govt. job of MBBS students after completion of MBBS Course from Govt. institution of Karnataka.

3. Appeal dated 28.03.2017 filed by Sh. Debashis Sushilkumar Mitra against Dr. Sweta, Gujarat Cancer Research Institute (M.P. Shah Cancer Hospital), Ahmedabad, Gujarat. *A copy of the Order be sent to the Secretary Health, Govt. of Gujarat.*

4. Appeal dated 26.04.2017 filed by Sh. Pramendra Kumar Bhasin against Dr. Ashutosh Singh of Heart Clinic, Bhopal, MP. *A copy of the Order be sent to the Secretary Health, Govt. of Madhya Pradesh.*

5. Appeal dated 11.04.2017 filed by Dr. Kalyani Das Sarkar against Dr. AftabAshrafuddin Khan and Dr. SyamasisBandopadhyay of Apollo Gleneagles Hospital, Kolkata. *A copy of the Order be sent to the Secretary Health, Govt. of West Bengal.*

6. Appeal dated 14.02.2017 filed by Sh. Rohitas Kumar against order dated 30.12.2016 passed by Rajasthan Medical Council

7. Appeal dated 03.05.2017 filed by Sh. Raj Kumar against Dr. G.S. Kochher, Dr. Naveen Jain, Dr. VeenuSinghal, Dr. Piyush and Dr. Swati of Maharaja Agarsen Hospital, Punjabi Bagh, New Delhi. *A copy of the Order be sent to the Secretary Health, Govt. of NCT of Delhi.*

8. Appeal dated 27.03.2017 filed by Md. Mustaque Ali against order dated 20.01.2017 passed by Assam Council of Medical Registration

9. Appeal dated 01.05.2017 filed by Sh. Sunil Kumar against Dr. Ajay Aggarwal, Dr. Himanshu, Dr. Sunny Dhawa, Dr. D.K. Bindlesh & Dr. Sanjay Dahiya of General Hospital, Narwana, Jind. *A copy of the Order be sent to the Secretary Health, Govt. of Haryana.*

10. Appeal dated 16.05.2017 filed by Sh. Rakesh Kumar Chandra against Dr. Manu Uttam of Institute of Child Health, Kolkata. *A copy of the Order be sent to the Secretary Health, Govt. of West Bengal.*

11. Consideration of appeal cases which are time barred and further referred to concerned State Medical Councils under Clause 8.7(i) of The Indian Medical Council (Professional conduct, Etiquette and Ethics Regulations, 2002.

13. Irregularities found during the assessment for Establishment of new medical college at Gajroula Distt., Amroha, UP by Shri Venkateshwara University, Meerut (Trust – Shri Banke Bihari Education & Welfare Trust

15. Appeal dated 30.03.2015 filed by Dr. Seema Shivhare against Order dated 26.02.2015 passed by Madhya Pradesh Medical Council

16. Appeal dated 04.08.2016 filed by Dr. Jyoti Thapar against order dated 15.07.2016 passed by Delhi Pradesh Medical Council

17(A). Appeal dated 26.08.2016 filed by Sh. Basant Lal Sharma against Order dated 18.07.2016 passed by Delhi Medical Council

17(b) Appeal dated 16.12.2016 filed by Sh. Basant Lal Sharma against Order dated 09.11.2016 passed by Delhi Medical Council

19: Assurance given in reply to Rajya Sabha Starred Question No. 209 replied on 22.07.2014 asked by Sh. Mansukh L. Mandaviya regarding "Re-registration of medical practitioners

21. Appeal dated 04.04.2017 filed by Dr. Vivek Khanna against order dated 16.03.2017 passed by Delhi Medical Council.

22. Appeal dated NIL filed by Sh. Pramod Kumar against order dated 14.07.2016 passed by Delhi Medical Council

However, with regard to the following proceedings of Ethics Committee meetings held on 13th June, 2017, 30th June & 01st July 2017, 20th & 21st July, 2017, the Executive Committee of the Council observed as under:-

12. Action of Medical Council of India against all unauthorized persons / quack / fake doctors contravening section 15 of the Indian Medical Council Act, 1956.

The Executive Committee noted that the matter pertains to practice of Allopathy by persons who do not possess Allopathy qualifications. However, the Executive Committee approved with amendment that opinion be taken from Council Advocate and decided that matter be placed before General Body with opinion of Council Advocate.

14. The matter in respect of Dr. Reena Gupta, Senior Resident, Department of Radio-Diagnosis/Radiology, National Institute of Medical Sciences, Jaipur – forwarded by PG Section.

The fact remains that Ethics Committee has not taken into cognizance the fact that the experience details of Dr. Reena Gupta have been changed subsequent to the deficiency being pointed out by the Postgraduate Committee and thus false details of experience have been submitted in the declaration forms signed by Dr. Reena Gupta and countersigned by the Dean with a view to make her eligible which is not permissible. Further, the cases cited by Ethics Committee are not applicable to the instant case. This is a clear cut case in which the facts have been altered to suit the individual candidate by the candidate as well as by the Dean amounts to misleading the Council. Accordingly, it was decided to remove the name of Dr. Reena Gupta from Indian Medical Register for a period of 01 year and of Dr. Manjula Bhargava, Dean for a period of 03 years.

18. To consider a letter received from Sh. Amit Biswas, Under Secretary, MOHFW, Govt. of India, in regard to the promotion of Generic Medicine

The Executive Committee approved with the following amendments:

Recommendation # 4 is beyond the scope of MCI. Further it is difficult to comprehend as to how such restrictive Regulation can find its way on Statute book.

With regard to Recommendation # 5, the task can be entrusted to present FDCA.

20. Enquiry Report against Cygnus Maharaja Aggarsain Hospital, Panipat and Dr. Bodhraj and Dr. Ravi.

The Executive Committee perused the opinion of Prof., & HOD, AIIMS, New Delhi which reads as under:-

“An independent opinion was sought from four faculty members of the deptt. Of the Urology, AIIMS, New Delhi who are expert in this particular surgical procedure. They are of the opinion as follows:

That the Urologist Dr. Bodhraj Thakur attempted a PCNL in this 2 years old child who had a single 1 cm stone in the right renal pelvis. After making multiple attempts at PCS puncture (2-3 by his own testimony and 20-30 by

the anesthetist Dr. Deepak Narang's testimony, 7 puncture wounds by the post mortem report), patient developed tachycardia and hypotension. The procedure was abandoned and patient was shifted to ICU. After discussion with the attendant the child was referred to higher center in view of persisting critical condition of the patient despite fluid and blood resuscitation, where he was declared brought dead. All these events happened over a period of 4 hours.

1. *That PCNL is a difficult surgery particularly in children.*
2. *Bleeding and perinephric hematoma are known complications of PCNL*
3. *That the management of such bleeding is with blood transfusion/angiographic embolization/urgent surgical exploration depending upon the hemodynamic status of the patient and the physical facilities at the given center.*
4. *That from the available information, the cause of death seems to be because of the blood loss.*

*Dr. PN Dogra, Prof. & Head,
Deptt. Of Urology, AIIMS, New Delhi."*

On perusal of the above opinion of HOD of Urology, AIIMS, the Executive Committee observed that it is not clear (no comments or observation) whether there has been negligence in this case or not and therefore decided to advise the Ethics Committee to obtain clear cut opinion from the HOD of Urology, AIIMS whether it is a case of negligence or not. The Executive Committee referred back the matter to Ethics Committee.

15. Appeal dated 15.04.2014 filed by Dr. Sanjiv Gupta against Order dated 18.03.2014 passed by Delhi Medical Council -reg.(F. No.: 5/2014).

Read: the matter with regard to Appeal dated 15.04.2014 filed by Dr. Sanjiv Gupta against Order dated 18.03.2014 passed by Delhi Medical Council -reg.(F. No.: 5/2014).

The Executive Committee of the Council noted that the Ethics Committee had inadvertently not mentioned the punishment for medical negligence in its earlier recommendations dated 27th and 28th Feb. 2017 and therefore the matter had been referred back to the Ethics Committee to examine whether there was medical negligence or not. The Executive Committee further noted that now the Ethics Committee had in its recommendations dated 6th and 7th June, 2017 mentioned that the award of punishment is both for medical negligence (Section 2.3 and 2.4) as well as for violation of Section 6.4.1 & 1.3.1 of Code of Ethics Regulations and approved the same.

16. Regarding to issue an advisory to medical colleges and to the assessors .

Read: the matter with regard to issue an advisory to medical colleges and to the assessors.

The Executive Committee of the Council deliberated upon the matter and decided to obtain legal opinion.

17. Minutes of meeting on Participation of private Sector in Medical Education - Reg.

Read: the matter with regard to minutes of meeting on participation of private Sector in Medical Education.

The Executive Committee of the Council perused the minutes of the meeting on participation of private Sector in Medical Education and decided to refer the same to the Academic Committee.

18. Non eligibility of students after 2nd round of counseling to any other counseling as per Supreme Court order.

Read: the matter with regard to Non eligibility of students after 2nd round of counseling to any other counseling as per Supreme Court order.

The Executive Committee of the Council observed that the Council Office had already expressed this apprehension to the Central Government while proposing revised schedule. However, the Central Government did not approve the schedule proposed by the Council and instead sent its own schedule with a request to obtain the approval of the Hon'ble Supreme Court. Accordingly approval of the Hon'ble Supreme Court was obtained by the Council vide Order dt. 09.05.2017. The first round of Counseling is already over for both Central as well as State Counseling.

In view of the above, the Executive Committee decided to obtain legal opinion the matter.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

19. Report of the Sub Committee regarding Fake Faculty declaration forms for the academic year 2014-15 in respect of Dr. Dharam Singh, Professor of Anatomy appeared in more than one medical college. (File No. :-218(4)/2014/Ethics) - reg.

Read: the matter with regard to report of the Sub Committee regarding Fake Faculty declaration forms for the academic year 2014-15 in respect of Dr. Dharam Singh, Professor of Anatomy appeared in more than one medical college. (File No. :-218(4)/2014/Ethics).

The Executive Committee of the Council noted that the Ethics Section has communicated the decision to Dr. Surendra Bhandrari the then Dean of Maheshwara Medical College on 16.2.2017.

The Executive Committee also noted that the legal opinion had been obtained from the Law Officer. After verifying the documents by the undergraduate section, it was observed that the signature of Dr. Dharam Singh in both the declaration forms varied. The other documents like PAN, degree certificate and registration certificates annexed with declaration forms are same.

In view of above, the Executive Committee of the Council decided that the entire matter be placed before the Ethics Sub-Committee as per earlier decision dated 10th Oct. 2016.

20. Report of the Sub Committee regarding Fake Faculty declaration forms for the academic year 2014-15 in respect of Dr. Arvind Kumar Pankaj Asstt. Professor of anatomy appeared in more than one medical college (File No. 218(16)/2014/Ethics).

Read: the matter with regard to report of the Sub Committee regarding Fake Faculty declaration forms for the academic year 2014-15 in respect of Dr. Arvind Kumar Pankaj Asstt. Professor of anatomy appeared in more than one medical college (File No. 218(16)/2014/Ethics).

The Executive Committee of the Council noted that the Ethics Section has communicated the decision of Dr. Kailash C. Manchanda on 13.2.2017 inadvertently mentioning him as Dean, Maheshwara Medical College whereas he was actually Dean, Chintpurni Medical College.

The Executive Committee also noted that the legal opinion had been obtained from the Law Officer and the undergraduate section had informed that the documents in the original declaration form namely PAN card, proof of residence, degree and registration certificate submitted by the faculty at Chintpurni Medical College do not match with the records of the faculty having similar name and details employed at KGMU Lucknow.

The Executive Committee further perused the email dated 1.03.2017 received in the Council from Dr. Kailash C. Manchanda wherein he has mentioned that he has never worked as Dean of Maheshwara Medical College.

In view of above, the Executive Committee of the Council directed the office to issue a corrigendum letter to Dr. Kailash C. Manchanda mentioning him as Dean of Chintpurni Medical College and not Maheshwara Medical College as had been inadvertently mentioned in letter dated 13.02.2017 and further directed to place the entire matter before the Ethics Sub-Committee as per earlier decision dated 10th Oct. 2016.

21. Closure of probation period of Dr. Arti Sharma, Deputy Secretary (Medical)

Read: the matter with regard to closure of probation period of Dr. Arti Sharma, Deputy Secretary (Medical).

The Executive Committee of the Council decided to constitute a Departmental Promotion Committee consisting of the following members:-

1. Dr. Jayshree Mehta, President
2. Dr. C.V. Bhirmanandham, Vice President
3. Dr. Ashwani Kumar, Member, Executive Committee
4. Dr. Kampa Shankar, Member, Executive Committee
5. Dr. Reena Nayyar, Secretary I/c. as Member Secretary

The minutes of the above item were read out, approved and confirmed in the meeting itself.

22. Health & Family Welfare Department- Govt. Medical College, Idukki request for justification for cease to function and ratification for shifting of two batches of MBBS students to other Govt. Medical Colleges.

Read: the matter with regard to Health & Family Welfare Department- Govt. Medical College, Idukki request for justification for cease to function and ratification for shifting of two batches of MBBS students to other Govt. Medical Colleges.

The Executive Committee of the Council considered the letter received from the Govt. of Kerala shows that college has been closed down vide its Order dt. 22/05.2017. Further, the Council Office is in receipt of an application for establishment of new medical college at Idukki from the academic year 2018-19.

In view of the above, the Executive Committee decided to ratify the decision of shifting of students of the batches 2014-15 & 2015-16 by Govt. of Kerala.

23. Pre-PG Assessment – Compliance verification assessment of the physical and other teaching facilities available for starting of PG course at Shree Guru Gobind Singh Tricentenary Medical College, Hospital & Research Institute, Gurgaon under Shree Guru Gobind Singh Tricentenary (SGT), University, Gurgaon, Haryana.

Read: the matter with regard to Pre-PG Assessment – Compliance verification assessment of the physical and other teaching facilities available for starting of PG course at Shree Guru Gobind Singh Tricentenary Medical College, Hospital & Research Institute, Gurgaon under Shree Guru Gobind Singh Tricentenary (SGT), University, Gurgaon, Haryana.

The Executive Committee of the Council considered the compliance verification assessment report (27th July, 2017) along with previous assessment report (3rd& 4th May, 2017) and noted the following:-

1. O.P.D. attendance at 2 p.m. on day of assessment is 794 which is inadequate.
2. MRI workload on day of assessment is only 08.
3. Main O.T. register is not showing serial number & month number.
4. Serial number & master number are not being maintained in the Parturition register.
5. Other deficiencies as pointed out in the assessment report.

In view of the above, as the deficiency of faculty & residents as well as of bed occupancy have been brought down below the limits prescribed in clause 8(3)(1)(c) of Establishment of Medical College Regulations, the Executive Committee of the Council decided to revoke notice with regard to application of clause 8(3)(1)(c) of Establishment of Medical College

Regulations (Amendment),2010(Part II), dated 16th April, 2010 & amended on 18.03.2016. Further, for deficiencies mentioned above, the Executive Committee decided to give an 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 minutes of the above item were read out, approved and confirmed in the meeting itself.

24. Re-constitution of Sub-Committee.

Read: the matter with regard to re-constitution of Sub-Committee.

The Executive Committee of the Council reconstituted the following Sub-Committees as under:

TEQ SUB-COMMITTEE

1.	Dr. A.K. Mahajan - Chairman House No. 42, Sector - 1, ChanniHimmat, <u>Jammu (Jammu & Kashmir) - 180 015.</u>	5.	Dr. Bhaskar Rao Ganni 19-5-21/6, Near Kambala Tank, Rajahmundry, East Godavari District, <u>Andhra Pradesh-533105.</u>
2.	Dr. K.K. Gupta 412/3, Janpat Lane, Near Uday Park, Mangal Pandey Nagar, University Road, <u>Meerut - 250 004, U.P.</u>	6.	Dr. Vinay Krishna T - IV/17, New Officer Colony, Rawatpur, <u>Kanpur Nagar.</u>
3.	Dr. Shirish Srivastava 6, HaashBunglows, Opposite I.R.M.A. Gate, Mangalpura Road, <u>Anand - 388 001, Gujarat.</u>	7.	Dr. ChittaRanjanKar, Plot No. 4800, Municipality Hospital Road, <u>Cuttack, Bhubaneswar Twin City,</u> Pin 751 006.
4.	Dr. K. S. Sivakumar 22/2 A, Kazura Garden, I Street, Neelangarai, <u>Chennai - 600 041, Tamil Nadu.</u>	8.	Dr. S. Robinson Smile No. 6, Vanchinathan Street, Kamaraj Nagar, <u>Puducherry - 605 001.</u>

FINANCE SUB COMMITTEE

1.	Dr. Vora Nitin Sumanchandra - Chairman 4, Deepvilla Bunglows, 100 ft Hebatpur Road, Opp. Swagat Greenvilla Part-3, Thaltej, <u>Ahmedabad – 380059.</u>
2.	Dr. Bhavin Kothari "Aarav", 100, Shiv Sangam Society, B/H Reliance Super, 150ft Rind Road, <u>Rajkot, Gujarat - 360 007.</u>

3.	Dr. Sudhir Sachdev, Professor of Anaesthesiology, Mahatma Gandhi Medical College & Hospital, Sitapura, <u>Jaipur - 302 022, Rajasthan</u>
4.	Dr.(Prof.) Plaban Mukherjee Professor & HOD of Cardio Thoracic & Vascular Surgery, Medical College, 88 College Street, Kolkata- 700070.

25. Extension of contractual services of Dr. M. Rajalakshmi, Chief Consultant (Academic Cell).

Read: the matter with regard to extension of contractual services of Dr. M. Rajalakshmi, Chief Consultant (Academic Cell).

The Executive Committee of the Council decided to extend the contractual services of Dr. M. Rajalakshmi, Chief Consultant (Academic Cell) for a further period of six months.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

26. Consideration of Appeals / Complaints / matters in original jurisdiction by the Ethics Sub-Committee of the Council.

Read: the matter with regard to consideration of Appeals / Complaints / matters in original jurisdiction by the Ethics Sub-Committee of the Council.

The Executive Committee of the Council observed that the Council under Section 20A of the IMC Act, 1956 has been empowered to prescribe Standards of Professional Conduct & Etiquette and to frame a Code of Ethics for medical practitioners. The Regulations made by the Council may specify which violations of the said Regulations shall constitute infamous conduct in any professional respect i.e. professional misconduct. Section 33(m) of the IMC Act, 1956 empowers the Council to make Regulations, with the previous sanction of Central Government, to provide for the standards of professional conduct and etiquette and code of ethics to be observed by medical practitioners.

The Council in exercise of powers conferred under Section 20A read with Section 33(m) of the IMC Act, 1956, with the prior of the Central Govt., has framed the 'The Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002'.

Chapter-1 of the said Regulations provides the Code of Medical Ethics, Chapter-2 provides for the duties of the physicians to their patients and Chapter-3 deals with the duties of the physicians in consultation. Chapter-4 deals with the responsibilities of physicians to each other, Chapter-5 deals with the duties of the physicians to the public & to the paramedical profession and Chapter-6 in detail provides the unethical acts which a physician shall not aid or abet or commit. Chapter-7 provides, apart

from others, the various acts of commission or omission on the part of a physician which shall constitute professional misconduct rendering him liable for disciplinary action. Chapter-VIII deals with punishment and disciplinary action in this regard.

Regulation 8.6 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, provides that professional incompetence shall be judged by a peer group.

In relation to complaints regarding alleged medical negligence, some of the issues pertaining to registration of medical practitioners and action on complaints of medical negligence had been engaging the attention of the Hon'ble Supreme Court in W.P. (C) No. 317 of 2000 – Malay Ganguly Vs. MCI & Ors. In this regard, the Hon'ble Supreme Court vide its orders dt. 08.09.2003 and 23.09.2003 had been pleased to record the suggestions of the Ld. Attorney General for the addition of Regulation 8.7 & 8.8 in the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002. It had been urged that the Medical Council of India should also have the power to withdraw the complaints from the State Medical Council(s) when it is observed that the State Medical Council, without any justifiable cause, is not deciding the complaint of medical negligence expeditiously. It was also urged that a provision be made for providing of appeal to the MCI against any order which may be passed by any State Medical Council against the medical practitioners. The same, after prior approval of the Central Govt., were notified on 04.03.2004.

Section 9 of the IMC Act, 1956 provides that the Council shall constitute from amongst its members an Executive Committee and such other committees for the general and special purposes as the Council deems necessary to carry out the purposes of the IMC Act, 1956. Section 10 of the IMC Act, 1956, provides for the Executive Committee.

Part-VI of the Medical Council of India Regulations, 2000 deals with the Executive Committee and Regulation 45 provides that the Executive Committee may constitute such Sub-Committees as it may deem necessary in furtherance of the discharge of its duties. Thus, the Executive Committee from time to time constitutes various Sub-Committees to discharge the duties / functions as provided under the IMC Act, 1956 and the Regulations made thereunder including the Academic Sub-Committee, Administration & Grievance Sub-Committee, Finance Sub-Committee, Migration Sub-Committee, PG Monitoring Sub-Committee, Registration Sub-Committee, TEQ-Equivalence Sub-Committee, UG Monitoring Sub-Committee and also the Ethics Sub-Committee.

The Ethics Sub-Committee comprises of medical professionals who are experts in their field of modern scientific medicine, have vast knowledge & experience in the field.

The Ethics Sub-Committee, being the peer group as provided under Regulation 8.6 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, deals with complaints of medical negligence & professional misconduct against the registered medical practitioners including suo motu proceedings, appeals under Regulation 8.8 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 against orders passed by various State Medical Councils in the Country and also considers various matters pertaining to misconduct /

unethical acts committed by physicians / medical teachers as referred to it by the Executive Committee & the Postgraduate Medical Education Committee as per the procedure prescribed under Chapter-8 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.

The Ethics Sub-Committee, in its proceedings, strictly observes the principles of natural justice and affords an opportunity of hearing to all the parties, either in person or through a pleader, including submission of written statements / documents while adjudicating upon a matter. The Ethics Sub-Committee, also examines the appropriate record pertaining to the matter and only after examining / considering the entire record, depositions and the written submissions of the parties, proceeds to make its recommendations on the action, if any to be taken.

The said recommendations of the Ethics Sub-Committee, are thereafter placed before the Executive Committee for its approval, only after which the said decisions are communicated to the concerned parties. The Executive Committee considers the recommendations of the Ethics Sub-Committee, in view of the facts and circumstances of the matter. This procedure has been in place since the inception and has been followed consistently. All recommendations of the Ethics Sub-Committee are elaborately considered and finally ratified / approved following the said procedure.

It is in this background, that the Ethics Sub-Committee has always been empowered / authorized to deal with complaints of medical negligence & professional misconduct against the registered medical practitioners including suo moto proceedings, appeals under Regulation 8.8 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 against orders passed by various State Medical Councils in the Country and also considers various matters pertaining to misconduct / unethical acts committed by physicians / medical teachers as referred to it, from time to time, by the Executive Committee & the Postgraduate Medical Education Committee as per the provisions of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002. The Ethics Sub-Committee has always afforded an opportunity of hearing to all the concerned parties, either in person or through a pleader, including submission of written statements / documents while adjudicating upon a matter and only after considering the entire record, all the statements / depositions including the written submissions of the parties, proceeded to make its recommendations.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

27. National Eligibility Cum Entrance Test : Consideration of discharge notices for violation of NEET Regulations.

Read: the matter with regard to National Eligibility Cum Entrance Test: Consideration of discharge notices for violation of NEET Regulations.

The Executive Committee of the Council after consideration of agenda note resolves that the only mode and mechanism for admission in MBBS course from Academic Year 2017 – 18 is the National Eligibility

Entrance Test (NEET) and that all admissions are to be made through the common counseling conducted by the Directorate General of Health Services for All India Quota seats and MBBS seats in Deemed Universities, whereas for all other MBBS seats the admissions have to be made through the common counseling conducted by the Designated Authority of the State/Union Territory Government. Admissions in MBBS course by any other mode and mechanism is impermissible in law. Therefore, after scrutiny of the information received from the medical colleges/counseling authorities for admissions made in MBBS course for the Academic Year 2017-18, if it is found by the Council Office that admissions in MBBS course has been made without fulfilling the requirement of NEET and / or Common Counseling conducted by the Directorate General of Health Services for All India Quota seats and MBBS seats in Deemed Universities, whereas for all other MBBS seats the admissions have to be made through the common counseling conducted by the Designated Authority of the State/Union Territory Government then the Council Office should proceed to issue discharge notice forthwith.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

28. Purchase of a New Car against the condemned Car.

Read: the matter with regard to purchase of a new car against the condemned car.

The Executive Committee of the Council perused the matter in detail and decided to approve the purchase of new car i.e. Innova Crysta (GX-85-MT Diesel) Model pricing Rs. 12,29,394/- (Exclusive of freight charge) against the condemned car.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

29. Death of Mr. Ashok Kumar Gupta, Proprietor of M/s ANS Travels who was providing travel related services to the Council..

The Executive Committee of the Council considered the letter dated 17.7.2017 received from M/s. ANS Global informing that due to the sad demise of Mr. Ashok Kumar Gupta, Proprietor of ANS Travel, a new entity with the name of ANS Global has been established from 15th July 2017 and have no objection in transferring the work to "ANS GLOBAL".

In view of above, the Executive Committee of the Council accepted the request of the ANS Global.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

Dr. Reena Nayyar recused herself from the meeting.

30. Review of suspension of Dr. Davinder Kumar, Joint Secretary (U/s.) by Review Committee held on 08.08.2017 at 10.45 a.m.

Read: the matter with regard to review of suspension of Dr. Davinder Kumar, Joint Secretary (U/s.) by Review Committee held on 08.08.2017 at 10.45 a.m.

The Executive Committee of the Council approved the minutes of the Review Committee meeting dated 08.08.2017 to continue the suspension of Dr. Davinder Kumar, Joint Secretary (U/s.) for a further period of 90 days w.e.f. 19.09.2017.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

31. Review of suspension of Dr. Anshu Sethi Bajaj, Deputy Secretary (U/s.) by Review Committee held on 08.08.2017 at 10.15 a.m.

Read: the matter with regard to review of suspension of Dr. Anshu Sethi Bajaj, Deputy Secretary (U/s.) by Review Committee held on 08.08.2017 at 10.15 a.m.

The Executive Committee of the Council approved the minutes of the Review Committee meeting dated 08.08.2017 to continue the suspension of Dr. Anshu Sethi Bajaj, Deputy Secretary (U/s.) for a further period of 90 days w.e.f. 15.09.2017.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

32. Case against Dr. Davinder Kumar, Joint Secretary, Medical Council of India with regard to wrongful medical reimbursement in respect of treatment of his father - CORRIGENDUM.

Read: the matter with regard to case against Dr. Davinder Kumar, Joint Secretary, Medical Council of India with regard to wrongful medical reimbursement in respect of treatment of his father.

The Executive Committee of the Council deliberated upon the matter at length and noted that the draft charge sheet had been placed before the Executive Committee, and the same had been duly approved by the Executive Committee in its meeting held on 16.03.2017. However, while recording the minutes of the meeting held on 16.03.2017, the matter of approval of charge sheet could not be recorded in the proceedings.

Accordingly, the Executive Committee of the Council decided that the minutes under item no 48 . dated 16.03.2017 be read as under:

“48. Case against Dr. Davinder Kumar, Joint Secretary, Medical Council of India with regard to wrongful medical reimbursement in respect of treatment of his father.

Read: the matter with regard to case against Dr. Davinder Kumar, Joint Secretary, Medical Council of India with regard to wrongful medical reimbursement in respect of treatment of his father.

The Executive Committee of the Council after detailed deliberations in the matter approved the draft charge-sheet in the case of Dr. Davinder Kumar, Joint Secretary (U/S). The same be issued to Dr. Davinder Kumar, Joint Secretary (U/S).

Further, the Executive Committee of the Council after detailed deliberations in the matter approved the name of Shri Ajit Srivastava, IAS (Retired) as Inquiry Officer in the case against Dr. Davinder Kumar, Joint Secretary, Medical Council of India with regard to wrongful medical reimbursement in respect of treatment of his father. The Committee further decided to appoint Shri Nirmal Singh, Consultant (Finance) as Presenting Officer in the case.

The Committee further decided that an honorarium of Rs. 60,000/- per enquiry would be paid.”

The minutes of the above item were read out, approved and confirmed in the meeting itself.

33. Disciplinary proceedings against Shri P. Prasannaraj, Additional Secretary, Medical Council of India - visited USA without prior approval- CORRIGENDUM

Read: the matter with regard to Case with regard to Disciplinary proceedings against Shri P. Prasannaraj, Additional Secretary, Medical Council of India - visited USA without prior approval

The Executive Committee of the Council deliberated upon the matter at length and decided to withdraw the item no. 59 of the Executive Committee meeting dated 23.05.2017.

Further, the Executive Committee of the Council noted that the draft charge sheet had been placed before the Executive Committee, and the same had been duly approved by the Executive Committee in its meeting held on 16.03.2017. However, while recording the minutes of the meeting held on 16.03.2017, the matter of approval of charge sheet could not be recorded in the proceedings..

Accordingly, the Executive Committee of the Council decided that the minutes under item no .49 dated 16.03.2017 be read as under:

“49. Disciplinary proceedings against Dr. P. Prasannaraj, Additional Secretary, Medical Council of India – visited USA without prior approval.

Read: the matter with regard to disciplinary proceedings against Dr. P. Prasannaraj, Additional Secretary, Medical Council of India – visited USA without prior approval.

The Executive Committee of the Council after detailed deliberations in the matter approved the draft charge-sheet in the case of Dr. P. Prasannaraj, Additional Secretary (U/S). The same be issued to Dr. P. Prasannaraj, Additional Secretary (U/S).

Further, the Executive Committee of the Council after detailed deliberations in the matter approved the name of Shri Ajit Srivastava, IAS (Retired) as Inquiry Officer in the case against Dr. P. Prasannaraj, Additional Secretary (U/S), Medical Council of India. The Committee further decided to appoint Dr. R.N. Wable, Joint Secretary as Presenting Officer in the case.

The Committee further decided that an honorarium of Rs. 60,000/- per enquiry would be paid.”

The minutes of the above item were read out, approved and confirmed in the meeting itself.

34. Complaint of Sh. Hemant Kalra regarding appointment of Dr. Davinder Kumar to the post of Deputy Secretary in the Office of MCI.

Read: the matter with regard to Case with regard to Complaint of Sh. Hemant Kalra regarding appointment of Dr. Davinder Kumar to the post of Deputy Secretary in the Office of MCI.

The Executive Committee of the Council deliberated upon the matter at length and decided that the documents as requested by Dr. Davinder Kumar as per annexure-III of the charge sheet may be supplied to him.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

35. LTC Claim for journey performed from New Delhi to Kathmandu (Nepal) and back by Dr. Davinder Kumar, Joint Secretary (U/S) which is not permissible as per Rules.

Read: the matter with regard to LTC Claim for journey performed from New Delhi to Kathmandu (Nepal) and back by Dr. Davinder Kumar, Joint Secretary (U/S) which is not permissible as per Rules.

The Executive Committee of the Council deliberated upon the matter at length and noted that the Central Vigilance Commission, New Delhi has rendered its first stage advice for major Penalty proceedings against Dr. Davinder Kumar, Joint Secretary (U/S), MCI on the basis of the approval of the Executive Committee for major disciplinary proceedings under Rule 14 of CCS (CCA) 1964. Since the Executive Committee was not to convene immediately, the draft charge sheet was placed before the President, MCI who had duly approved the same after which it was issued. As the Executive Committee has already granted approval for initiating major disciplinary proceeding, thus accordingly, the decision to issue charge sheet on 04.10.2016 to Dr. Davinder Kumar Joint Secretary (U/S), is approved and ratified.

The minutes of the above item were read out, approved and confirmed in the meeting itself.

Dr. Reena Nayyar rejoined the meeting

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

New Delhi, dated
8th August, 2017

(Dr. Reena Nayyar)
Secretary I/c

APPROVED

(Dr. Jayshree Mehta)
President

