

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 22nd November, 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)
Dr. Anil Chauhan	Principal, Dr. Radhakrishnan Govt. Medical College, Hamirpur-177001 (Himachal Pradesh)
Dr. G.B. Gupta	Vice-Chancellor, Ayush & Health Sciences University, G.E. Road, Raipur (Chhatisgarh)
Dr. Kampa Shankar	Professor, General Medicine & Superintendent, Sir Ronald Ross Institute of Tropical & Communicable Diseases, Nallkunta, Hyderabad
Dr. Narain Venkatesh Bhandare	Consulting Surgeon, Bhandare Hospital, Fontainhas, Panaji (Goa-403001)

Dr. Reena Nayyar, Secretary I/c.

Apology for absence was received from Prof.(Dr.) Ashwani Kumar, Dr. Sinam Rajendra Singh, Dr. Vijay Prakash Singh & Dr. Chandrakant Bhaskar Mhaske.

1. Minutes of the Executive Committee Meeting held on 25th October, 2017 – Confirmation of.

The Executive Committee of the Council confirmed the minutes of the Executive Committee Meeting held on 25th October, 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 Meetings held on 08.08.2017, 30.08.2017 & 26.09.2017.

The Executive Committee also noted that the action has been taken on the minutes of the Executive Committee Meeting held on 25th October, 2017 which have been "read and confirmed" in the said meeting. For the remaining items, the Executive Committee noted that the approval of Oversight Committee has been received on 16.11.2017 and action is being taken.

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. Approval of the proceedings of the Ethics Committee meetings held on 21-22.09.2017, 09.10.2017, 16.10.2017 & 30.10.2017.

Read: the matter with regard to approval of the proceedings of the Ethics Committee meetings held on 21-22.09.2017, 09.10.2017, 16.10.2017 & 30.10.2017.

The Executive Committee of the Council perused the proceedings of the Ethics Committee meetings held on 21-22.09.2017, 09.10.2017, 16.10.2017 & 30.10.2017 and approved the following proceedings as under:-

5	Appeal dated 08.07.2016 filed by Sh. Rajkumar Sharma against Dr. Meenakshi Ghai, Ghai Hospital, Faridabad, Haryana – reg.	09.10.2017
6	Appeal dated 03.08.2016 filed by Dr. Gyan Vatsa against Order dated 18.07.2016 passed by Delhi Medical Council – reg.	09.10.2017
7	Appeal dated 03.08.2016 filed by Dr. Shailendra Kumar Jain against Order dated 18.07.2016 passed by Delhi Medical Council - reg.	09.10.2017
9	The matter forwarded by Accounts Section with regard to submission of unauthorized reimbursement bills by assessor Dr. M.N. ShyamSundar .	16.10.2017
10	Appeal dated 18.09.2013 filed by Sh. S.S. Vij & Sh. S.C. Vij against letter dated 15.04.2013 issued by Haryana Medical Council – reg.	30.10.2017
11	Appeal dated 26.07.2016 filed by Dr. Shrikant Dinkar Opre against Order dated 25.05.2016 passed by Maharashtra Medical Council – reg.	30.10.2017
12	The matter with regard to suspension of registration of Dr. Meena Taneja for violation of PC-PNDT Act – 1994 u/s 23(2) and MTP Act. Forwarded by the IMR Section – reg.	30.10.2017

The Executive Committee further perused the proceedings of the Ethics Committee meetings held on 21-22.09.2017, 09.10.2017, 16.10.2017 & 30.10.2017 and observed as under:-

1.	Report of the Sub-Committee regarding fake faculty declaration forms for the academic year 2014-15 in respect of Dr. Chandan Kishore, Assistant Professor of Physiology appeared in more than one medical college – reg.	21.09.2017
----	--	------------

The Executive Committee approved the proceedings of the Ethics Committee and directed the Institute to submit compliance with regard to lodging of FIR within 2 weeks.

2.	Report of the Sub-Committee regarding fake faculty declaration forms for the academic year 2014-15 in respect of Dr. Vinay Sharma, Asstt. Professor of Anatomy appeared in more than one medical college	21.09.2017
----	--	------------

The Executive Committee approved the proceedings of the Ethics Committee and directed the Institute to submit compliance with regard to lodging of FIR within 2 weeks.

3	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2014-15 in respect of Dr. Brijesh Purwar, Professor of Physiology appeared in more than one medical college.	21.09.2017
---	---	------------

The Executive Committee approved the proceedings of the Ethics Committee and directed the Institute to submit compliance with regard to lodging of FIR within 2 weeks.

4	Appeal dated 02.12.2014 filed by Dr. Naval Bhatia, New Delhi against Order dated 13.11.2014 passed by Delhi Medical Council and the Appeal dated 23.12.2014 filed by Sh. K. Rajiv Gupta against Order dated 13.11.2014 passed by Delhi Medical Council – reg.	09.10.2017
---	---	------------

The Executive Committee perused the proceedings of the Ethics Committee alongwith the representation of Dr. Naval Bhatia dated nil received in Council Office on 21.11.2017 enclosing various documents which he states are fake and forged alongwith copy of FIR regarding creation of fake email ID in his name.

The Executive Committee decided to refer the matter back to the Ethics Committee to consider afresh in light of the above representation of Dr. Naval Bhatia with the direction to call Dr. Naval Bhatia in-person in the next meeting of the Ethics Committee with the following documents and to decide the matter accordingly:-

- (i) Documents suggesting payment of travel/hospitality/other expenses borne by him (Dr. Naval Bhatia) for attending the said programme.
- (ii) Evidence of submission of leave for attending conference to his employer and approval of said leave by the employer.

It was further decided that the letter from M/s Stryker India contained the names of the following Doctors who were sponsored by them:

Sl.No.	Year	Name
1.	2011	Dr. Sudesh Saha
2.		Dr. Abhishek
3.		Dr. Rajiv Gupta
4.		Dr. Arun Gupta
5.		Dr. Ashish Miittal
6.		Dr. Karanveer Shaktawat
7.		Dr. Dhananjay
8.		Dr. Nirbhay Saxena
9.		Dr. Ranganath BT
10.		Dr. Sachidanandam
11.	2012	Dr. George
12.		Dr. Naval Bhatia
13.		Dr. Rajesh Singh
14.		Dr. Vinayak Moghe
15.		Dr. Pradeep Reddy
16.		Dr. Vinod Tiwari
17.		Dr. Chetah Kabra
18.		Dr. Thirumalesh
19.		Dr. Gaurav Jindal
20.		Dr. Bharat
21.		Dr. Arun Partani
22.	2013	Dr. Nirmal Chand Mohapatra and Dr. Gwalozu Thong
23.		Dr. Rajeev Gupta
24.		Dr. Venkat Ramanaiah
25.		Dr. Ashvin Sardhara
26.		Dr. Sandeep Vyas
27.		Dr. Jitendra Tavri
28.		Dr. Prem Dubey
29.		Dr. K.J. Reddy
30.		Dr. Himanshu Kochar
31.		Dr. H. Batth
32.		Dr. B.R. Bagaria
33.		Dr. N. Krishna Chaitanya
34.		Dr. Hitendra Patel
35.		Dr. Jose Sakhariah
36.		Dr. Hemant Kalyan
37.		Dr. Ahmed Rizwan
38.		Dr. Sheetal Gupta
39.		Dr. Debasish Mishra
40.		Dr. Debabrata Banerji
41.		Dr. Siddharth Aggarwal
42.	2014	Dr. Arun

The office is directed to obtain the details of the Councils with whom they are registered from IMR section and forward the matter to the respective Councils within 2 weeks for taking appropriate decision in the matter with a request to take an early decision and inform MCI about the same. The office is further directed that if the intimation about the decision taken by the respective Councils is not received within the time limit prescribed under the Regulations, they be informed about Section 8.7 of Ethics Code to take the decision within 3

months thereafter failing which the matter be placed before Ethics Committee for disposal as per Regulations.

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

8	Appeal dated 10.02.2017 filed by Sh. Govind Sharma against order dated 30.12.2016 passed by Rajasthan Medical Council - reg.	09.10.2017
---	--	------------

The Executive Committee observed that the cause title of the Item shows that the appeal is against order of Rajasthan dt. 30/12/2016. This is reiterated in the record of Minutes in which it is stated as under:

The Ethics Committee further observed the decision dated 30.12.2016 passed by Rajasthan Medical Council. The operative part of the order of Rajasthan Medical Council is as under:-

“.....After going through all the documents and statements P & E Committee opined as the decision has already been taken in GBM held on 26.07.2010, which was informed to them by letter No. RMC/S/2011/153-156 dated 25.01.2011. So the matter may be closed. The General Body of the Council in its Meeting held on 19.12.2016 was agreed with the opinion of Panel & Ethical Committee that as the decision has already been taken in GBM held on 26.07.2010, which was informed to them by letter No. RMC/S/2011/153-156 dated 25.01.2011. So the matter may be closed.”

Ethics Sub-committee has relied upon the submission of Rajasthan Medical Council stating that original order was passed in 2010 and no fresh order was passed on 30/12/2016 which is not correct. Any order which came to be passed on 30/12/2016, may it be mere repetition of earlier order or agreement with earlier decision, is a valid order *de novo* against which appeal can be filed. As the appeal is filed on 03/02/2017, it is well within the time limit prescribed under the Regulations.

In above view of the matter, the Executive Committee referred back to Ethics Sub-committee with a direction to decide it on merits in accordance with the Regulations.

5. Implementation of the World Medical Association (WMA) policy statement on participation of doctors in executions.

Read: the matter with regard to implementation of the World Medical Association (WMA) policy statement on participation of doctors in executions.

The Executive Committee of the Council perused an email received from IMA regarding participation of doctors in executions and decided to place the same before the Ethics Committee of the Council.

The Executive Committee further decided to adopt the Hippocratic Oath as modified by WMA and decided to inform all the universities that a copy of the same be provided to all students alongwith their degree. The Committee directed the office to place the matter before the General Body of the Council.

6. Approval of the Minutes of the Administration and Grievance Committee Meeting held on 23/10/2017.

Read: the matter with regard to approval of the minutes of the Administration and Grievance Committee Meeting held on 23/10/2017.

The Executive Committee of the Council approved the following recommendations of the Administration and Grievance Committee Meeting held on 23/10/2017:-

2. PMU for implementation of CCTV solutions at Medical Colleges (DMMP II).
4. DMMP Project- Assessment Cell Module and its Implementation..
5. DMMP Project, Review meeting held in MOHFW, regarding.
7. DMMP Phase-I Project – Augmentation of Computer Section, appointment of 4 resource for DMMP module regarding..
8. Approval of the minutes of DMMP sub Committee meetings dated 31.07.2017 and 21.09.2017.
9. DMMP Phase-I Project – Digitization and scanning of additional documents.
10. Extension of Three Months (from October-2017 to December-2017) of various AMCs (ANNUAL MAINTENANCE CONTRACT) including IT Hardware, software, UPS and other technical equipment's. - reg.
11. Complaint of ragging at King George Medical university, Lucknow.
14. Complaint of ragging received from U.P. Rural Institute of Medical Sciences & Research, Saifai, Etawah– comments regarding.
16. Issues discussed under “Any other Item”

The Executive Committee further perused the recommendations of the Administration and Grievance Committee Meeting held on 23/10/2017 and observed as under:-

3. DMMP Phase-I Project- Progress report.

The Executive Committee of the Council perused the progress report and decided as under:

- (1) As many as 21 modules out of 28 modules –i.e .75 %are pending and yet to be implemented .This is a very serious matter and SI be asked to complete the task within a period of 3 months .It was also noted that out of 7 modules shown to be completed, SI has not shared the necessary information)i.e .Login Credentials, Training (about the above said seven operational DMMP modules and the concerned officials of the Council are not aware about the final status of DMMP module .This is not acceptable and SI be asked to share it immediately without any delay .It also directed the office not to release any payment due to SI unless & until necessary information to the satisfaction of Council officials is shared by SI.
- (2) With regard to IMR conversion; Service Level Agreement, Help Desk Module, recommendation of Sub-committee approved.

6. DMMP Phase-I Project – Theft report of OFAMOS Bio metric device.

The Executive Committee approved with modification that the colleges be asked to reimburse replacement cost only if it is physically damaged or lost. But if non-functionality is due to disturbances in internal mechanism or any reason which is not attributable to the college, the replacement cost shall be borne by the supplier if within warranty period or by the MCI otherwise.

Further, the Executive Committee directed the Office to co-ordinate with colleges who have been granted LOP for Academic Year 2017-2018 & 2018-2019 and complete the process of installing OFAMOS devices as it is possible that such colleges might not have been included in the list of colleges supplied to SI/OFAMOS supplier. Progress report in this regard be submitted to A & G Sub-committee at its next meeting.

12. Complaint of ragging received from Triunelveli Medical College, Tirunelveli –Comments regarding.

The Executive Committee decided to nominate Dr. R.N. Wabale, Joint Secretary to conduct the independent enquiry and submit the report within 4 weeks which be placed before A & G Sub-Committee.

13. Complaint received from Maharani Laxmi Bai Medical College, Jhansi –Comments regarding.

The Executive Committee decided to nominate Dr. R.N. Wabale, Joint Secretary to conduct the independent enquiry and submit the report within 4 weeks which be place before A & G Sub-Committee.

15. Complaint of ragging received from Calcutta National Medical College, Kolkata – comments regarding.

The Executive Committee decided to to nominate Dr. R N Wable, Joint Secretary to conduct the independent enquiry and submit the report within 4 weeks which be place before A & G Sub-Committee.

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

7. Renewal of permission for MBBS course for 3rd batch (150 seats) of Amaltas Institute of Medical Sciences, Dewas, M.P. under Madhya Pradesh Medical Sciences University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Amaltas Institute of Medical Sciences, Dewas, M.P. under Madhya Pradesh Medical Sciences University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the assessment report (9th and 10th October, 2017) alongwith letter/representation dated 11.10.2017 from the Dean of the institute and noted the following:-

1. Deficiency of faculty is 8 %as detailed in the report .
2. Shortage of Residents is 44.89 %as detailed in the report .
3. Dr .S.L .Kantharia, Medical Superintendent has only 7 years administrative experience against 10 years required .
4. Teaching Beds:
 - (a) In the department of General Medicine, out of 54 admission, as many as 39 are not to be considered for reasons mentioned against the names of the patient: Juber Pathan-admitted as enteric fever, on asking the patient, he says he has cough. Phool Singh-APD on IV drip for no reason, Surendra-enteric ever without any investrigation, Virendra Singh-UTI on IV drip. Bhagwati-receiving all kinds of pain killers despite having no significant pain, Nirala admitted with enteric fever but on asking says she has pain in ear, Suraj Bai only OPD slip and no case file, Anar Bai-same, Salma Bee-Enteric fever having no case file just lying on bed, Bulbul admitted with headache on IV drip, Jyoti admitted with adominal pain without any evidence clinical or lab, Misher Bai admitted with pain abdomen having empty file, Puni Bai admitted with bodyache, Krishna Bai admitted with UTI whereas Urine exam is normal as although normal USG report is enclosed in the file yet was told that she has gone for USG, Jamila Bai having UTI and on IV drip, Gajji Bai having Bodyache, Jamuna Bai admitted with cough

but tells that she has generalized body ache, Bhuri Bai-admitted for 5-6 days but ECG is essentially normal and patient gives h/o suggestive of APD, Kala Bai having no case file, Madan Bai having URTI, Soram having body ache, Rekha admitted with fever but afebrile. Madhar, Ram Prasad, Mangi Lal, Manohar and Goverdhan were all admitted today without any specific illness. Their case files were totally without any writing. 3 Saline bottles of 100 ml each were lying near a patient Jagannath. What for? Nobody could explain. Allah Baksh was admitted with diagnosis of IBD but on asking the patient, he told that he has vertigo. Hari Singh having UTI did not have any case file. Vikram Singh was admitted with Pul TB without any x-ray or anti TB treatment. Keshar was admitted with diagnosis of hypertension and still was being administered IV Normal saline. Kishan Lal was admitted with low backache in medicine. Mubarik having UTI was admitted in Medicine. Radhey Shyam was admitted as a case of post-traumatic chest pain in medicine and no x-ray was done. Shiv Narain was admitted with cataract in medicine ward having empty file. Jagdish was admitted with cataract and swelling in right knee in Medicine ward having empty case files.

- (b) In the department of Pediatrics, out of 14 admissions on 24 beds, following patients did not merit admission in pediatric medicine: Anurag having Hemangioma, Sharmila, Bulbul, Radhika, Devraj all admitted with lacrimation. Anurag having bony deformity, Priti having whitish discharge PV, Vandana having pain B/L legsa and Abhishek having headache.
- (c) In the department of General Surgery, following patients are not to be counted as they are not worth hospitalization by any standard of care as no intervention is contemplated: Sama Bee having normal USG, Shakuntala having fibrocystic disease of breast, Sumita admitted with blkly uterus in Surgery, Sangeeta admitted with abdominal pain and USG being normal, Laxmi with intestinal colic and no investigations, Krishna Bai having UTI, Kailash having amebic colitis, Sajan Bai with abdominal pain and no work up. In one surgical ward, 4 admissions without any writeup or documentation.
- (d) In the department of Orthopaedics, following patients are not to be counted as they do not need hospitalization and they have been admitted for just increasing the Noorjahan admitted with DVT in Ortho, Sugan having sero negative Rheumatoid arthritis, Kanta Bai with low backache having empty file. Similarly Naseem, Shena Bai having low backache, Devi Singh having polyarthrlgia as also Meher Bai. Tota Ram having osteoarthritis, Tawar Singh having pain both knees, Bhanwar Singh having pain neck and Rama admitted with septic knees without slightest clinical evidence of it.
- (e) In the department of Ophthalmology, Dhapu Bai had no eye problem but only cough.
- (f) In the department of Obst. & Gyn., out of total 30 cases on 40 beds, 7 were admitted today in one ward and 9 in another ward.

5. In view of patients not requiring admission as shown above, genuine Bed Occupancy is 40 –42 .%

6. Following cases shshown in the OT list of Surgery are unethical and highly unacceptable by any standard of care world over for any institute. This kind of practice is definitely going to produce inferior quality of medical graduates:

- (i) Arsh – 4 years/M - Congenital hernia with hydrocele posted for herniotomy with eversion of sac.
- (ii) Chandra Kanta-35 years/F-multiple breast lump posted for excision Reconstruction (What reconstruction?)
- (iii) Chinta Bai-34 Years/F – Fibroadenoma posted for excision Reconstruction (What reconstruction?)

- (iv) Kamal-45 Years/F – Lipoma posted for excision and Reconstruction (What reconstruction?)
7. Majority of cases operated were not of the standard of a teaching hospital .
 8. Data of OPD attendance, Minor Operations given by the Institute are inflated .
 9. Casualty :Disaster Trolley is not available .Available Inj .Dopamine had expiry date overdue .
 10. ICUs :There was only 1 patient in SICU .
 11. Blood Bank: None of the patients in any surgical or Orthopaedics ward was receiving blood or blood units were kept in the ward. On physical cross check in presence of Medical Superintendent, Asstt. Medical Supdt., and Technician of the Blood Bank who issued these blood units, none of the patient was found in the ward suggesting all false entries in the issue register.
 12. MRD is manual .
 13. CPC is not held .
 14. RHTC :There is no control of Dean .
 15. Dr. Amit Yadav, Asstt. Medical Supdt. – interfered a lot during the assessment process by frequently showing various rules and regulations of MCI and pleading several times that such and such faculty/resident has been accepted in earlier MCI inspections not only here but elsewhere.
 16. Other deficiencies as pointed out in the assessment report

The Executive Committee noted that Regulation 8(3)(1)(a) of the Establishment of Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 and amended on 18th March,2016 provides as under:-

“8(3)(1).....

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

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8(3)(1)(a) of the Establishment of Medical College Regulation, 1999 and disapprove the application of the Amaltas Institute of Medical Sciences, Dewas, M.P. under Madhya Pradesh Medical Sciences University, Jabalpur u/s 10A of the IMC Act, 1956 for renewal of permission of MBBS course 3rd batch (150 seats) for the academic year 2018-2019.

8. **Renewal of permission for MBBS course for 3rd batch (150 seats) of Shri Shankaracharya Institute of Medical Sciences, Bhilai, Chhattisgarh under Chhattisgarh Ayush& Health Sciences University, Raipur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.**

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Shri Shankaracharya Institute of Medical Sciences, Bhilai, Chhattisgarh under Chhattisgarh Ayush& Health Sciences University, Raipur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the assessment report (9th and 10th October, 2017) and noted the following:-

1. Deficiency of faculty is 28 %as detailed in the report .
2. Shortage of Residents is 32.65 %as detailed in the report .
3. Bed Occupancy was 22.66 %at 10 a.m .on day of assessment .
4. Data of Minor Operations was not provided .
5. Departments of Pathology, Pharmacology, Microbiology, Forensic Medicine, Community Medicine are under construction .
6. CT Scan is not available .
7. Radiological & Laboratory investigations workload is grossly inadequate .
8. ICUs :There was NIL patient in ICCU, MICU, SICU on day of assessment .
9. Only 2 Static X-ray machines are functional against requirement of 3 .
10. Central Research Laboratory is not available .
11. Website :Toll free number to report ragging is not available .Information uploaded is sketchy as detailed in the report .
12. Students 'Hostels :Available accommodation is for 231 students against requirement of 339 .
13. Residents 'Hostels :Available accommodation is for 48 students against requirement of 49 .
14. Residential Quarters :35 quarters are available for Non-teaching staff against requirement of 36 .
15. RHTC :It is not functional .
16. UHC :It is not functional .
17. Other deficiencies as pointed out in the assessment report

The Executive Committee noted that Regulation 8(3)(1)(a) of the Establishment of Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 and amended on 18th March,2016 provides as under:-

“8(3)(1).....

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

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8 (3)(1)(a) of the Establishment of Medical College Regulation, 1999 and disapprove the application of the Shri Shankaracharya Institute of Medical Sciences, Bhilai, Chhattisgarh under Chhattisgarh Ayush& Health Sciences University, Raipur u/s 10A of the IMC Act, 1956 for renewal of permission of MBBS course 3rd batch (150 seats) for the academic year 2018-2019.

9. **Renewal of permission for MBBS course for 3rd batch (150 seats) of Sukhsagar Medical College & Hospital, Jabalpur under Madhya Pradesh Medical Sciences University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.**

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Sukhsagar Medical College & Hospital, Jabalpur under Madhya Pradesh Medical Sciences University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the assessment report (9th and 10th October, 2017) alongwith letters/representations dated 10.10.2017, 11.10.2017 and 17.10.2017 from the Dean of the college authorities and noted the following:-

1. Deficiency of faculty is 34 %as detailed in the report .
2. Shortage of Residents is 34.69 %as detailed in the report .
3. Bed Occupancy was 46.33 %at 10 a.m .on day of assessment .
4. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment .
5. Data of OPD attendance, Radiological & Laboratory investigations given by the Institute are inflated .
6. ICUs :There was NIL patient in ICCU & only 2 patients in PICU/NICU on day of assessment .
7. Lecture Theaters :Hospital Lecture Theater is not available .
8. Central Library :20 journals are available against requirement of 40 .25 Internet Nodes are available against requirement of 25 .
9. Students 'Hostels :Available accommodation is 224 against requirement of 337 .
10. MEU :No activity is carried out during the previous year .
11. On the first day of assessment dated 9.10.2017 when the assessors reached the SSMCH gate at 9.30 a.m., they were stopped by the guards. There was a man already waiting with video camera and another man with letter to assessors. They insisted that assessors accept the letter from them and sign on their copy. Also they did not allow the assessors to enter the college premises stating that the Dean or Director will come to the gate and allow the assessors inside. The assessors had to wait in the car till the Director arrived. He was giving instructions about what to do when the assessors enter the college. This whole process delayed by 1-15 minutes.
12. Other deficiencies as pointed out in the assessment report

The Executive Committee noted that Regulation 8(3)(1)(a) of the Establishment of Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 and amended on 18th March,2016 provides as under:-

“8(3)(1).....

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

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8 (3)(1)(a) of the Establishment of Medical College Regulation, 1999 and disapprove the application of the Sukhsagar Medical College & Hospital, Jabalpur under Madhya Pradesh Medical Sciences University u/s 10A of the IMC Act, 1956 for renewal of permission of MBBS course 3rd batch(150 seats) for the academic year 2018-2019.

10. Establishment of new medical college at Kolkata (Jagannath Gupta Institute of Medical Sciences & Hospital, Kolkata, West Bengal) by Urmila Devi Jagannath Gupta Charitable Trust, Kolkata, West Bengal with an annual intake of 150 MBBS students under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Kolkata (Jagannath Gupta Institute of Medical Sciences & Hospital, Kolkata, West Bengal) by Urmila Devi Jagannath Gupta Charitable Trust, Kolkata, West Bengal with an annual intake of 150 MBBS students under West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the assessment report (12th and 13th October, 2017) carried out in compliance of the order dated 04.09.2017 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No 671 of year 2017 filed by Jagannath Gupta Institute of Medical Sciences and Hospital & Ors. V/S Union on India & Ors alongwith a letter/representation dated 16.10.2017 from the Principal and noted the following:

1. Deficiency of faculty is 13.8 % as detailed in the report .
2. Shortage of Residents is 21.7 % as detailed in the report .
3. There was NIL Normal Delivery & 1 Caesarean Section on day of assessment .
4. ICUs :There was only 1 patient in PICU & 2 in NICU on day of assessment .
5. Audiometry room is not air-conditioned .Speech Therapy is not available .
6. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to recommend to the Central Government not to issue Letter of permission for establishment of a new medical college at Kolkata (Jagannath Gupta Institute of Medical Sciences & Hospital, Kolkata, West Bengal) by Urmila Devi Jagannath Gupta Charitable Trust, Kolkata, West Bengal under West Bengal University of Health Sciences, Kolkata under The West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

11. Establishment of new medical college at Chjajan, Turki, Muzaffarpur by J.M Institute of Speech & Hearing, Muzarfarpur with an annual intake of 100 MBBS students under Aryabhatta Knowledge University, Patna u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Chjajan, Turki, Muzaffarpur by J.M Institute of Speech & Hearing, Muzarfarpur with an annual intake of 100 MBBS students under Aryabhatta Knowledge University, Patna u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council perused the letter from assessors which reads as under:

“The Inspection of the college was required to be carried out in terms of order Dt 04.09.2017 passed in WP (C) no. 662/2017 by the Hon'ble Supreme Court, and as per the directive we carried out the inspection.

We reached the institute for the inspection of JM Medical College on 12.10.2017 for the above said inspection. The followings are our observations:

- *At the outset when we reached the college and the Hospital was closed.*
- *From outside the campus was looking deserted, situated little away from village. No security guard was present at the gate excepting few people but suddenly 50-60 people were gathered in front of the closed college gate and the mob prohibited us to enter inside the college premises stating some disputes with the college authorities.*
- *When the team asked about the denial of entry they said that no body from outside will be allowed to enter the premises till their demands were met by the College/Hospital authorities.*
- *In the mean time we tried to contact the college authority through available phone numbers on the website of the college. However, there was no response and even we asked the gathered mob to inform the authorities regarding our presence they refused to do so.*
- *We had no option except to inform MCI authorities, which we did. After a while we received a phone call from the District Magistrate. We had a details telephonic discussion about the problem faced by us in inspecting the college due to unruly mob. After some time our waiting a team consisting of CO (Circle officer Mr. Neeraj Kumar Sharma), BDO (Block Development officer, Mr. Hari Mohan Kumar) and Police reached at the spot to resolve the issue. The CO in the meantime contacted the college authority through somebody and the PRO (Amitabh Kumar) of the Institute came out to discuss the issue with us.*
- *The PRO informed us that there was no Dean or the Medical Superintendent available in the institute and on asking he did not reveal their name and mobile number. Even after repeated request by us and the local authority he showed his inability for entry and inspection and instead gave a written statement to the team which is self-explanatory, enclosed herewith for reference.*

We were there up to 2 pm and after utilizing all our resources we left the place, informed matter to the District Magistrate and Council officials. There after we proceeded to Patna for our Journey.”

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Chjajan, Turki, Muzaffarpur by J.M Institute of Speech & Hearing, Muzarfarpur with an annual intake of 100 MBBS students under Aryabhatta Knowledge University, Patna to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

12. Establishment of new medical college at Durgapur by Sanaka Educational Trust, Durgapur, West Bengal with an annual intake of 150 MBBS students under The West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Durgapur by Sanaka Educational Trust, Durgapur, West Bengal with an annual intake of 150 MBBS students under The West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the assessment report (9th and 10th October, 2017) carried out in pursuance of the order dated 04.09.2017 passed by the Hon'ble Supreme Court in Writ Petition (Civil) No 642 of year 2017 filed by Sanaka Education Trust & Anr. V/S Union on India & anr. and noted the following:-

1. Medical College Hospital & Engineering college are in adjacent buildings in Unitary campus separated by only framed partition structure .
2. Deficiency of faculty is 26.15 %as detailed in the report .
3. Shortage of Residents is 28.26 %as detailed in the report .
4. In O.G .& Paediatrics OPD, the number of patients is not tallying with Central OPD Registration number as there is discrepancy in the data of Central Registry & of individual OPDs .
5. OPD :Minor O.T .is not functional .Plaster cutting room is not functional .
6. Wards :Flooring is made of temporary vinyl sheets .
7. O.T :.Emergency O.T .is not functional .
8. There is no woman in Labour room .
9. C.M.O .is not available at time of assessment .
10. Central Laboratory is unhygienic .BMW disposal system is not followed properly.
11. MRD :It is partly computerized .ICD X classification of diseases is not followed.
12. Students 'Hostel :There is no furniture in Boys & Girls 'common rooms .
13. Residential quarters :External plaster is yet to be done in the quarters for teaching staff .Staircase is metal external staircase .
14. Biochemistry department :Gas connection is not available .
15. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to recommend to the Central Government not to issue Letter of permission for establishment of a new medical college at Durgapur by Sanaka Educational Trust, Durgapur, West Bengal with an annual intake of 150 MBBS students under The West Bengal University of Health Sciences, Kolkata u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

13. Renewal of permission for MBBS course for 3rd batch (150 seats) of Sridev Suman Subharti Medical College, Dehradun, Uttarakhand u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Sridev Suman Subharti Medical College, Dehradun, Uttarakhand u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council decided to obtain legal opinion in reference to the observations of the assessors regarding appointment of faculty and resident doctors. Matter be placed before the next Executive Committee with legal opinion.

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

14. Consideration of Compliance verification assessment report with regard to Continuance of recognition of MBBS degree granted by Vinayaka Missions University, Salem, Tamilnadu in respect of students being trained at Vinayaka Mission's KirupanandaVariyar Medical College & Hospital, Salem.

Read: the matter with regard to consideration of Compliance verification assessment report with regard to Continuance of recognition of MBBS degree granted by Vinayaka Missions University, Salem, Tamilnadu in respect of students being trained at Vinayaka Mission's KirupanandaVariyar Medical College & Hospital, Salem.

The Executive Committee of the Council considered the compliance verification assessment report (12th October, 2017) alongwith previous

assessment report (16th May, 2017 and 30th& 31stMay, 2016) and noted the following:-

1. Deficiency of faculty is 12 %as detailed in the report .
2. Shortage of Residents is 11.47 %as detailed in the report .
3. Not many patients were seen in OPD at time of taking round .
4. There were only 03 Minor Operations on day of assessment .
5. There was NIL Normal Delivery & 1 Caesarean Section on the day of assessment .
6. There was only 1 woman in Labour room .
7. NIL Cytopathology sample & only 1 Histopathology sample was received on day of assessment .
8. Data of admissions, Radiological & Laboratory investigations provided by the Institute are inflated .
9. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided not to recommend continuance of recognition of MBBS degree granted by Vinayaka Missions University, Salem, Tamilnadu in respect of students being trained at Vinayaka Mission's Kirupananda Variyar Medical College & Hospital, Salem and further decided that the institute be asked to submit the compliance of rectification of the above deficiencies within 01 month.

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 16thApril, 2010 and amended on 18.03.2016.

15. 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 toPre-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 (11th October, 2017) along with the previous assessment reports (21st July, 2017, 4th May, 2017, 11th November, 2016 and 16th& 17th May, 2016) and noted the following:-

1. Shortage of Residents is 29.0 %as detailed in the report .
2. There were only 03 Minor Operations on day of assessment .
3. OPD Registration is partially computerized .IPD Registration is not computerized .Deficiency remains as it is .
4. Wards :Pantry is not available in most of the wards .Deficiency remains as it is .
5. Preoperative ward is not available .
6. MRD office was locked at 1:45 p.m .on day of assessment .ICD X classification of Diseases is not followed for indexing .
7. 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.

16. Continuance of recognition of MBBS degree granted by B.N. Mandal University in respect of students being trained at Mata Gujri Memorial Medical College, Kishanganj.

Read: the matter with regard to continuance of recognition of MBBS degree granted by B.N. Mandal University in respect of students being trained at Mata Gujri Memorial Medical College, Kishanganj.

The Executive Committee of the Council considered the assessment report (12th and 13th October, 2017) and noted the following:-

1. Deficiency of faculty is 18.69 % as detailed in the report .
2. O.T :Ophthalmology O.T .has 2 tables which is not as per norms .
3. Central Research Laboratory is under renovation .
4. Hospital Lecture Theater is not of Gallery type.
5. RHTC :Cold chain equipment is not available .
Survey/MCH/Immunization/FW activity registers are not available .No activity under National Health Programme is carried out .
6. UHC :Survey/MCH/Immunization/FW activity registers are not available .
No activity under National Health Programme is carried out .
7. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided not to recommend continuance of recognition of MBBS degree granted by B.N. Mandal University in respect of students being trained at Mata Gujri Memorial Medical College, Kishanganj and further decided that the institute be asked to submit the compliance of rectification of the above deficiencies within 01 month.

The Committee further decided to apply 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, which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <70%, compliance of rectification of deficiency from such an institute will not be considered for issue of renewal of permission in that Academic year and further 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.”

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2018-19) and to issue show cause notice 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 and further decided that the institute be asked to submit the compliance of rectification of the above deficiencies within 01 month.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

17. Consideration of compliance verification assessment report with regard to continuance of recognition of MBBS degree granted by Manipal Academy of Higher Education (Deemed University), Manipal in respect of students being trained at Kasturba Medical College, Mangalore.

Read: the matter with regard to consideration of compliance verification assessment report with regard to continuance of recognition of MBBS degree granted by Manipal Academy of Higher Education (Deemed University), Manipal in respect of students being trained at Kasturba Medical College, Mangalore.

The Executive Committee of the Council considered the compliance verification assessment report (10th October, 2017) alongwith previous assessment report (15th May, 2017 and 25th& 26th May, 2016) and decided to recommend that recognition of MBBS degree granted by Manipal Academy of Higher Education (Deemed University), Manipal in respect of students being trained at Kasturba Medical College, Mangalore be continued restricting the number of admission to 250 (Two Hundred Fifty) students.

The Executive Committee further decided that the attention of the institute be drawn to Sections 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 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.

18. Mata Gujri Memorial Medical College, Kishanganj- Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 60-100 for the academic session 2018-19.

Read: the matter with regard to Mata Gujri Memorial Medical College, Kishanganj- Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 60-100 for the academic session 2018-19.

The Executive Committee of the Council considered the assessment report (12th and 13th October, 2017) and noted the following:-

1. Deficiency of faculty is 18.69 % as detailed in the report .
2. Ophthalmology OT has 2 tables which is not as per norms .
3. Examination Hall :Capacity is 180 against requirement of 250 .
4. Lecture Theaters :Hospital Lecture Theater is not of Gallery type .
5. RHTC :Mess is under construction .Cold chain equipment is not available . Survey/MCH/Immunization/FW activity registers are not available .No activity under National Health Programmes is carried out .
6. UHC :Survey/MCH/Immunization/FW activity registers are not available . No activity under National Health Programmes is carried out .
7. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 4th batch of MBBS students against the increased intake i.e. from 60-100 in respect of Mata Gujri Memorial Medical College, Kishanganj under B.N. Mandal

University, Madhepura, Bihar u/s 10 A of the IMC Act, 1956 for the academic session 2018-19.

The Executive Committee of the Council further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 and amended on 18th March, 2016, which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <70%, compliance of rectification of deficiency from such an institute will not be considered for issue of renewal of permission in that Academic year and further 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.”

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2018-19) and to issue show cause notice 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 further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

19. Recognition/approval of Kempegowda Institute of Medical Sciences, Bangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 120 to 150 seats u/s 11(2) of the IMC Act, 1956 -- Regarding.

Read: the matter with regard to recognition/approval of Kempegowda Institute of Medical Sciences, Bangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 120 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment report (11th and 12th October, 2017) in pursuance of the order dated 21.09.2017 passed by the Hon'ble Supreme Court of India in WP © No. 840 of 2017 filed by Kempegowda Instt. of Medical Sciences – Vs.- Medical Council of India and Others and noted the following:-

1. Bed Occupancy at 10 a.m .on day of assessment is 62.63) %i.e .451 patients out of 720 beds
2. Night duty list was provided only at 4:35 p.m .on the first day of assessment .In the given list, it was mentioned as Duty Roster instead of Night Duty roster without mentioning designation of any Doctor/Unit. There was only 1 woman in Labour room at the time of visit .

3. Wards :In female Tb & Chest ward, there is no Examination cum Treatment room, Store room, Duty room .
4. In Labour room, HLD Tray was more than 24 hours old which is not as per norms .
5. Mobile X-ray machines have no AERB approval .
6. Interns 'Hostel :Available accommodation is for 120 Interns against requirement of 150 .
7. Residents 'Hostel :Available accommodation is for 134 against requirement of 373 for all PG students .
8. Nursing Hostel is under Nursing College & not under this Institute .
9. Website :Information pertaining to available clinical matter is not updated regularly .
10. 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 Government not to recognize/approve Kempegowda Institute of Medical Sciences, Bangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e .from 120 to 150 seats u/s 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 01 month for further consideration of the matter.

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.

20. Recognition/approval of Subharti Medical College, Meerut for the award of MBBS degree granted by Swami VivekanandSubharti University, Meerut against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Subharti Medical College, Meerut for the award of MBBS degree granted by Swami VivekanandSubharti University, Meerut against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

It was decided to obtain the opinion of Law Officer on the issue of appointment of faculty & Residents by the University. This be placed with the opinion at the next meeting of Executive Committee.

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

21. Increase of seats in MBBS course from 100 to 150 at Great Eastern Medical School & Hospital, Srikakulam u/s 10A of the IMC Act, 1956 for the academic year 2018-19 - req.

Read: the matter with regard to increase of seats in MBBS course from 100 to 150 at Great Eastern Medical School & Hospital, Srikakulam u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the assessment report (2nd and 3rd November, 2017) and decided to recommend to the Central Govt. to grant Letter of Permission for increase of seats from 100 to 150 u/s 10A of the IMC Act, 1956 in respect of Great Eastern Medical School & Hospital, Srikakulam under Dr. NTR University of Health Sciences, Vijayawada for the academic year 2018-2019.

22. Dayanand Medical College & Hospital, Ludhiana –Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e .from 70-100 for the academic session 2018-19.

Read: the matter with regard to Dayanand Medical College & Hospital, Ludhiana –Renewal of Permission for admission of 3rd Batch of MBBS students against the increased intake i.e .from 70-100 for the academic session 2018-19.

The Executive Committee of the Council considered the assessment report (7th and 8th September, 2017) and noted the following:-

- (1) Hostel: Some of the rooms are mixed for UG & PG in Boys Hostel. Interns are staying in UG hostel. Mixed accommodation of MD/MS & DM/MCh residents. Few rooms are shared.

The Executive Committee further noted that the Assessors have stated in the report that accommodation available is more than required and ancillary facilities are adequate .Further mixed accommodation for UG/PG students or for M.D-.M.S/.D.M-.M.Ch .Residents as well as sharing of a few rooms are not deficiencies as such as they are permissible as per Regulations as long as total accommodation available meets sum total of required accommodation of different categories .Hence the Executive Committee decided not to consider it as deficiency.

- (2) OPD: There is no health educator and social worker in Child Welfare clinic.

The Executive Committee further noted that the Assessors have pointed out that there is no Health Educator & Social Worker in Child Welfare clinic .This assessment is for Renewal of Permission for III Renewal for increase from 70 - 100 wherein overall facilities in all the departments for UG teaching have to be assessed, in which the most important are (a)Faculty; (b)Residents; (c)OPD attendance; **(d)** Bed Occupancy (e) Number of Operations & Deliveries; (f)Number of Investigations; (g)Overall infrastructure for all the departments .This deficiency would be vital if the assessment was for PG course in Paediatrics but is very minor for considering overall assessment for increase for UG intake .Hence it is overruled by Executive Committee.

- (3) Teaching Beds and admitted Patients: Exam and treatment rooms in most of the speciality required more space. Pantry room in most of the areas are not attached and less space. More space is required for some demo room. Mixing of Male and Female beds in some wards. In general wards, 6 patients are in separate enclosure with monitoring facilities. There is no TB & Chest health educator and no social worker in Psychiatric & Gynaecology.

- (4) The Executive Committee further noted that the Assessors have pointed out that Examination & Treatment rooms need more space .This is a subjective observation .Further the Institute is recognized for 70 UG intake and permission for increase is granted for 2 batches for increase from 70 - 100 .Further, this assessment is for Renewal of Permission for III Renewal for increase from 70- 100 wherein overall facilities in all the departments for UG teaching have to be assessed, in which the most important are (a)Faculty; (b)Residents; (c)OPD attendance; **(d)** Bed Occupancy (e) Number of Operations & Deliveries; (f)Number of Investigations; (g)Overall infrastructure for all the departments .As all these parameters are satisfactory and as per MSR requirements, overruled by Executive Committee.

- (5) Radiological facilities :Assessors have stated that no 300 mA Static X-ray machine is available .On P .32 at Item no: 2.14 regarding Radiological facilities, it is stated that total 1 of 300 mA, 1 of 500 mA, 2 of 600 mA, 2 of 800/1000 mA –i.e .6 static X-ray machines are available against requirement of 5 .As machines of higher capacity and that too in excess of requirement are available, this is not a deficiency at all & hence overruled.
- (6) Some equipments are not available as per MSR 100 seats amendment notification dated 28.08.2017.

The purported Notification is issued only on 28/08/2017 –i.e .long after assessment process for Academic Year 2018-2019 has started .Further this Institute is for II Renewal which means that requirements for Anatomy, Physiology, Biochemistry were assessed in 2016-2017 & for Pathology, Microbiology, Forensic Medicine, Pharmacology were assessed in 2017-2018 as per old Notification and hence the new Notification dt .28/08/2017 is not at all applicable .MCI has already circulated a letter that this Notification would be applicable from the next Academic Year . Considering all these factorsthere is no deficiency as such & therefore overruled.

- (7)RHTC: Cold chain equipment available but not functional. National Family Welfare programmes only one or two cooperT insertions are done. Antenatal care and postnatal care are not available at the center. Though it is being carried out at Govt. PHCs located at Dehlon and Malaud. But these PHCs are not the administrative control of the institution. Paramedical staffs like Health Educator, MSW and Sanitary inspector are not available.

Assessors have stated that cold chain equipment is available but non-functional .Family Welfare Program workload pertains to insertion of only 1-2 Copper T insertions .It is not under control of Institute .However, in the report, it is also stated that it is being carried out at Govt .PHC at Dehlon & Malaud .Hence not considered as deficiency & overruled.

- (8)UHTC: Cold chain equipments are not available. Family Planning activities are 1-2 per month. Paramedical staffs like Health Educator, MSW and Sanitary inspector are not available.

Assessors have stated that cold chain equipment is not available .Family Welfare Program workload pertains to insertion of only 1-2 cases of Copper T insertion Further, this assessment is for Renewal of Permission for III Renewal for increase from 70- 100 wherein overall facilities in all the departments for UG teaching have to be assessed, in which the most important are (a)Faculty; (b)Residents; (c)OPD attendance; **(d)** Bed Occupancy (e) Number of Operations & Deliveries; (f)Number of Investigations; (g)Overall infrastructure for all the departments .As all these parameters are satisfactory and as per MSR requirements, this deficiency is overruled by Executive Committee.

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of MBBS students against the increased intake i.e .from 70-100 in respect of Dayanand Medical College & Hospital, Ludhiana under Baba Farid University of Health Sciences, Faridkot u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

23. Suggestion for Central Library norms in Medical Colleges in India.

Read: the matter with regard to suggestion for Central Library norms in Medical Colleges in India.

The Executive Committee of the Council decided to refer the matter to the Academic Committee of the Council.

24. Renewal of permission for MBBS course for 3rd batch (150 seats) of Gayatri Vidya Parishad Institute of Health Care and Medical Technology, Vishakhapatnam, Andhra Pradesh under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Gayatri Vidya Parishad Institute of Health Care and Medical Technology, Vishakhapatnam, Andhra Pradesh under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the assessment report (10th and 11th October, 2017) and noted the following:-

1. Deficiency of faculty is 8 % as detailed in the report .
2. There was NIL Normal Delivery & 1 Caesarean Section on day of assessment .
3. There was no woman in Labour room on day of assessment .
4. ICUs :There was NIL patient in SICU, only 1 in ICCU & 2 in PICU/NICU on day of assessment .
5. CT Scan is not available .
6. 2 Static X-ray machines are available against requirement of 3 .
7. Wards :Male & female wards are not separate in Psychiatry .They are separated only by screen in Tb & Chest .
8. Central Research Laboratory :Facilities are inadequate .
9. Examination Halls :1 Examination Hall is available against requirement of 2 .
10. Lecture Theaters :2 Lecture Theaters are available against requirement of 3 .
11. RHTC :Cold chain equipment is not available .Immunization register showed activity upto March 2017 only .No records of Specialists 'visits was available .
12. UHC :Survey /Family Welfare registers are not available .No records of Specialists 'visits was available .
13. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch (150 seats) of Gayatri Vidya Parishad Institute of Health Care and Medical Technology, Vishakhapatnam, Andhra Pradesh under Dr. NTR University of Health Sciences, Vijayawada u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

25. Renewal of permission for MBBS course for 3rd batch (150 seats) of Jaipur National University Institute for Medical Sciences & Research Centre, Jagatpura, Jaipur, Rajasthan under Jaipur National University, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Jaipur National University Institute for Medical

Sciences & Research Centre, Jagatpura, Jaipur, Rajasthan under Jaipur National University, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the assessment report (31st October & 1st November, 2017) and noted the following:-

1. Bed Occupancy data as given by the Institute i.e. 79.33 % is inflated.
2. OPD attendance - Institute has provided data of 792. Assessors have stated "*When we reached Institute and took round around 10:45 a.m., there were very few patients at the registration counters, waiting area & even in OPDs.*"
3. Anatomy department :2 Disarticulated bone sets are less .
4. Pathology department :3 Service Laboratories are available against requirement of 4.
5. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch of 150 MBBS students at Jaipur National University Institute for Medical Sciences & Research Centre, Jagatpura, Jaipur, Rajasthan under Jaipur National University, Jaipur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

26. Renewal of permission for MBBS course for 5th batch (150 seats) of P.K. Das Institute of Medical Sciences, Palakkad, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 5th batch (150 seats) of P.K. Das Institute of Medical Sciences, Palakkad, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the assessment report (31st October & 1st November, 2017), alongwith the letter/representation dated 02.11.2017 received from the Principal of the Institute and noted the following:-

1. Deficiency of faculty is 9.2 %as detailed in the report .
2. OPD attendance upto 2 p.m .is 1,060 against requirement of 1,200 .
3. Bed Occupancy is 40.60 %at 10 a.m .on day of assessment .
4. There were only 09 Major Operations on day of assessment .
5. Central Kitchen :No register is available in kitchen.
6. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 5th batch of 150 MBBS students at P.K. Das Institute of Medical Sciences, Palakkad, Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019 and further decided to apply clause 8(3)(1)(b) of Establishment of Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 and amended on 18th March, 2016 which reads as under:-

8(3)(1).....

(b) Colleges in the stage from III & IV renewal (i.e. Admission of fourth & fifth batch)

If it is observed during any inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 20% and/or bed occupancy is <65%, compliance of rectification of deficiencies from such an institute will not be considered for renewal of permission in that Academic year.

27. Establishment of new medical college at Saharsa, Bihar (Sri Narayan Medical Institute & Hospital, Saharsa, Bihar) by Shree Narayan Foundation, Saharsa, Bihar with an annual intake of 100 MBBS students under B.N. Mandal University, Bihar u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Saharsa, Bihar (Sri Narayan Medical Institute & Hospital, Saharsa, Bihar) by Shree Narayan Foundation, Saharsa, Bihar with an annual intake of 100 MBBS students under B.N. Mandal University, Bihar u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the assessment report (2nd and 3rd November, 2017) and noted the following:

1. Regular Dean, Dr .A.K .Vatsayan is on long leave as he has gone to USA . Incharge Dean is Dr .Avneesh Karn is not eligible to be Dean as he is only an Asst .Prof .
2. Medical Superintendent is not available .
3. Deficiency of faculty is 89.65 %as detailed in the report .
4. Shortage of Residents is 93.33 %as detailed in the report .
5. Nursing staff :All wards, O.T.s & other areas where Nurses should be posted were without any Nurse .
6. Paramedical & Non-teaching staff :Meager number was seen in the hospital area whose number was much less than 101 required .
7. All rooms in OPD are empty .There was NIL patient in OPD at time of taking round .Data of OPD attendance of 558 as provided as given by the Institute are grossly inflated.
8. Bed Occupancy for the whole hospital was 1.33 %as verified by assessors .Figure of 67.33 %Bed Occupancy as given by the Institute is not only extremely inflated but wholly incorrect .
9. NIL patient was posted for Major Operation on 02/11/2017 .Data of Minor Operations given by the Institute are inflated .
10. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment.
11. Data of Radiological & Laboratory investigations as provided by the Institute are inflated .
12. Wards :Nursing station are not as per norms as detailed in the report . They are not functional as seen during the round .Only 2-3 patients were seen in the whole hospital during the round between 10:00 a.m .and 11:30 a.m .
13. Casualty :There was NIL patient at time of visit .Separate Casualty for O.G .is not available .Disaster Trolley is not available .Resuscitation equipment are inadequate as detailed in the report .
14. O.T :.Except Eye O.T., none else was functional .All beds in Preoperative & Postoperative wards were vacant .
15. ICUs :There was NIL patient in ICCU, MICU, NICU/PICU & only 1 patient in SICU on day of assessment .
16. Labour Room :It is not functional .
17. Radiodiagnosis department :All Mobile & Static X-ray machines and USGs are not functional .
18. Blood Bank :It is not functional .
19. CSSD :It was closed at time of visit .
20. MRD :It was locked during the visit of assessors & non-functional .
21. Lecture Theaters :Audiovisual aids are not available.
22. Central Library :It is not air-conditioned .13 Journals are available against requirement of 20 .
23. Students 'Hostels :Some areas are still under construction and not functional .Available accommodation is 48 against requirement of 75 .

24. Residents 'Hostel :Available accommodation is 24 against requirement of 45 .
25. Nurses 'Hostel :Available accommodation is 30 against requirement of 35.
26. Anatomy department :There is NIL Specimen, MRI & CT films in the Museum .Only 2-3 Disarticulated Bone sets are available .NIL Cadaver is available.
27. Physiology department :Audiovisual aids are not available in the Museum . There are no equipment in Haematology, Clinical Physiology Laboratories.
28. Biochemistry department :Audiovisual aids are not available in the Museum.
29. Website :It is not available .
30. MEU :It is not available .
31. College Council :It is not available .
32. Pharmacovigilance Committee :It is not constituted.
33. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Saharsa, Bihar (Sri Narayan Medical Institute & Hospital, Saharsa, Bihar) by Shree Narayan Foundation, Saharsa, Bihar with an annual intake of 100 MBBS students under B.N. Mandal University, Bihar to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year and further decided to apply clause 8(3)(1)(a) of Establishment of Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 and amended on 18th March,2016 provides as under:-

“8(3)(1).....

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

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

28. **Renewal of permission for MBBS course for 4th batch (150 seats) of Hind Institute of Medical Sciences, Ataria, Sitapur under ChhatrapatiShahu Ji Maharaj University, Kanpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.**

Read: the matter with regard to renewal of permission for MBBS course for 4th batch (150 seats) of Hind Institute of Medical Sciences, Ataria, Sitapur under ChhatrapatiShahu Ji Maharaj University, Kanpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the assessment report (26th and 27th September, 2017) and noted the following:-

1. Bed Occupancy is 70.24 %at 10 a.m .on day of assessment .
2. ICU :There was only 1 patient in SICU on day of assessment .
3. Clinical departments have no separate rooms for faculty members except HODs .
4. Anaesthesiology department has only space .It is not furnished .
5. Central Library :Capacity of Students 'Reading room)Outside (is 100 against requirement of 150 .
6. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 4th batch (150 seats) of Hind Institute of Medical Sciences, Ataria, Sitapur under Chhatrapati Shahu Ji Maharaj University, Kanpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

29. Establishment of new medical college at Balangir, Odisha(Govt. Medical College & Hospital, Balangir) by Govt. of Odisha with an annual intake of 100 MBBS students under Sambalpur University, Odisha u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Balangir, Odisha (Govt. Medical College & Hospital, Balangir) by Govt. of Odisha with an annual intake of 100 MBBS students under Sambalpur University, Odisha u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the assessment report (1st and 2nd November, 2017) and noted the following:-

1. Teaching beds are inadequate as under :

#	Department	Beds		
		Required	Available	Deficit
1	General Medicine	72	66	06
2	Psychiatry	08	00	08
3	Skin & VD	08	00	08
4	General Surgery	90	71	19
5	Ophthalmology	10	08	02
6	ENT	10	07	03
	TOTAL			46

2. Deficiency of faculty is 72.88 %as detailed in the report .
3. Shortage of Residents is 86.66 %as detailed in the report .
4. Nursing staff :109 Nursing staff are available against requirement of 175 .
5. Paramedical & Non-teaching staff :94 Paramedical & Non-teaching staff are available against requirement of 101 .
6. OPD :Separate Registration counters for males/females are not available . Waiting area is inadequate .There is only 1 Examination room for major departments against requirement of 4 .Teaching area is not available . Injection rooms for males/females are not available .Minor O.T .is not available .Dressing rooms for males/females are not available .Plaster Cutting room is not separate .In Ophthalmology OPD, Dark room & Dressing room are not available .In Paediatrics OPD, Child Welfare clinic, Child Rehabilitation clinic are not available .Antenatal clinic, Sterility clinic, Family Welfare clinic, Cancer Detection clinic are not available in OG OPD .
7. Wards :Ancillary facilities like Duty room, Demonstration room, Pantry are not available .
8. Casualty :Separate Casualty for O.G .is not available .Central O₂ and Central Suction are not available .No Resuscitation equipment is available .
9. O.T :.Only 1 Minor O.T .is available against requirement of 2 .Central O₂ and Central Suction are not available .No Resuscitation equipment is available .
10. ICUs :ICCU, SICU are not available .
11. Only 1 Static X-ray machine is available against requirement of 2 .
12. CSSD :ETO Sterilizer is not available .Receiving & Distribution points are not separate .
13. Intercom is not available .

14. MRD :It is manual .ICD X classification of Diseases is not followed for indexing .
15. Lecture Theaters :Only 1 Lecture Theater has Audiovisual aids .
16. Central Library :NIL Books & NIL Journals are available .Internet Nodes are not available .
17. Central Photography Section :Equipment are not available .
18. Students 'Hostels :Visitors 'room, Recreation facilities are inadequate .
19. Residents 'Hostel :Visitors 'room, Recreation facilities are inadequate .
20. Nurses 'Hostel :It is not available .
21. MEU :It is not yet formed .
22. College Council :It is not yet constituted .
23. Pharmaco Vigilance Committee :It is not yet constituted .
24. Common room for Boys does not have attached toilets .
25. Website is not available .
26. Anatomy department :Audiovisual aids are not available .Museum is not functional .There is no Cooling chamber .Band Saw is not available .
27. Physiology department :Audiovisual aids are not available .
28. Biochemistry department :Audiovisual aids are not available .
29. Other deficiencies as pointed out in the assessment report

In view of above and as the applicant has failed to meet the qualifying criteria u/s 3(2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Balangir, Odisha(Govt. Medical College & Hospital, Balangir) by Govt. of Odisha with an annual intake of 100 MBBS students under Sambalpur University, Odisha to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

30. Establishment of new medical college at Balasore, Odisha(Govt. Medical College & Hospital, Balasore) by Govt. of Odisha with an annual intake of 100 MBBS students under Fakir Mohan University, Balasore, Odisha u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Balasore, Odisha(Govt. Medical College & Hospital, Balasore) by Govt. of Odisha with an annual intake of 100 MBBS students under Fakir Mohan University, Balasore, Odisha u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the assessment report (1st and 2nd November, 2017) and noted the following:-

1. Teaching beds are inadequate as under :

#	Department	Beds		
		Required	Available	Deficit
1	Psychiatry	08	00	08
2	Skin & VD	08	00	08
3	General Surgery	90	49	41
4	Orthopaedics	30	15	15
	TOTAL			72

2. Deficiency of faculty is 93.10 %as detailed in the report .
3. Medical Superintendent is not available .
4. Shortage of Residents is 88.88 %as detailed in the report .
5. Nursing staff :109 Nursing staff are available against requirement of 175 .

6. Anatomy department is not functional .
7. OPD :Separate Registration counters for males/females are not available.Separate Registration counters for OPD/IPD are not available . They are not computerized .Staff at Registration counters is inadequate . Waiting area is inadequate.Examination room for major departments are inadequate .Teaching area is not available.Enquiry Desk is not available.In Paediatrics OPD, Child Welfare clinic, Child Rehabilitation clinic are not available.Sterility clinic, Family Welfare clinic, Cancer Detection clinic are not available in OG OPD .
8. Audiometry, Sound proof & Air-conditioned, is not available .
9. Wards :Distance between 2 beds is < 1.5 m .They are very dirty . Demonstration room is not available in any ward .Pantry, Store room are not available in several wards.
10. Casualty :CMO is not available .Central O₂ and Central Suction are not available .Resuscitation equipment are inadequate as detailed in the report .Demonstration rooms are not available .
11. Central Clinical Laboratory :It is not available .
12. O.T :.Central O₂ and Central Suction are not available .Equipment are inadequate as detailed in the report .Preoperative & Postoperative Beds are not available .
13. ICUs :ICCU, SICU are not available .Central O₂ and Central Suction are not available .Equipment are inadequate.
14. Labour room :Septic room & Eclampsia room are not available .
15. Radiodiagnosis department :NIL Mobile X-ray machine is available .1 Static X-ray machine is available against requirement of 2 .AERB approval is not available .
16. CSSD :it is not functional .
17. MRD :It is manual .ICD X classification of Diseases is not followed for indexing.
18. Central Library :It is not air-conditioned .It has not yet commenced working .It is not functional .Books, Journals are not available .Internet Nodes are not available.
19. Central Photography Section :Staff, Equipment are not available .
20. Students 'Hostels :Visitors 'room, Recreation facilities are inadequate.
21. Residents 'Hostel :Visitors 'room, Recreation facilities are inadequate .
22. MEU :It is not functional .
23. College Council :It is not yet constituted .
24. Pharmaco Vigilance Committee :It is not yet constituted .
25. Website is not available .
26. Physiology department :Audiovisual aids, Teaching materials are not available.
27. Biochemistry department :Audiovisual aids, Teaching materials are not available.
28. Other deficiencies as pointed out in the assessment report

In view of above and as the applicant has failed to meet the qualifying criteria u/s 3(2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Balasore, Odisha(Govt. Medical College & Hospital, Balasore) by Govt. of Odisha with an annual intake of 100 MBBS students under Fakir Mohan University, Balasore, Odisha to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

31. Renewal of permission for MBBS course for 3rd batch (150 seats) of Venkateshwara Institute of Medical Sciences, Uttar Pradesh under Shri Venkateshwara University, Gajroula, Amroha u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Venkateshwara Institute of Medical Sciences, Uttar Pradesh under Shri Venkateshwara University, Gajroula, Amroha u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council perused the letters dated 27.10.2017 and 30.10.2017 received from the college authorities alongwith the letter dated 27.10.2017 from Assessors which reads as under:

“As per the subject and reference cited above we the team of assessors reached Venkateshwara Institute of Medical Sciences, Gajroula, Distt. Amroha, Uttar Pradesh on 27.10.2017 at 9.50 am and showed the Dean, Col (Retd) Dr. A. K. Chaturvedi our MCI order copy for assessment and gave him the same. He signed the same order copy and gave it to us.

He then refused to allow us to undertake the assessment as ordered by MCI.

We requested them to give it (their refusal) to us in writing.

He then gave us a letter addressed to MCI, Delhi dated 26.10.2017 (which is enclosed) stating that they had submitted to MCI, declaration forms A and B on the 18.10.2017 and that they wanted 40-45 days for preparing their institution for assessment for renewal of permission for session 2018-19.

When we insisted that we want the letter from him refusing the assessment, he took more than 2 hours to give us the same.

On a casual walk in the campus, it appeared deserted with not a single student. The Anatomy block in the college was locked. Very few cars were present in the campus and we found very few people in the college building.

Even around the hospital, it looked deserted with not even a single patient/attender near the hospital premises. Few photographs are being attached.”

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch (150 seats) of Venkateshwara Institute of Medical Sciences, Uttar Pradesh under Shri Venkateshwara University, Gajroula, Amroha u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

32. Renewal of permission for admission of 3rd batch (150 seats) of World College of Medical Sciences & Research, Jhajjar, Haryana under Pandit B.D Sharma University of Health Sciences, Rohtak, Haryana for the Academic Session 2018-2019.

Read: the matter with regard to renewal of permission for admission of 3rd batch (150 seats) of World College of Medical Sciences & Research, Jhajjar, Haryana under Pandit B.D Sharma University of Health Sciences, Rohtak, Haryana for the Academic Session 2018-2019.

The Executive Committee of the Council perused the letter dated 30.10.2017 received from the college authorities alongwith the letter of the same date i.e. 30.10.2017 from Assessors which reads as under:

“With reference to the above we visited the said institute around 9.30 a.m. on 30th Oct., 2017 for the Assessment of the physical and other teaching facilities available for renewal of permission of 3rd batch (150 MBBS seats) of World College of Medical Sciences and Research and Hospital, Jhajjar, Haryana u/s 10aof the IMC Act, 1956 for the academic year 2018-2019 on 30/1/2017 and31/10/2017.

This is to inform you that they did not allow us to carry out the above assessment as per reference, and they were not willing for the same and they gave a letter stating the same.

The letter from the college no.(WCMSR/EXT/2017/55 dated 30th Oct., 2017) is enclosed herewith.

However, few photographs were taken before their refusal.(Enclosed in C.D.).”

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch (150 seats) of World College of Medical Sciences & Research, Jhajjar, Haryana under Pandit B.D Sharma University of Health Sciences, Rohtak, Haryana u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

33. Renewal of permission for MBBS course for 3rd batch (150 seats) of Maheshwara Medical College & Hospital, Patancheru, Medak, Telangana u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Maheshwara Medical College & Hospital, Patancheru, Medak, Telangana u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the assessment report (11thand 12th September, 2017) and noted the following:-

1. Data of clinical material as provided by the Institute are inflated as compared with registers as detailed in the report .
2. CT Scan is not available .
3. ICUs :There was only 1 patient in ICCU on day of assessment .
4. RHTC :Cold chain equipment is not available .Amongst Specialists, visits of only Paediatrician are organized .
5. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch (150 seats) of Maheshwara Medical College & Hospital, Patancheru, Medak, Telangana u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

34. Establishment of New Medical College at Neyyoor, Kanyakumari, Tamilnadu(CSI Medical college, Neyyoor District, Kanyakumari, Tamilnadu) by Church of South India Trust Association, Kanyakumari, Tamilnadu/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to Establishment of New Medical College at Neyyoor, Kanyakumari, Tamilnadu (CSI Medical college, Neyyoor District, Kanyakumari, Tamilnadu) by Church of South India Trust Association, Kanyakumari, Tamilnadu/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council perused the letter of the Central Govt.. dated 16.10.2017 along with letter from the Dean of the Institute dt. 03/10/2017 and observed that Essentiality Certificate in the required format is still not available. Consent of Affiliation is issued on 08/08/2017 which is well past the last date of submission of application, complete in all respects to the Central Govt. –i.e. 07/07/2017.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015-Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. *In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:*

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned MedicalCollege should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central

Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.*"

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process."

In view of above, it was decided to reiterate the earlier decision to return the application for establishment of a new medical college at Neyyoor, Kanyakumari, Tamilnadu (CSI Medical college, Neyyoor District, Kanyakumari, Tamilnadu) by Church of South India Trust Association, Kanyakumari, Tamilnadu recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

35. Establishment of New Medical College at Nelamangala Taluk, Bangalore, Karnataka (Sri Siddhartha Institute of Medical Sciences & Research Centre) by Sri Siddhartha Academy of Higher Education, Tumkur, Karnataka (declared as Deemed to be University u/s 3 of the UGC Act, 1956) u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of New Medical College at Nelamangala Taluk, Bangalore, Karnataka (Sri Siddhartha Institute of Medical Sciences & Research Centre) by Sri Siddhartha Academy of Higher Education, Tumkur, Karnataka (declared as Deemed to be University u/s 3 of the UGC Act, 1956) u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council perused the letter from Central Govt., Ministry of Health & FW dated 16.10.2017 along with letter from Institute dt. 03/10/2017 and observed as under:

- (1) With regard to Essentiality Certificate, complete Essentiality in the required format for Academic Year 2018-2019 was not attached with the application. Even Hearing Committee has only observed about owning and running 300 bedded hospital and is totally silent on para (g) pertaining to land. As the revised format of Essentiality Certificate was Notified as early as 31/01/2017, there was ample time for getting the Essentiality Certificate as per revised format for the Academic Year 2018-2019. Hence contention of the Institute that it had been issued Essentiality Certificate earlier in old format and it cannot be penalized for delay in issue of Essentiality Certificate cannot be accepted as the fact remains that Essentiality Certificate in the required format was not available on or before last date of application –i.e. 07/07/2017 and was not attached with the application.
- (2) With regard to Consent of Affiliation, deficiency remains as such as it is not as per format prescribed in the Regulations. Contention of the Institute that "subject to UGC approval" is mentioned in the consent of affiliation since the college is not yet functional. Once it is granted LOP, it will be declared a constituent college of the University. They are a Deemed University". cannot be accepted.

- (3) The Executive Committee further observed that the Central Government vide its letter dated 16.10.2017 has forwarded copies of four lease agreement entered in respect of the same piece of land between Dr. G. Shivaprasad [Lessor] and Sri Siddhartha Academy of Higher Education represented by its President Dr. G. Shivaprasad [Lessee]. The commencement period in respect of each of these land agreements are different, of which details are as under:

S. No.	Land Details	Commences from	Terminates on
1.	Registered Lease deed dated 14.10.16 Sy No. 111, measuring 5 Acres, 20 Guntas, conversion order no. ALN(NT) SR 39/2014-15, Sy No. 15/3B, measuring 1 Acre conversion order. ALN (NT) SR 39/2014-15 situated at Dodderi Village, Nelamangala Taluk, Sy No. 254/2, measuring 2 Acres 27.08 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 255/4 measuring 1 Acre 27 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 254/1 measuring 2 Acres, 25.08 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 255/2 measuring 1 Acre 8 Guntas conversion order no. ALN(NK) SR 303/2015-16, Sy No. 255/3 measuring 2 Acres 31.08 Guntas conversion order no. ALN(NK) SR 152/2016-17, situated at T-Begur Village, Nelamangala Taluk, Sy No. 36/11-B1 measuring 29.08 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 36/11 – B2 measuring 30 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 36/3 measuring 39 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 45/2 measuring 1 Acre 6 Guntas situated at Tippagondanahalli Village, Nelamangala Taluk	The lease of the Schedule Properties shall be commencing from 14 th Day of October 2016, <u>with a lock-in period of Twenty Nine Years and 11 months and the same will be extended mutually if agreed upon</u> , will be renewed by mutual consent of both the parties by executing a fresh agreement with enhanced rent and same shall be registered.	September 14, 2046
2.	Registered Lease deed dated 21.11.16 - As Above -	The lease of the Schedule Properties shall be commencing from 15 th Day of November 2046, <u>with a lock-in period of Twenty Nine Years (29) and 11 months and the same will be extended mutually if agreed upon</u> , will be renewed by mutual consent of both the parties by executing a fresh agreement with enhanced rent and same shall be registered.	15 th October 2076

S. No.	Land Details	Commences from	Terminates on
3.	Registered lease agreement dated 28.11.16 - As Above-	The lease of the Schedule Properties shall be commencing from 16 th Day of August 2076, <u>with a lock-in period of Twenty Nine Years (29) and 11 months and the same will be extended mutually if agreed upon,</u> will be renewed by mutual consent of both the parties by executing a fresh agreement with enhanced rent and same shall be registered.	16 th July 2106
4.	Registered lease agreement dated 05.12.2016 - As Above-	The lease of the Schedule Properties shall be commencing from 16 th Day of July 2106, <u>with a lock-in period of Nine Years and 3 months and the same will be extended mutually if agreed upon,</u> will be renewed by mutual consent of both the parties by executing a fresh agreement with enhanced rent and same shall be registered.	16 th October 2115

The termination date has been calculated from the computational engine available on internet: <https://www.wolframalpha.com> on the basis of lock-in period specified in the Lease Agreement.

On the basis of above, the Executive Committee noted that the first lease agreement terminates on September 14, 2046. By Agreement dated 21.11.16, the lease period has been extended from 15.11.2046 only. Thus, effectively the lock-in-period of the lease deed is 29 years 11 months from 14th October 2016, which terminates on 13th September 2046. The subsequent lease agreement dated 21.11.16 commences only from 15th November 2046. Assuming that these chain of agreements are legal and valid, there is no valid lease agreement on record for the period from September 14, 2046 to 14th November 2046. The

above referred documents had not been submitted by the applicant alongwith its application.

Furthermore, in Form 5 dated 20.06.17 issued by Deputy Commissioner, Bangalore Rural District it is stated that the land measuring 20-31 Acres situated at T-Begur village, Nelamangala Taluk, Bangalore Rural District is registered in the name of Sri Siddhartha Academy of Higher Education by way of ownership. However, in the table the land is stated to be registered in the name of Dr. G. Shivaprasad wherein reference in respect of 09 pieces of land acquired on different dates in 2011 and 2013 by Dr. Shivaprasad is mentioned. There is no reference to the lease that has been made by Dr. G. Shivaprasad to the Sri Siddhartha Academy of Higher Education in the Form 5.

The Executive Committee also noted that in respect of application of the Trust for academic year 2017-18 to the Central Government had vide letter dated 07.11.2016 had forwarded the representation made by the Applicant Trust before the Central Government. The applicant Trust in its letter dated 14.10.16 has inter alia as regards land stated as under:-

“Dr. G. Shivaprasad is also the Chancellor of Sri Siddhartha Academy of Higher Education who is the applicant for the establishment of new medical college. A lease deed for 99 Years has been made in the name of Sri Siddhartha Academy of Higher Education which has been submitted along with the letter.”

Enclosed alongwith this letter was the copy of Lease Agreement dated 13th October 2016 between Dr. G. Shivaprasad [Lessor] and Sri Siddhartha Academy of Higher Education represented by its President Dr. G. Shivaprasad [Lessee] Details of land in respect of which this lease agreement has been executed and the time period stated in the lease agreement was for 99 years. Thus this agreement terminates on 13 October 2115. However, this is an unregistered agreement.

It is stated in the Central Government letter dated 16.10.2017 in respect of land of the applicant Trust:

“4. The College submits that Dr. Shiv Prasad who owns the land has executed a lease deed dated 16.10.2016 for 30 years further extendable in favour of the Trust. Dr. Shiv Prasad is also the President of the Trust.”

[...]

“The college has offered explanation on the land transferred to the Trust through lease deed”

The above clearly brings out that the applicant Trust enjoys lease for a period of 29 years, 11 months commencing from 14 October 2016. The reasons as to why the applicant has made four separate registered agreements with different dates of commencement are also not on record. The lease agreement regarding land ought to be long-term and ordinarily such leases are for a period of 99 years. The submission of unregistered agreement by the applicant to the Central Govt. by its letter dated 14.10.16 clearly brings this out. Accordingly, the various lease agreements that have not been furnished at the time of making of application cannot be considered and there ought to be one lease agreement that should not be for a period of 99 years.

Application of Siddhartha Academy of Higher Education

Details of Lease Deed submitted in respect of application for academic year 2017-18 to the Central Government after the Council had recommended for disapproval on 06.09.2017.

The Central Govt. had vide letter dated 07.11.2016 had forwarded the representation made by the Applicant Trust before the Central Government. The applicant Trust in its letter dated 14.10.16 has inter alia as regards land stated as under:-

“Dr. G. Shivaprasad is also the Chancellor of Sri Siddhartha Academy of Higher Education who is the applicant for the establishment of new medical college. A lease deed for 99 Years has been made in the name of Sri Siddhartha Academy of Higher Education which has been submitted along with the letter.”

Enclosed alongwith this letter was the copy of Lease Agreement dated 13th October 2016 between Dr. G. Shivaprasad [Lessor] and Sri Siddhartha Academy of Higher Education represented by its President Dr. G. Shivaprasad [Lessee] Details of land in respect of which this lease agreement has been executed and the time period stated in the lease is as under:-

Un-registered Lease Agreement dated 13th October 2016

S.No.	Parties to the Agreement	Land Details	Time Period of Lease
1.	Dr. G. Shivaprasad [Lessor] and Sri Siddhartha Academy of Higher Education represented by its President Dr. G. Shivaprasad [Lessee]	Sy No. 111/, measuring 5 Acres, 20 Guntas, Sy No. 15/3B measuring 1 Acre situated at Dodderi Village, Nelamangala Taluk, Sy No. 254/2, measuring 2 Acres 27.08 Guntas, Sy No. 255/4 measuring 1 Acre 27 Guntas, 254/1 measuring 2 Acres, 25.08 Gunats, Sy No. 255/2 measuring 1 Acre 8 Guntas, Sy No. 255/3 2 Acres 31.08 Guntas situated at T-Begur Village, Nelamangala Taluk, Sy No. 36/11-B1 measuring 29.08 Gunats Sy No. 36/11-B2 measuring 30 Gunats, Sy No. 36/3 measuring 39 Gunats, Sy No. 45/2 measuring 1 Acre 6 Guntas situated at Tippagondanahalli Village, Nelamanala Taluk, (Para -1 of Lease Deed)	The lease of the Scheduled Properties shall be commencing from 13 th Day of October 2016, <u>with a lock-in period of Ninety Nine (99) Years and the same will extended mutually if agreed upon,</u> will be renewed by mutual consent of both the parties by executing a fresh agreement with enhanced rent.

Registered Lease Agreement Dated 14th Day of October 2016

S. NO.	Parties to the Lease Agreement	Land Details	Time Period of Lease
1.	Dr. G. Shivaprasad [Lessor] and Sri Siddhartha Academy of Higher Education represented by its President Dr. G. Shivaprasad [Lessee]	Sy No. 111, measuring 5 Acres, 20 Guntas, conversion order no. ALN(NT) SR 39/2014-15, Sy No. 15/3B, measuring 1 Acre conversion order. ALN (NT) SR 39/2014-15 situated at Dodderi Village, Nelamangala Taluk, Sy No. 254/2, measuring 2 Acres 27.08 Guntas conversion order no. ALN(NK) SR	The lease of the Schedule Properties shall be commencing from 14 th Day of October 2016, <u>with a lock-in period of Twenty Nine Years</u>

		<p>165/2012-13, Sy No. 255/4 measuring 1 Acre 27 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 254/1 measuring 2 Acres, 25.08 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 255/2 measuring 1 Acre 8 Guntas conversion order no. ALN(NK) SR 303/2015-16, Sy No. 255/3 measuring 2 Acres 31.08 Guntas conversion order no. ALN(NK) SR 152/2016-17, situated at T-Begur Village, Nelamangala Taluk, Sy No. 36/11-B1 measuring 29.08 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 36/11 – B2 measuring 30 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 36/3 measuring 39 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 45/2 measuring 1 Acre 6 Guntas situated at Tippagondanahalli Village, Nelamangala Taluk</p>	<p><u>and 11 months and the same will be extended mutually if agreed upon,</u> will be renewed by mutual consent of both the parties by executing a fresh agreement with enhanced rent and same shall be registered.</p>
--	--	---	---

In respect of application submitted for the academic year 2018-19, the applicant has submitted the above-referred documents with the application. It is incumbent upon the applicant to submit complete application with certified copies of land documents that demonstrate that the title of land held by the applicant is in its own name and is clear.

The Central Government has vide its letter dated 26.10 2017 has forwarded certain documents, submitted by the applicant regarding land, details of which are referred in the table below. Further the Central Govt. has stated in its letter that

“4. The College submits that Dr. Shiv Prasad who owns the land has executed a lease deed dated 16.10.2016 for 30 years further extendable in favour of the Trust. Dr. Shiv Prasad is also the President of the Trust.”

[...]

“The college has offered explanation on the land transferred to the Trust through lease deed”

Registered Lease Agreement Dated 14th Day of October 2016

S. NO.	Parties to the Agreement	Land Details	Time Period of Lease
1.	Dr. G. Shivaprasad [Lessor] and Sri Siddhartha Academy of Higher Education represented by its President Dr. G. Shivaprasad [Lessee]	Sy No. 111, measuring 5 Acres, 20 Guntas, conversion order no. ALN(NT) SR 39/2014-15, Sy No. 15/3B, measuring 1 Acre conversion order. ALN (NT) SR 39/2014-15 situated at Dodderi Village,	The lease of the Schedule Properties shall be commencing from 14 th Day of October

		<p>Nelamangala Taluk, Sy No. 254/2, measuring 2 Acres 27.08 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 255/4 measuring 1 Acre 27 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 254/1 measuring 2 Acres, 25.08 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 255/2 measuring 1 Acre 8 Guntas conversion order no. ALN(NK) SR 303/2015-16, Sy No. 255/3 measuring 2 Acres 31.08 Guntas conversion order no. ALN(NK) SR 152/2016-17, situated at T-Begur Village, Nelamangala Taluk, Sy No. 36/11-B1 measuring 29.08 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 36/11 – B2 measuring 30 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 36/3 measuring 39 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 45/2 measuring 1 Acre 6 Guntas situated at Tippagondanahalli Village, Nelamangala Taluk</p>	<p>2016, <u>with a lock-in period of Twenty Nine Years (29) and 11 months and the same will be extended mutually if agreed upon,</u> will be renewed by mutual consent of both the parties by executing a fresh agreement with enhanced rent and same shall be registered.</p>
--	--	---	---

Another Registered Lease Agreement dated 21.11.16 has been submitted by the applicant details of which are as under:

S. NO.	Parties to the Agreement	Land Details	Time Period of Lease
1.	Dr. G. Shivaprasad [Lessor] and Sri Siddhartha Academy of Higher Education represented by its President Dr. G. Shivaprasad [Lessee]	<p>Sy No. 111, measuring 5 Acres, 20 Guntas, conversion order no. ALN(NT) SR 39/2014-15, Sy No. 15/3B, measuring 1 Acre conversion order. ALN (NT) SR 39/2014-15 situated at Dodderi Village, Nelamangala Taluk, Sy No. 254/2, measuring 2 Acres 27.08 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 255/4 measuring 1 Acre 27 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 254/1 measuring 2 Acres, 25.08 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 255/2 measuring 1 Acre 8 Guntas conversion order no. ALN(NK) SR 303/2015-16, Sy No.</p>	<p>The lease of the Schedule Properties shall be commencing from 15th Day of November 2046, <u>with a lock-in period of Twenty Nine Years (29) and 11 months and the same will be extended mutually if agreed upon,</u> will be renewed by mutual consent of both the parties by executing a</p>

		255/3 measuring 2 Acres 31.08 Guntas conversion order no. ALN(NK) SR 152/2016-17, situated at T-Begur Village, Nelamangala Taluk, Sy No. 36/11-B1 measuring 29.08 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 36/11 – B2 measuring 30 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 36/3 measuring 39 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 45/2 measuring 1 Acre 6 Guntas situated at Tippagondanahalli Village, Nelamangala Taluk	fresh agreement with enhanced rent and same shall be registered.
--	--	---	--

Another Registered Lease Agreement dated 28.11.16 has been submitted by the applicant details of which are as under:

S. NO.	Parties to the Agreement	Land Details	Time Period of Lease
1.	Dr. G. Shivaprasad [Lessor] and Sri Siddhartha Academy of Higher Education represented by its President Dr. G. Shivaprasad [Lessee]	Sy No. 111, measuring 5 Acres, 20 Guntas, conversion order no. ALN(NT) SR 39/2014-15, Sy No. 15/3B, measuring 1 Acre conversion order. ALN (NT) SR 39/2014-15 situated at Dodderi Village, Nelamangala Taluk, Sy No. 254/2, measuring 2 Acres 27.08 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 255/4 measuring 1 Acre 27 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 254/1 measuring 2 Acres, 25.08 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 255/2 measuring 1 Acre 8 Guntas conversion order no. ALN(NK) SR 303/2015-16, Sy No. 255/3 measuring 2 Acres 31.08 Guntas conversion order no. ALN(NK) SR 152/2016-17, situated at T-Begur Village, Nelamangala Taluk, Sy No. 36/11-B1 measuring 29.08 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 36/11 – B2 measuring 30 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 36/3 measuring 39 Guntas conversion order no. ALN(NK)	The lease of the Schedule Properties shall be commencing from 16 th Day of August 2076, <u>with a lock-in period of Twenty Nine Years (29) and 11 months and the same will be extended mutually if agreed upon,</u> will be renewed by mutual consent of both the parties by executing a fresh agreement with enhanced rent and same shall be registered.

		SR 39/2014-15, Sy No. 45/2 measuring 1 Acre 6 Guntas situated at Tippagondanahalli Village, Nelamangala Taluk	
--	--	---	--

Another Lease Agreement dated 05.12.2016 has been submitted by the applicant details of which are as under:-

S. NO.	Parties to the Agreement	Land Details	Time Period of Lease
1.	Dr. G. Shivaprasad [Lessor] and Sri Siddhartha Academy of Higher Education represented by its President Dr. G. Shivaprasad [Lessee]	Sy No. 111, measuring 5 Acres, 20 Guntas, conversion order no. ALN(NT) SR 39/2014-15, Sy No. 15/3B, measuring 1 Acre conversion order. ALN (NT) SR 39/2014-15 situated at Dodderi Village, Nelamangala Taluk, Sy No. 254/2, measuring 2 Acres 27.08 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 255/4 measuring 1 Acre 27 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 254/1 measuring 2 Acres, 25.08 Guntas conversion order no. ALN(NK) SR 165/2012-13, Sy No. 255/2 measuring 1 Acre 8 Guntas conversion order no. ALN(NK) SR 303/2015-16, Sy No. 255/3 measuring 2 Acres 31.08 Guntas conversion order no. ALN(NK) SR 152/2016-17, situated at T-Begur Village, Nelamangala Taluk, Sy No. 36/11-B1 measuring 29.08 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 36/11 – B2 measuring 30 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 36/3 measuring 39 Guntas conversion order no. ALN(NK) SR 39/2014-15, Sy No. 45/2 measuring 1 Acre 6 Guntas situated at Tippagondanahalli Village, Nelamangala Taluk	The lease of the Schedule Properties shall be commencing from 16 th Day of July 2106, <u>with a lock-in period of Nine Years and 3 months and the same will be extended mutually if agreed upon,</u> will be renewed by mutual consent of both the parties by executing a fresh agreement with enhanced rent and same shall be registered.

It is to be noted that the lease agreement dated 13.10.16 by way of which the Parties have agreed for a lock-in period of 99 years of lease commences from 13th day of 2016 is not registered.

The subsequent registered lease deed, dated 14.10.2016, commences from 14th day of October 2016 and by this lease deed the Parties have agreed for a lock-in-period of twenty Nine (29) Years and 11 months and the same will be extended mutually if agreed upon, will be renewed by mutual consent of both the

parties by executing a fresh agreement with enhanced rent. Lease Rent fixed is Rs. 1000/- w.e.f. 14th October 2016.

The subsequent lease deed, dated 21.11.2016 commences from **15th day of November 2046** and by this lease deed the Parties have agreed for a lock-in-period of twenty Nine (29) Years and 11 months and the same will be extended mutually if agreed upon, will be renewed by mutual consent of both the parties by executing a fresh agreement with enhanced rent. Lease Rent fixed is Rs. 1000/- w.e.f. 15th November 2016.

The subsequent lease deed, dated 28.11.2016 commences from **16th day of August 2076** and by this lease deed the Parties have agreed for a lock-in-period of twenty Nine (29) Years and 11 months and the same will be extended mutually if agreed upon, will be renewed by mutual consent of both the parties by executing a fresh agreement with enhanced rent. Lease Rent fixed is Rs. 1000/- w.e.f. 16th August 2076.

The subsequent lease deed, dated 05.12.2016 commences from **16th day of July 2106** and by this lease deed the Parties have agreed for a lock-in-period of Nine (9) Years and 3 months and the same will be extended mutually if agreed upon, will be renewed by mutual consent of both the parties by executing a fresh agreement with enhanced rent. Lease Rent fixed is Rs. 1000/- w.e.f. 16th July 2106.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015-Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. *In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:*

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned Medical College should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above, it was decided to reiterate the earlier decision to return the application for establishment of a new medical college at Nelamangala Taluk, Bangalore, Karnataka (Sri Siddhartha Institute of Medical Sciences & Research Centre) by Sri Siddhartha Academy of Higher Education, Tumkur, Karnataka (declared as Deemed to be University u/s 3 of the UGC Act, 1956) recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

36. Establishment of New Medical Self Financed(Green Field) Medical College under Brown Field Health Policy at Dahod, Gujarat (Zydus Medical College, Dahod, Gujarat) by Cadila Health Care Ltd., Gujarat u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of New Medical Self Financed(Green Field) Medical College under Brown Field Health Policy at Dahod, Gujarat (Zydus Medical College, Dahod, Gujarat) by Cadila Health Care Ltd., Gujarat u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council perused the letter from Central Govt., Ministry of Health & FW dated 16.10.2017 along with letter from Institute dt. 04/10/2017 and observed as under:

- i) The revised Essentiality Certificate issued on 03.10.2017 which is well past the last date of submission of application, complete in all respects to the Central Govt. –i.e. 07/07/2017.
- ii) Form V dated 02.08.2017 has been submitted along with letter from Institute dt. 04/10/2017.
- iii) As per representation dated 04.10.2017, the Total amount of land allotted to existing Civil Hospital before the date of application (6/7/2013) is 4.7 Acres +1.1 Acres = 5.7 Acres. Thus the applicant was possessing land in two pieces, one piece of 18.12 acres in village Mauvilla and another 5.7 acres with existing Civil Hospital. The same has been corrected in the revised essentiality certificate. However, the same is well past the last

date of submission of application, complete in all respects to the Central Govt. –i.e. 07/07/2017.

- iv) The date of Lease Deed as per the documents submitted by the college is October, 2017.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015-Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. *In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:*

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned MedicalCollege should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the MedicalCollege concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so fare as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above, it was decided to reiterate the earlier decision to return the application for establishment of New Medical Self Financed(Green Field) Medical College under Brown Field Health Policy at Dahod, Gujarat (Zydus Medical College, Dahod, Gujarat) by Cadila Health Care Ltd., Gujarat recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

37. Establishment of New Medical College at Faridabad, Haryana (Al Falah School of Medical Sciences & Research Centre, Village Dhauj, TikriKheda, Fatehpur, Taga Road, Faridabad, Haryana) by Al Falah University sponsored by Al- Falah Charitable Trust, Haryana u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of New Medical College at Faridabad, Haryana (Al Falah School of Medical Sciences & Research Centre, Village Dhauj, TikriKheda, Fatehpur, Taga Road, Faridabad, Haryana) by Al Falah University sponsored by Al- Falah Charitable Trust, Haryana u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council perused the letter from Central Govt., Ministry of Health & FWdated 16.10.2017 along with letter from Institute dt. 04/10/2017 and observed as under:

- (1) With regard to Essentiality Certificate, complete Essentiality in the required format for Academic Year 2018-2019 was not attached with the application .Even the letter from the Institute states that it was issued on 29/09/2017 which is well past the last date of submission of application –i.e .07/07/2017.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015-Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the

application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned Medical College should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above, it was decided to reiterate the earlier decision to return the application for establishment of new medical college at Faridabad, Haryana (Al Falah School of Medical Sciences & Research Centre, Village Dhauj, TikriKheda, Fatehpur, Taga Road, Faridabad, Haryana) by Al Falah University sponsored by Al- Falah Charitable Trust, Haryana recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

38. Establishment of New Self Finance Medical College at Mehsana, Gujarat (Nootan Medical College and Research Centre, Visnagar) by Nootan Sarva Vidhyalaya Kelavani Mandal, Visnagar, Gujarat u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of New Self Finance Medical College at Mehsana, Gujarat (Nootan Medical College and Research Centre, Visnagar) by Nootan Sarva Vidhyalaya Kelavani Mandal, Visnagar, Gujarat u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council perused the letter from Central Govt., Ministry of Health & FW dated 16.10.2017 along with letter from Institute dt. 03/10/2017 and observed as under:

- (1) Consent of Affiliation in the prescribed format was not attached with the application and is now enclosed in the prescribed format but on the same date and number i.e. 20.06.2017.
- (2) Due Diligence Certificate of Advocate is issued only on 03.10.2017.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust (Regd.) and Another Vs. Union of India and Anrs.:-

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015-Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. *In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:*

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned MedicalCollege should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the MedicalCollege concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so fare as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above, it was decided to reiterate the earlier decision to return the application for establishment of New Self Finance Medical College at Mehsana, Gujarat (Nootan Medical College and Research Centre, Visnagar) by Nootan Sarva Vidhyalaya Kelavani Mandal, Visnagar, Gujarat recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

39. Establishment of New Medical College at Sindhudurg, Maharashtra (Sindhudurga Shikshan Prasarak Mandal (S.S.P.M.) Medical College & Lifetime Hospital, Sindhudurg) by Sindhudurg Shikshan Prasarak Mandal, Sindhudurg, Maharashtra u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of New Medical College at Sindhudurg, Maharashtra (Sindhudurga Shikshan Prasarak Mandal (S.S.P.M.) Medical College & Lifetime Hospital, Sindhudurg) by Sindhudurg Shikshan Prasarak Mandal, Sindhudurg, Maharashtra u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council perused the letter from Central Govt., Ministry of Health & FW dated 16.10.2017 along with letter from Institute dt. 02/10/2017 and observed as under:

- (1) Essentiality Certificate in the prescribed format is still not available.
- (2) Due Diligence Certificate of the Advocates is issued on 02/10/2017.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015-Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned Medical College should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above, it was decided to reiterate the earlier decision to return the application for establishment of new medical college at Sindhudurg, Maharashtra (Sindhudurga Shikshan Prasarak Mandal (S.S.P.M.) Medical College & Lifetime Hospital, Sindhudurg) by Sindhudurg Shikshan Prasarak Mandal, Sindhudurg, Maharashtra recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

40. Establishment of new medical college at Hazaribagh, Jharkhand by Govt. of Jharkhand u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Hazaribagh, Jharkhand by Govt. of Jharkhand u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council perused the letter from Central Govt., Ministry of Health & FW dated 16.10.2017 along with letter from Institute dt. 05/10/2017 and observed as under:

- (1) The applicant college has failed to fulfill the mandatory and statutory pre-condition at Sr. No. 2(5) of the qualifying criteria of owning & managing of a functional hospital of not less than 300 beds laid down in the Establishment of Medical College Regulations, 1999.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust (Regd.) and Another Vs. Union of India and Anrs.:-

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015-Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned MedicalCollege should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the MedicalCollege concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so fare as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above, it was decided to reiterate the earlier decision to return the application for establishment of new medical college at Hazaribagh, Jharkhand by Govt. of Jharkhand recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

41. Establishment of new medical college at Dumka, Jharkhand(Govt. Medical College, Dumka) by Govt. of Jharkhand u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Dumka, Jharkhand (Govt. Medical College, Dumka) by Govt. of Jharkhand u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council perused the letter from Central Govt., Ministry of Health & FW dated 16.10.2017 along with letter from Institute dt. 05/10/2017 and observed as under:

- (1) The applicant college has failed to fulfill the mandatory and statutory pre-condition at Sr. No. 2(5) of the qualifying criteria of owning & managing of a functional hospital of not less than 300 beds laid down in the Establishment of Medical College Regulations, 1999.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015-Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. *In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:*

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned Medical College should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above, it was decided to reiterate the earlier decision to return the application for establishment of new medical college at Dumka, Jharkhand (Govt. Medical College, Dumka) by Govt. of Jharkhand recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

42. Establishment of new medical college at Palamu, Jharkhand by Govt. of Jharkhand u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Palamu, Jharkhand by Govt. of Jharkhand u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council perused the letter from Central Govt., Ministry of Health & FW dated 16.10.2017 along with letter from Institute dt. 05/10/2017 and observed as under:

- (1) The applicant college has failed to fulfill the mandatory and statutory pre-condition at Sr. No. 2(5) of the qualifying criteria of owning & managing of a functional hospital of not less than 300 beds laid down in the Establishment of Medical College Regulations, 1999.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015- Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr..:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned MedicalCollege should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the MedicalCollege concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so fare as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above, it was decided to reiterate the earlier decision to return the application for establishment of new medical college at Palamu, Jharkhand by Govt. of Jharkhand recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

43. Establishment of New Medical College at Shivajinagar, Bangalore, Karnataka (Bowring & Lady Curzon Medical College & Research Institute, Shivajinagar, Bangalore, Karnataka) by Government of Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of New Medical College at Shivajinagar, Bangalore, Karnataka (Bowring & Lady Curzon Medical College & Research Institute, Shivajinagar, Bangalore, Karnataka) by Government of Karnataka u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council perused the letter from Central Govt., Ministry of Health & FW., dated 16.10.2017 along with letter from Institute dt. 04/10/2017 and 21.10.2017 and observed as under:

(1) The fact that the State Government intends to establish a new medical college attached with lady Curzon Hospital (525 beds) is communicated vide letter dt. 04/10/2017 & 21/10/2017 which is long past the last date of submission of application. Further, this hospital was earlier affiliated to Bangalore Medical College.

(2) The college has stated in the documents that have been forwarded to the Council by the MOHFW that vide Government Order No. HFW 324 MMC 2016, Bangalore, dated 16.12.2016. The Government of Karnataka as per the Order No. cited above has granted permission to start a new medical college in Bowring & Lady Curzon Hospital premises and the Government has handed over Bowring & lady Curzon Hospital as teaching hospital to the custody of newly commencing Bowring & Lady Curzon Medical College & Research Institute and the same was registered under society Act. However, neither has such a document been submitted by the applicant at the time of submission of application nor has it been forwarded by the MOHFW to MCI after grant of hearing to the applicant.

(3) The applicant had not enclosed Form-5 of the Establishment of Medical College Regulation, 1999, pertaining to the certificate issued by District Collector/District Magistrate/Deputy Commissioner of the District or the competent authority so designated by the State Govt. regarding land, as prescribed in the regulations as well as certified copy of the title deeds at the time of submission of application and has only now submitted Form 5 which is dated 19.10.2017 i.e. long past the last date of submission of application.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015-Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned Medical College should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above, it was decided to reiterate the earlier decision to return the application for establishment of new medical college at Shivajinagar, Bangalore, Karnataka (Bowring & Lady Curzon Medical College & Research Institute, Shivajinagar, Bangalore, Karnataka) by Government of Karnataka recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2018-19 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

44. Increase in MBBS seats from 150 to 250 at Tirunelveli Medical College, Tirunelveli u/s 10A of the IMC Act, 1956.

Read: the matter with regard to increase in MBBS seats from 150 to 250 at Tirunelveli Medical College, Tirunelveli u/s 10A of the IMC Act, 1956.

The Executive Committee of the Council perused the letter from Central Govt., Ministry of Health & FW dated 16.10.2017 along with letter from Institute dt. 05/10/2017 and observed that admittedly revised Essentiality Certificate is issued on 05.10.2017 which is well past the last date of submitting the application – i.e. 07/07/2017.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015-Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. *In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:*

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned MedicalCollege should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the MedicalCollege concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so fare as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of the above, the Executive Committee of the Council reiterated its earlier decision to return the application for increase in MBBS seats from 150 to 250 at Tirunelveli Medical College, Tirunelveli for the academic year 2018-2019 recommending disapproval of the scheme to the Central Govt. as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

45. Increase in MBBS seats from 150 to 250 at Madurai Medical College, Madurai u/s 10A of the IMC Act, 1956.

Read: the matter with regard to increase in MBBS seats from 150 to 250 at Madurai Medical College, Madurai u/s 10A of the IMC Act, 1956.

The Executive Committee of the Council perused the letter from Central Govt., Ministry of Health & FWdated 16.10.2017 along with letter from Institute dt. 05/10/2017 and observed that admittedly revised Essentiality Certificate is issued on 05.10.2017 which is well past the last date of submitting the application – i.e. 07/07/2017.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015-Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. *In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:*

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned MedicalCollege should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.

In view of the above, the Executive Committee of the Council reiterated its earlier decision to return the application for increase in MBBS seats from 150 to 250 at Madurai Medical College, Madurai for the academic year 2018-2019 recommending disapproval of the scheme to the Central Govt. as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

46. Increase in MBBS seats from 150 to 250 at Chettinad Hospital & Research Institute, Kanchipuram u/s 10A of the IMC Act, 1956.

Read: the matter with regard to increase in MBBS seats from 150 to 250 at Chettinad Hospital & Research Institute, Kanchipuram u/s 10A of the IMC Act, 1956.

The Executive Committee of the Council perused the letter from Central Govt., Ministry of Health & FW dated 16.10.2017 along with letter from Institute dt. 03/10/2017 and observed as under:-

- (1) Consent of Affiliation in the prescribed format is submitted to the Central Govt. only on 11/09/2017 which is well past the last date of application – i.e. 07/07/2017. Thus admittedly it was not available and attached with the application.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust (Regd.) and Another Vs. Union of India and Anrs.:-

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015-Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned Medical College should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of the above, the Executive Committee of the Council reiterated its earlier decision to return the application for increase in MBBS seats from 150 to 250 at Chettinad Hospital & Research Institute, Kanchipuram for the academic year 2018-2019 recommending disapproval of the scheme to the Central Govt. as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

47. Establishment of new medical college at Paripally, Kollam, Kerala (Govt. Medical College, Paripally, Kollam) by Govt. of Kerala with an annual intake of 100 MBBS students under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2017-18.

Read: the matter with regard to establishment of new medical college at Paripally, Kollam, Kerala (Govt. Medical College, Paripally, Kollam) by Govt. of Kerala with an annual intake of 100 MBBS students under Kerala University of

Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2017-18.

The Executive Committee of the Council observed that the the matter with regard to establishment of new medical college at Paripally, Kollam, Kerala (Govt. Medical College, Paripally, Kollam) by Govt. of Kerala under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 had been considered by the Executive Committee at its meeting held on 21.03.2017 and it was decided as under:-

"The Executive Committee of the Council observed that at its meeting dt. 22/12/2016, it was decided as under:

"...

In view of above and as the applicant has failed to meet the qualifying criteria u/s 3(2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Paripally, Kollam, Kerala)Govt .Medical College, Paripally, Kollam (by Govt .of Kerala under Kerala University of Health Sciences, Thrissur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2017-18 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year".

The Executive Committee of the Council considered the letter dated 20.02.2017 received from the Central Govt., Ministry of Health & Family Welfare, New Delhi forwarding therewith the representation/compliance dated 09.02.2017 submitted by the Principal, Govt .Medical College, Kollam.

The Executive Committee noted that the Ministry under its Committee had given personal hearing to the authorized representatives of the medical colleges/applicants on 09.02.2017 and 10.02.2017 and forwarded observations/recommendations of the Committee constituted by the Ministry in the matter, which is as under:-

"The hospital has been fully transferred by ESIC to the Govt .of Kerala on 22.10.2016 .As per submission made by DME, Kerala, the shortage of faculty and residents is reduced to 1.7 %and 4.4%.respectively .Other deficiencies are being rectified.

Recommended for review by MCI".

The Executive Committee further noted that the college authorities has also submitted an undertaking certificate dated 09.02.2017 of the Additional Chief Secretary, Health & Family Welfare Department, Govt .of Kerala, Secretariat, Thiruvananthapuram with regard to providing sufficient funds for this institution, under the Plan and Non-Plan heads to meet all the fixed and recurring expenditure.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P).C (No .705/2015-Royal Medical Trust)Regd (.and Another Vs .Union of India and Anrs-:.

".....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage...."

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015- Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr..:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned MedicalCollege should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the MedicalCollege concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so fare as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above, it was decided to reiterate the earlier decision to return the application for establishment of a new medical college at Paripally, Kollam, Kerala)Govt .Medical College, Paripally, Kollam (by Govt .of Kerala under Kerala University of Health Sciences, Thrissur to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2017-18 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.”

The above decision of the Executive Committee was communicated to the Central Govt. vide Council's letter dated 20.04.2017 with copy to the Oversight Committee.

The Central Govt. vide its letter dated 15.05.2017 had forwarded an undertaking/documents received from the Govt. of Kerala and college authorities and informed that the Oversight Committee already conveyed its approval to Govt. Medical College, Paripally, Kollam(Establishment of New Medical College).

The Executive Committee further observed that the Central Govt. vide its letter dated 31.05.2017 had issued Letter of Permission for establishment of new medical college at Paripally, Kollam for the academic year 2017-2018 in pursuance of the Oversight Committee Directive with the following conditions:-

- (i) The applicant shall submit to MHFW, within 15 days of issue of notification of approval by MHFW u/s 10A(4) of IMC Act, 1956, the following:-
- (a) An undertaking affirming fulfillment of all deficiencies and statements made in the compliance report submitted to MCI/MHFW which are signed by Chief Secretary/health Secretary of the State.
 - (b) MHFW may thereafter, at any time in 2017-2018, direct inspection to verify the compliance submitted by the college and
 - (c) In default of the conditions (a) and (b) above, and if the compliances are found incomplete in the inspection to be conducted at the instance of MHFW, the college will be debarred from fresh intake of students for 2 years commencing 2018-2019..”

In reference to above, the Council Office had received a letter dated 13.07.2017 from the Central Govt. wherein the Central Govt. requested the Council to conduct the inspection of the said college in terms of condition (i)(b) as mentioned in the Central Govt. letter dated 31.05.2017.

The Executive Committee also observed that an assessment to verify the compliance submitted by the college authorities on the deficiencies pointed out in the MCI assessment report dated 21st& 22nd November, 2016 for grant of Letter of Permission for Establishment of new medical college at Paripally, Kollam (Govt. Medical College, Paripally, Kollam) by Govt. of Kerala with an annual intake of 100 MBBS students under Kerala University of Health Sciences, Thiruvananthapuram u/s 10A of the IMC Act, 1956 for the academic year 2017-18 was carried out by the Council Assessors on 14.09.2017 with reference to conditional approval accorded by the Oversight Committee.

Accordingly, the Executive Committee of the Council considered the assessment report(30th& 31st Oct., 2017) alongwith previous assessment reports(14th Sept., 2017 & 21st& 22nd November, 2016) alongwith an undertaking dated 08/11/2017 received from the Director, Directorate of Medical Education, Kerala, Thiruvananthapuram and letter/representation dated 06/11/2017 of the college authorities and noted the following:-

1. Shortage of Residents is 12.76 % as detailed in the report.
2. Casualty: Separate Casualty for O.G. is not available.
3. O.T.s: Only 2 Major O.T.s are functional against requirement of 4. Septic O.T. is not available.
4. ICUs: ICCU, PICU are not available.
5. Radiodiagnosis department: Only 1 Mobile X-ray machine is available which is used only for Paediatrics department; resultantly there is NIL Mobile X-ray machine available for general use. AERB approval is not available for any X-ray machine.
6. ETO Sterilizer is not available.
7. Audiometry & Speech Therapy are handled by the same person which is not permissible.
8. No kitchen facilities are available for patients. No food is supplied to patients.
9. Teaching areas in OPD & Wards are yet to be made functional.
10. Central Photography section: Equipment are not available.
11. Other deficiencies as pointed out in the assessment report.

The Executive Committee of the Council further noted that the college has failed to abide by the undertaking it had given to the Central Govt. that there are no deficiencies. The Executive Committee, after due deliberation and discussion, has decided that the college has failed to comply with the stipulation laid down by the Oversight Committee and GOI in its letter of permission dt. 31.05.2017. Accordingly, the Executive Committee recommends that as per the directions passed by Oversight Committee and GOI in its letter of permission dt. 31.05.2017, the college should be debarred from admitting students in the above course for a period of two academic years i.e. 2018-19 & 2019-20 as even after giving an undertaking that they have fulfilled the entire infrastructure for

establishment of new medical college at Paripally, Kollam, Kerala (Govt. Medical College, Paripally, Kollam) by Govt. of Kerala with an annual intake of 100 MBBS students under Kerala University of Health Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2017-18, the college was found to be grossly deficient.

48. Establishment of new medical college at Baripada (Pt. Raghunath Murmu Medical College & Hospital, Baripada), Odisha by Govt. of Odisha with an annual intake of 100 MBBS students under North Odisha University, Baripada u/s 10A of the IMC Act, 1956 for the academic year 2017-18.

Read: the matter with regard to establishment of new medical college at Baripada (Pt. Raghunath Murmu Medical College & Hospital, Baripada), Odisha by Govt. of Odisha with an annual intake of 100 MBBS students under North Odisha University, Baripada u/s 10A of the IMC Act, 1956 for the academic year 2017-18.

The Executive Committee of the Council observed that the matter with regard to establishment of new medical college at Baripada (Pt. Raghunath Murmu Medical College & Hospital, Baripada), Odisha by Govt. of Odisha under North Odisha University, Baripada u/s 10A of the IMC Act, 1956 for the academic year 2017-18 had been considered by the Executive Committee at its meeting held on 28.03.2017 and it was decided as under:-

“The Executive Committee of the Council observed that at its meeting dt. /01/132017, it was decided as under:

“... ”

In view of above and as the applicant has failed to meet the qualifying criteria u/s 3(2)(5) of Establishment of Medical College Regulations, 1999 pertaining to the person owning and managing a hospital of not less than 300 beds, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Baripada (Pt. Raghunath Murmu Medical College & Hospital, Baripada), Odisha by Govt. of Odisha under North Odisha University, Baripada to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2017-18 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.”

The Executive Committee of the Council considered the letter dated 22.03.2017 received from the Central Govt., Ministry of Health & Family Welfare, New Delhi forwarding therewith the representation/compliance dated 12.03.2017 submitted by the Dean & Principal, Pt. Raghunath Murmu Medical College & Hospital, Baripada, Odisha.

The Executive Committee noted that the Ministry under its Committee had given personal hearing to the authorized representatives of the medical colleges/applicants on 15.03.2017 and forwarded observations/recommendations of the Committee constituted by the Ministry in the matter, which is as under:-

“The college is coming up under the Centrally Sponsored Scheme.

It would be appropriate if MCI could verify the compliance offering some time to the college”.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P).C (No .705/2015-Royal Medical Trust)Regd (.and Another Vs .Union of India and Anrs-:.

“.....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be

incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015- Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr..:-

16. *In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:*

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned MedicalCollege should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the MedicalCollege concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so fare as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above, the Executive Committee of the Council decided to reiterate the earlier decision of returning the application for establishment of a new medical college at Baripada (Pt. Raghunath Murmu Medical College & Hospital, Baripada), Odisha by Govt. of Odisha under North Odisha University, Baripada to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2017-18 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.”

The above decision of the Executive Committee was communicated to the Central Govt. vide Council's letter dated 20.04.2017 with copy to the Oversight Committee.

Thereafter, the Council Office had received a letter dated 11.05.2017 from the Commissioner-cum-Secretary to the Govt. of Odisha addressed to the Central Govt. and copy to the Council alongwith the compliance dated 26.4.2017 submitted by the college authorities.

The Executive Committee further observed that the Central Govt. vide its letter dated 15.05.2017 had also forwarded a copy of the said compliance and informed that the Oversight Committee already conveyed its approval to Pandit

Raghunath Murmu Medical College, Baripada, Odisha(Establishment of New Medical College) .

The Central Govt. vide its letter dated 31.05.2017 had issued Letter of Permission for establishment of new medical college at Baripada for the academic year 2017-2018 in pursuance of the Oversight Committee Directive with the following conditions:-

- (i) The applicant shall submit to MHFW, within 15 days of issue of notification of approval by MHFW u/s 10A(4) of IMC Act, 1956, the following:-
 - (a) An undertaking affirming fulfillment of all deficiencies and statements made in the compliance report submitted to MCI/MHFW which are signed by Chief Secretary/health Secretary of the State.
 - (b) MHFW may thereafter, at any time in 2017-2018, direct inspection to verify the compliance submitted by the college and
 - (c) In default of the conditions (a) and (b) above, and if the compliances are found incomplete in the inspection to be conducted at the instance of MHFW, the college will be debarred from fresh intake of students for 2 years commencing 2018-2019..”

In reference to above, the Council Office had received a letter dated 13.07.2017 from the Central Govt. wherein the Central Govt. requested the Council to conduct the inspection of the said college in terms of condition (i)(b) as mentioned in the Central Govt. letter dated 31.05.2017.

The Executive Committee further observed that an assessment to verify the compliance submitted by the college authorities on the deficiencies pointed out in the MCI assessment report dated 21st& 22nd December, 2016 for grant of Letter of Permission for establishment of new medical college at Baripada (Pt. Raghunath Murmu Medical College & Hospital, Baripada), Odisha by Govt. of Odisha with an annual intake of 100 MBBS students under North Odisha University, Baripada u/s 10A of the IMC Act, 1956 for the academic year 2017-18 was carried out by the Council Assessors on 18th September, 2017 with reference to conditional approval accorded by the Oversight Committee. The item was deferred by the Executive Committee at its meeting held on 25.10.2017. In the meantime, another assessment was conducted on 30th and 31st October, 2017.

Accordingly, the Executive Committee of the Council considered the assessment report (30th& 31st Oct., 2017) alongwith previous assessments reports(18th Sept., 2017 & 21st& 22nd Dec., 2016) alongwith letter dated 01/11/2017 received from the college authorities noted the following:-

1. Deficiency of faculty is 10.58 % as detailed in the report.
2. Administrative experience of Dr. N.N. Soren, Medical Superintendent is not shown.
3. Shortage of Residents is 40.42 % as detailed in the report.
4. Nursing staff: 166 Nursing staff are available against requirement of 175.
5. Paramedical & Non-teaching staff: 66 Paramedical & Non-teaching staff are available against requirement of 101.
6. OPD: Registration counters are not separate for males/females. Separate Registration counters for OPD/IPD are not available. Only 2 Examination rooms are available in Major departments against requirement of 4 for each Major department. Separate Injection rooms for males/females are not available. Separate Dressing rooms are not available for males/females.
7. Speech Therapy is not available.
8. Wards: Examination/Treatment room, Pantry are not available in any ward. Only 2 Demonstration rooms are available amongst all rooms.
9. Casualty: Central O₂ and Central Suction are not available. Separate Casualty for O.G. is not available. Mobile X-ray Unit is not functional.

10. O.T.: Central O₂ and Central Suction are not available. Preoperative beds are not available.
11. Radiodiagnosis department: 1 Static X-ray machine is available against requirement of 2. 1 Mobile X-ray machine is available against requirement of 2. 1 USG machine is available against requirement of 2.
12. MRD: It is partially computerized. ICD X classification of Diseases is not followed for indexing of diseases.
13. Central Library: 17 Journals are available against requirement of 20. Internet Nodes are not available.
14. Central Photography Section is not available.
15. Students' Hostels: Visitors' room, A.C. Reading room with Computer & Internet are not available.
16. Residents' Hostel: Visitors' room, A.C. Reading room with Computer & Internet are not available. It is partially furnished.
17. Anatomy department: Museum is not available. Microscopes are not available in Practical laboratory. Only 1 set of Articulated Bones is available. Cold storage is not available. Band Saw is not available.
18. Physiology department: No instruments are available in Clinical Physiology Laboratory.
19. Website is not available. Staff room is not available.
20. Pharmaco Vigilance Committee is not constituted.
21. Other deficiencies as pointed out in the assessment report.

The Executive Committee of the Council further noted that the college has failed to abide by the undertaking it had given to the Central Govt. that there are no deficiencies. The Executive Committee, after due deliberation and discussion, has decided that the college has failed to comply with the stipulation laid down by the Oversight Committee and GOI in its letter of permission dt. 31.05.2017. Accordingly, the Executive Committee recommends that as per the directions passed by Oversight Committee and GOI in its letter of permission dt. 31.05.2017, the college should be debarred from admitting students in the above course for a period of two academic years i.e. 2018-19 & 2019-20 as even after giving an undertaking that they have fulfilled the entire infrastructure for establishment of new medical college at Baripada (Pt. Raghunath Murmu Medical College & Hospital, Baripada), Odisha by Govt. of Odisha with an annual intake of 100 MBBS students under North Odisha University, Baripada u/s 10A of the IMC Act, 1956 for the academic year 2017-18, the college was found to be grossly deficient.

49. Establishment of new medical college at Patancheru, Medak Dist., Telangana (TRR Institute of Medical Sciences) by St. Augustin Educational Society, Hyderabad, Telangana with an annual intake of 150 MBBS students under Kaloji Narayan Rao University of Health Sciences, Warangal u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to establishment of new medical college at Patancheru, Medak Dist., Telangana (TRR Institute of Medical Sciences) by St. Augustin Educational Society, Hyderabad, Telangana with an annual intake of 150 MBBS students under Kaloji Narayan Rao University of Health Sciences, Warangal u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the assessment report (7th and 8th November, 2017) alongwith a letter dated 07.11.2017 of the Council Assessors and noted the following:-

1. Both College & Hospital are Non-functional .
2. SAF Part I pertaining to information about the college is not submitted by the Institute.
3. Dean & Medical Superintendent are not appointed as yet .
4. Deficiency of faculty is 100 %as detailed in the report .

5. Shortage of Residents is 100 % as detailed in the report .
6. NIL Nursing staff was shown .
7. NIL Paramedical & Non-teaching staff was shown .
8. No clinical material is available as it is a non-functional hospital .
9. OPD :It is not functional.
10. Wards :They are not functional .There was not a single patient in any ward.
11. Casualty :There is NIL patient at time of visit .Central O₂ and Central Suction are not functional .
12. Central Clinical laboratory is not functional .
13. O.T.s :4 O.T.s are available but not functional .
14. ICUs :There was NIL patient in ICCU as well as all ICUs on day of assessment.
15. Labour room is not functional .
16. NIL Mobile X-ray machine is available .AERB approval for Static machines has expired .PNDT approval for USG machines has expired .
17. Blood Bank is not functional .
18. CSSD :It is not functional .
19. Kitchen is not functional .
20. Website is not available .
21. MRD :It is not available .
22. Lecture Theaters :They are not fully furnished .
23. Central Library :It is not functional.
24. Students', Residents ' & Nurses 'Hostels, Central Photography Section, Common Rooms for Boys & Girls, Residential Quarters for faculty & Non-teaching staff are not available .
25. Anatomy department :Histology Laboratory is not available .Embalming room is not available .Overall, the department is not functional .
26. Physiology department :Mammalian Laboratory, Amphibian Laboratory are not available .Overall, the department is not functional .
27. Biochemistry department :Overall, the department is not functional .
28. MEU :It is non-functional.
29. College Council :It is not functional .
30. Pharmaco Vigilance Committee is not yet constituted .
31. Other deficiencies as pointed out in the assessment report.

The Executive Committee noted that Regulation 8(3)(1)(a) of the Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 and amended on 18th March, 2016 provides as under:-

“8(3)(1),.....

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

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8 (3)(1)(a) of the Establishment of Medical College Regulation, 1999 and disapprove the application for establishment of a new medical college at Patancheru, Medak Dist., Telangana (TRR Institute of Medical Sciences) by St. Augustin Educational Society, Hyderabad, Telangana with an annual intake of 150 MBBS students under Kaloji Narayan Rao University of Health Sciences, Warangal u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

50. Renewal of permission for admission of 3rd batch of 150 MBBS students of Mahavir Institute of Medical Sciences, Vikarabad, Telangana under Kaloji Narayana Rao University of Health Sciences, Telangana u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for admission of 3rd batch of 150 MBBS students of Mahavir Institute of Medical Sciences, Vikarabad, Telangana under Kaloji Narayana Rao University of Health Sciences, Telangana u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the assessment report (8th and 9th November, 2017) in pursuance of the judgment/order dated 22.09.2017 passed by the Hon'ble Supreme Court in W.P. (C) No. 437/2017 filed by M/s. Mahavir Institute of Medical Science – Vs – Union of India & Anr., and noted the following:-

1. Deficiency of faculty is 7.00 % as detailed in the report .
2. Shortage of Residents is 6.1 % as detailed in the report .
3. OPD attendance at 2 p.m .on day of assessment is 686 against requirement of 750 .
4. CT Scan is not available .
5. 1 USG machine is available against requirement of 2 .
6. ICUs :PICU & NICU have 3 beds each against requirement of 5 beds each .Only 1 patient is available in PICU on day of assessment .
7. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch (150 seats) of Mahavir Institute of Medical Sciences, Vikarabad, Telangana under Kaloji Narayana Rao University of Health Sciences, Telangana u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

51 Renewal of permission for MBBS course for 3rd batch (100 seats) of S.R. Medical College & Research Centre, Kerala under The Kerala University of Health & Allied Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (100 seats) of S.R. Medical College & Research Centre, Kerala under The Kerala University of Health & Allied Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the assessment report (6th and 7th November, 2017) and noted the following:-

1. Deficiency of faculty is 12.64 % as detailed in the report .
2. Shortage of Residents is 15.21 % as detailed in the report .
3. OPD attendance at 2 p.m .on day of assessment is 575 against requirement of 600 .
4. Bed Occupancy at 10 a.m .on day of assessment is 37 .%
5. There was NIL Major Operation on day of assessment .
6. There was NIL Normal Delivery on day of assessment .
7. Workload of Histopathology was NIL on day of assessment .
8. OPD :Separate Registration counters for male/female are not available . Registration counters for OPD/IPD patients are not separate .
9. Audiometry room is not air-conditioned .Speech Therapy is not available .
10. Casualty :Separate Casualty for O.G .is not available .
11. O.T.s :They are under renovation .
12. ICUs :There was NIL patient in SICU and only 1 patient in ICCU and 2 patients each in MICU, PICU/NICU .

13. Radiodiagnosis department :Only 1 Mobile X-ray machine is available against requirement of 2 .Only 1 Static X-ray machine is available against requirement of 2 .
14. C.T .Scan is not available .
15. CSSD :Receiving & Distribution points are not separate .
16. Central Research Laboratory is not functional .
17. Lecture Theaters :2 Lecture Theaters are available against requirement of 3 .
18. Central Library :Students 'Reading room)Outside (is not furnished .2,968 books are available against requirement of 3,000 .
19. Central Photography section is not available .
20. Students 'Hostels :They are shared with BDS students .
21. Residents 'Hostel :It is not available.
22. Residential Quarters :NIL quarters are available for Non-teaching staff .
23. Pathology department :Audiovisual aids are not available .Specimens are not available in the Museum .4 Service Laboratories are not available .
24. Microbiology department: Audiovisual aids are not available .Museum is not available .7 Service Laboratories are not available .Media Preparation facility, Autoclaving are not available .
25. Pharmacology department :Audiovisual aids are not available .Museum is not available. Clinical Pharmacology laboratory is not available .
26. Forensic Medicine department :Audiovisual aids are not available .Museum is not available .Cold storage is not available .Autopsy block is under construction.
27. Community Medicine department :Audiovisual aids are not available .Museum is not available .Practical Laboratory is not available .It is not furnished .
28. RHTC :Cold chain equipment is not available .Survey/MCH/Immunization/FW Registers are not available.
29. CME :There was no CME activity during the year .
30. Other deficiencies as pointed out in the assessment report

The Executive Committee noted that Regulation 8(3)(1)(a) of the Establishment of Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 and amended on 18th March,2016 provides as under:-

“8(3)(1).....

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

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8 (3)(1)(a) of the Establishment of Medical College Regulation, 1999 and disapprove the application of the S.R. Medical College & Research Centre, Kerala under The Kerala University of Health & Allied Sciences, Thrissur u/s 10A of the IMC Act, 1956 for renewal of permission of MBBS course 3rd batch (100 seats) for the academic year 2018-2019.

52 Renewal of permission for MBBS course for 3rd batch (150 seats) of Kerala Medical College, Palakkad, Kerala under The Kerala University of Health & Allied Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of Kerala Medical College, Palakkad, Kerala under The Kerala University of Health & Allied Sciences, Thrissur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

The Executive Committee of the Council considered the assessment report (6th and 7th November, 2017) alongwith a letter/representation dated 07.11.2017 from the Principal of the college and noted the following:-

1. Deficiency of faculty is 67 %as detailed in the report .
2. Shortage of Residents is 75.50 %as detailed in the report .
3. Bed Occupancy is 14.33 %at 10 a.m .on day of assessment .
4. There was only 1 Normal Delivery & NIL Caesarean Section on day of assessment .
5. No registers are maintained for Radiological & Laboratory investigations; hence accuracy of data cannot be verified .
6. ICUs :There were NIL patient in ICCU, SICU; Only 1 patient in MICU & 2 patients in PICU/NICU on day of assessment .
7. Data of OPD attendance, Casualty attendance submitted by Institute appear to be inflated .
8. OPD :Registers for Child Welfare clinic, Child Rehabilitation clinic are not available .In Paediatrics OPD .There is no data entry in Sterility clinic after 29/07/2017 and in Cancer Detection clinic after 12/07/2017 .
9. A.C .Soundproof Audiometry and Speech Therapy are not available .
10. 2 Static X-ray machines are available against requirement of 3 .
11. Blood Bank :NIL Unit was dispensed on day of assessment .
12. ETO Sterilizer is not available .
13. Pathology & Microbiology departments are under construction .
14. Pharmacology, Forensic Medicine, Community Medicine departments are non functional and all rooms are empty without furniture.
15. Central Research Laboratory is not available .
16. Examination Hall :1 Examination Hall is available against requirement of 2 .
17. Lecture Theaters :2 Lecture Theaters are available against requirement of 3.
18. Central Library :3,076 books are available against 4,000 .29 Journals are available against requirement of 40 .It is partially air-conditioned .
19. Residential Quarters :14 quarters are available for faculty against requirement of 20 .22 quarters are available for Non-teaching staff against requirement of 36 .
20. RHTC :Registers of Specialists 'visits are not available .
21. UHC :No records of Diagnostic camps purportedly organized by the Institute were shown .There are no records of Specialists 'visits .
22. Other deficiencies as pointed out in the assessment report

The Executive Committee noted that Regulation 8(3)(1)(a) of the Establishment of Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 and amended on 18th March,2016 provides as under:-

“8(3)(1).....

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

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance

of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8 (3)(1)(a) of the Establishment of Medical College Regulation, 1999 and disapprove the *application* of the Kerala Medical College, Palakkad, Kerala under The Kerala University of Health & Allied Sciences, Thrissur u/s 10A of the IMC Act, 1956 for renewal of permission of MBBS course 3rd batch(150 seats) for the academic year 2018-2019.

53. Renewal of permission for admission of 3rd batch of 150 MBBS students at Sakshi Medical College & Research Centre, Guna, M.P. under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the Academic Session 2018-19.

Read: the matter with regard to renewal of permission for admission of 3rd batch of 150 MBBS students at Sakshi Medical College & Research Centre, Guna, M.P. under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the Academic Session 2018-19.

The Executive Committee of the Council perused the letter from Assessors dated 13.11.2017 which reads as under:

“With reference to the subject cited above, we have the honor to state that as per order, we met the Dean at 10 AM on 13th November 2017 and intimated regarding the assessment. However, the college authorities denied the assessment and gave the reason which is attached herewith. So, the assessment could not be conducted in this medical college. ”

The Executive Committee also perused the letter from the Dean, Sakshi Medical College & Research Centre, Myana, Guna vide his letter dated 13/11/2017 informing as under:-

“ We are the Sakshi Medical College and Research Centre situated at Village Myana, Distt. Guna, M.P. and we have requested to the Secretary, Medical Council of India, New Delhi, for conducting the inspection of second batch, with our request letter no.MCRC/Est./01/MohFW/MCI/OC/2016-2017/094, dated 24.10.2017 and still waiting for your reply. Till date we did not get any reply from Council and today we are not ready for the inspection because we are not sure that MCI will conduct inspection for second batch or third batch. Due to sudden death of our trustee’s in laws on 11th Nov., 2017 our most of the teaching and non teaching staff have gone to attend condolence meeting at his home.”

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch of 150 MBBS students at Sakshi Medical College & Research Centre, Guna, M.P. under Madhya Pradesh Medical Science University, Jabalpur u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

54. Renewal of permission for admission of 3rd batch of 150 MBBS students at Annai Medical College & Hospital, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to renewal of permission for admission of 3rd batch of 150 MBBS students at Annai Medical College & Hospital, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the assessment report (13th and 14th November, 2017) carried out in pursuance of the order dated 14.09.2017 passed by the Hon'ble Supreme Court in W.P. (C) No. 525/2017 filed by Annai Medical College & Hospital and Anr. Vs – Union of India & Anr., along with a letter dated 14.11.2017 received from the Vice –Chairman of the Annai Medical College & Hospital, Chennai and the Committee further noted that students of the college has filed writ petitions before the Hon'ble High Court of Madras and noted the following:

1. Deficiency of faculty is 86 % as detailed in the report.
2. Dr. Karunakaran, medical Superintendent was on leave on day of assessments; hence his credentials could not be verified.
3. Shortage of Residents is 91.83 % as detailed in the report.
4. OPD attendance is 252 upto 2 p.m. on day of assessment. Even this figure appears to be inflated.
5. Bed Occupancy was 04 % at 10 a.m. on day of assessment.
6. Nursing staff: 57 Nursing staff are available against requirement of 175.
7. Paramedical & Non-teaching staff: 33 Paramedical & Non-teaching staff are available against requirement of 100.
8. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment. There was no woman in Labour room.
9. Workload of Laboratory Investigations is grossly inadequate.
10. Casualty: Disaster Trolley is not available. Duty roster is not provided.
11. Central Clinical laboratory is not functional.
12. O.T.s: They are not functional. NIL case was posted.
13. ICUs: There was NIL patient in ICCU & all ICUs on day of assessment.
14. Data of clinical material as provided by Institute appear to be inflated.
15. Radiodiagnosis department was non-functional. 2 Static X-ray machines are available against requirement of 3.
16. CT Scan is not available.
17. Blood Bank is not functional.
18. ETO Sterilizer is not available.
19. OPD: Facilities are not functional as observed during the round. At 11:45, OPD counter had crowd of maximum 30-35 people.
20. Wards: Nursing station comprises of only a table & a chair in several wards. Ancillary facilities are not functional as detailed in the report.
21. MRD is non-functional.
22. Central Research Laboratory is not functional.
23. Lecture Theater: Hospital Lecture Theater is not available.
24. Central Library: Capacity of Students' reading room (Outside) & Students' reading room (Inside) is 75 each against 150 required. Capacity of Staff reading room is 30 against requirement of 40. Available books are 3,200 against requirement of 4,000. Available Journals are 20 against requirement of 40. Internet room is locked.
25. Central Photography Section: It is locked at time of visit.
26. Students' Hostels: Available accommodation is for 120 students against requirement of 339. Hostels are locked. Entire hostel was empty.
27. Residents' Hostel: It is not available.
28. Nurses' Hostel: Available accommodation is for 25 Nurses against requirement of 35. Rooms are 5 seaters which is not as per norms.
29. Residential Quarters: 12 quarters are available for faculty against requirement of 20. 17 quarters are available for Non-teaching staff against requirement of 36.
30. Anatomy department: Dissection Microscopes are not available. MRI & CT films are not available in the Museum.
31. Pathology department: Museum is under development. Service Laboratories are not functional.
32. Microbiology department: Media Preparation facility is not available. Museum is not available. Service Laboratories are not functional.
33. Pharmacology department: Museum is not available.

34. Forensic Medicine department: Autopsy block is not available. Museum is not available. Cold Storage is not available.
35. Community Medicine department: Museum is not available.
36. RHTC: Specialists' visits are not organized. Cold chain equipment is not available. Survey/Immunization/FP/MCH registers are not available. Nil activity under National Health Programme is carried out.
37. UHC: Specialists' visits are not organized. Cold chain equipment is not available. Survey/Immunization/FP/MCH registers are not available.
38. Other deficiencies as pointed out in the assessment report

The Executive Committee noted that Regulation 8(3)(1)(a) of the Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 and amended on 18th March, 2016 provides as under:-

“8(3)(1).....

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

If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50%(45% in North East, Hilly terrain etc), compliance of rectification of deficiencies from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.”

In view of the deficiencies as noted above, the Executive Committee of the Council decided to recommend to the Central Govt. to invoke Regulation 8 (3)(1)(a) of the Establishment of Medical College Regulation, 1999 and disapprove the application of Annai Medical College & Hospital, Tamilnadu under The Tamilnadu Dr. MGR Medical University, Chennai u/s 10A of the IMC Act, 1956 for renewal of permission of MBBS course 3rd batch (150 seats) for the academic year 2018-2019. The decision in this regard may be expeditiously communicated to the Central Government in view of the pending petitions before the Hon'ble High Court of Madras.

55. Renewal of permission for admission of 3rd batch of 150 MBBS students at Sambharam Institute of Medical Sciences & Research, Kolar, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

Read: the matter with regard to renewal of permission for admission of 3rd batch of 150 MBBS students at Sambharam Institute of Medical Sciences & Research, Kolar, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-19.

The Executive Committee of the Council considered the assessment report (9th and 10th November, 2017) carried out in pursuance of the order dated 15.09.2017 passed by the Hon'ble Supreme Court in W.P. (C) No. 850/2017 filed by Sambharam Charitable Trust Vs – Union of India & Ors., and noted the following:

1. Deficiency of faculty is 16 % as detailed in the report.
2. Shortage of Residents is 10.2 % as detailed in the report.
3. OPD attendance upto 2 p.m. on day of assessment is 692 against requirement of 750.
4. There was only 1 Normal Delivery & Nil Caesarean Section on day of assessment.
5. CT Scan is not available.
6. ICUs: There was only 1 patient in NICU & 2 in PICU on day of assessment.
7. 2 Static X-ray machines are available against requirement of 3.

8. Examination Hall: 1 Examination Hall of capacity 200 is available against requirement of 2 of 250 each.
9. Lecture Theaters: 2 Lecture Theaters are available against requirement of 3.
10. Other deficiencies as pointed out in the assessment report

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch of 150 MBBS students at Sambharam Institute of Medical Sciences & Research, Kolar, Karnataka under Rajiv Gandhi University of Health Sciences, Bangalore u/s 10A of the IMC Act, 1956 for the academic year 2018-2019.

56. Recognition of 2012 batch of Hamdard Institute of Medical Sciences & Research, New Delhi.

Read: the matter with regard to recognition of 2012 batch of Hamdard Institute of Medical Sciences & Research, New Delhi.

The Executive Committee of the Council perused the following legal opinion received from Additional Solicitor General and decided to accept the same:-

"... I have carefully gone through the Order dated 21.09.2017 passed by the Hon'ble Supreme Court in W.P.(C) No. 633/2017 as well as order dated 22.09.2017 passed by the Hon'ble Supreme Court in M.A. No.1058/2047 in W.P.(C) No. 480/2017, in light of the above mentioned factual matrix, I am of the considered opinion that in view of the above judgments passed by the Hon'ble Supreme Court, the students who were admitted after grant of Letter of Permission by the Central Govt. in the applicant medical college and have completed their MBBS course, cannot be made to suffer on account of the fact that the applicant medical college had failed to fulfil the requisite infrastructure for grant of recognition. Therefore, in order to protect the interest of the students, it was directed, by the Hon'ble Supreme Court, that the degrees of such students shall be recognised, so that the students can apply and prosecute their postgraduate medical courses.

In view of the above, you are requested to kindly do the needful, at the earliest in order to recommend to the Central Govt. to grant recognition u/s 11(2) of the Act, to the degrees awarded by the affiliating University to the students admitted in Hamdard Institute of Medical Sciences and Research, Delhi in MBBS course in the academic year 2012-13"

57. Suggestions by Dr. Vinay Aggarwal, Chairman of Building Committee and Member Ethics Committee in case of any Medical Emergency.

Read: the matter with regard to suggestions by Dr. Vinay Aggarwal, Chairman of Building Committee and Member Ethics Committee in case of any Medical Emergency.

The Executive Committee of the Council considered the letter dated 21.11.2017 received from Dr. Vinay Aggarwal, Chairman of Building Committee and Member Ethics Committee requesting the Council for the following suggestions :-

- 1) A Medical Emergency Room (fully equipped) may be made available.
- 2) BLS Training to the staff may be given on a day and time specified by the Council.
- 3) A fully equipped ambulance to be used in case of emergencies.
- 4) Annual Health Check-up for the staff of MCI may be arranged.
- 5) Group Health Insurance to the staff of MCI may be planned."

The Executive Committee of the Council decided to accept the above suggestions and directed the office to act accordingly.

58. Closure of probation period of Dr. Rajendra Namdeo Wabale, Joint Secretary.

Read: the matter with regard to closure of probation period of Dr. Rajendra Namdeo Wabale, Joint Secretary.

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

1. Dr. Jayshree Mehta, President
2. Dr. C.V. Bhirmanandham, Vice President
3. Dr.G.B. Gupta, Member, Executive Committee
4. Dr.Alok Ahuja, Member, Executive Committee
5. Dr. Reena Nayyar, Secretary l/c. as Member Secretary

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

59. Resignation of Dr. Arti Sharma, Deputy Secretary, MCI.

Read: the matter with regard to resignation of Dr. Arti Sharma, Deputy Secretary, MCI.

The Executive Committee of the Council considered the letter dated 13.11.2017 received from Dr. Arti Sharma, Deputy Secretary and decided to accept the resignation of Dr. Arti Sharma and directed the office to relieve her, as per rules.

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

60. Regarding shifting of students of Chintpurni Medical College & Hospital, Vill. Bungal, Distt. Pathankot, Punjab to different colleges situated in the State of Punjab.(2014-2015 and 2016-2017 batch).

Read: the matter with regard to shifting of students of Chintpurni Medical College & Hospital, Vill. Bungal, Distt. Pathankot, Punjab to different colleges situated in the State of Punjab.(2014-2015 and 2016-2017 batch).

The Executive Committee of the Council considered the matter with regard to shifting of students of Chintpurni Medical College & Hospital, Vill. Bungal, Distt. Pathankot, Punjab to different colleges situated in the State of Punjab.(2014-2015 and 2016-2017 batch) alongwith the following legal opinion of the Council Advocate:-

"Please refer to your letter dated 17.11.2017, whereby, you have sought an opinion, regarding to the shifting of the students from Chintpurni Medical College & Hospital, Pathankot to other medical college of Punjab, in view of the order dated 08.09.21017 passed by the Ld. Single Judge of the Hon'ble High Court of Punjab and Haryana.

It relevant to mention that the said medical college has filed W.P. (C) No. 431/2017 - Chintpurni Medical College and Hospital vs. Union of India & Ors., before the Hon'ble Supreme Court inter-alia, being aggrieved by the Govt. of India decision dated 31.05.2017, whereby, the Govt. of India after considering the recommendations of the Council and in view of the fact that the medical college has failed to fulfil the terms of the conditional recognition / renewal of permission granted for the academic year 2016-17, debarred the medical college for admitting the students for 2 academic years i.e. 2017—18 and 2018-19 as

well as permitted the Council to encash the Bank Guarantee furnished by the medical college.

The said writ petition was listed before the Hon'ble Supreme Court on 17.11.2017, when, the Hon'ble Court was apprised about the judgment dated 08.09.2017 passed in C.W.P. No. 7348 of 2016, whereby the Ld. Single Judge of the Hon'ble High Court, after hearing the parties, and in view of the fact that applicant medical college has repeatedly failed to provide the requisite infrastructure, directed that the students undergoing the medical course in the medical college, be shifted to other medical colleges of the State. The medical college challenged the said decision passed by the Ld. Single Judge before the Ld. Division Bench of the Hon'ble High Court of Punjab and Haryana by way of LPA No. 1840 of 2017 (O & M), however, the same is also dismissed by the Ld. Division Bench of the Hon'ble High Court vide order dated 06.11.2017. The Hon'ble Supreme Court was further apprised, by the Counsel appearing for the students, that the State of Punjab has withdrawn the essentiality certificate granted to the said medical college.

During the course of the hearing the Ld. Counsel for the said medical college, stated that the college is in process of challenging the order dated 06.11.2017 passed by the Hon'ble High Court of Punjab and Haryana in LPA No. 1840/2017 (O&M) before the Hon'ble Supreme Court, as well as decision of the State Govt. dated 01.11.2017, whereby, the State Govt. has withdrawn the essentiality certificate and sought sometime to challenge the said decision. The Hon'ble Supreme Court vide order dated 17.11.2017, has adjourned the W.P. (C) No. 423/2017, by two weeks.

In view of the above and in pursuance to the orders passed by the Hon'ble Punjab and Haryana High Court it will be appropriate to request the State of Punjab to give their proposal for shifting of students to other medical college of the State. As far as the bank guarantee and other issues are concerned, the Council may await the outcome of the writ petition, if any, filed by the medical college."

The Executive Committee further noted the letter dated 08.11.2017 received from the Under Secretary, Medical Education and Research, Govt. of Punjab forwarding therewith a copy of order dated 01.11.2017 issued by the State Govt. of Punjab stating that the Essentiality Certificate issued in favour of Chintpurni Medical College & Hospital, Pathankot, Punjab has been withdrawn. A plan for shifting students studying in Chintpurni Medical College and Hospital, Pathankot to different colleges situated in the State of Punjab has also been submitted.

In view of above, the Executive Committee of the Council decided to accept the legal opinion with regard to revocation of bank guarantee and await the outcome of the writ petition. With regard to transfer of students, the Executive Committee decided to accept the proposal of the State Government.

Dr. Reena Nayyar recused herself from the meeting.

61. CBI case No. RC 10(A)/2014/CBI/AC-III/New Delhi against Dr. Anshu Sethi Bajaj, Deputy Secretary (U/S).

Read: the matter with regard to initiation of Disciplinary Proceedings against Dr. Anshu Sethi Bajaj, Deputy Secretary (U/S).

The Executive Committee of the Council deliberated upon the matter at length and decided that Disciplinary Proceedings under Rule 14 of CCS (CCA) Rule 1965 may be initiated against Dr. Anshu Sethi Bajaj, Deputy Secretary (U/S).

Further, the Executive Committee of the Council decided that the case may be referred to the Central Vigilance Commission for seeking its first stage advice in this regard.

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

62. Disciplinary case against Dr. P. Prasannaraj, the then Additional Secretary and Dr. Davinder Kumar, Joint Secretary (U/S) for committing procedural irregularities in the case of Dr. A.R.N. Setalvad the then Secretary, MCI.

Read: the matter with regard to approval of the charge sheet in the Disciplinary case against Dr. Davinder Kumar, Joint Secretary (U/S) for committing procedural irregularities in the case of Dr. A.R.N. Setalvad the then Secretary, MCI.

The Executive Committee of the Council deliberated upon the matter at length and decided to approve the charge sheet against Dr. Davinder Kumar, Joint Secretary (U/S). The Executive Committee further directed that the chargesheet may be issued to Dr. Davinder Kumar, Joint Secretary (U/S) under the signatures of the President, MCI.

Further, the Executive Committee directed that the chargesheet cannot be issued to Dr. P. Prasannaraj, the then Additional Secretary as he had taken prior approval from the BOG in the case of Dr. A.R.N. Setalvad about his suspension as well as long leave.

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

63. Charge sheet no. MCI-154(3)/2017-Estt./144638 issued to Dr. Davinder Kumar, Joint Secretary (U/S) on 13.10.2017 in the migration case of Sh. Harmanjot Singh- reg.

Read: the matter with regard to charge sheet no. MCI-154(3)/2017-Estt./144638 issued to Dr. Davinder Kumar, Joint Secretary (U/S) on 13.10.2017 in the migration case of Sh. Harmanjot Singh and supplying of documents- reg.

The Executive Committee of the Council deliberated upon the matter at length and decided that legible typed copies may be supplied to Dr. Davinder Kumar, Joint Secretary (U/S). It was also decided that the copies of the documents which Dr. Davinder Kumar has returned may also be sent back to him.

The Executive Committee of the Council further decided that at this stage the additional documents which are not part of the charge sheet cannot be supplied to Dr. Davinder Kumar, Joint Secretary (U/S).

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

64. Review of suspension of Dr. Davinder Kumar, Joint Secretary (U/s.) by Review Committee held on 22.11.2017 at 10.00 a.m.

Read: the matter with regard to review of suspension of Dr. Davinder Kumar, Joint Secretary (U/s.) by Review Committee held on 22.11.2017 at 10.00 a.m.

The Executive Committee of the Council approved the minutes of the Review Committee meeting dated 22.11.2017 to continue the suspension of Dr. Davinder Kumar, Joint Secretary (U/s.) for a further period of 90 days w.e.f. 18.12.2017.

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

65. Review of suspension of Dr. Anshu Sethi Bajaj, Deputy Secretary (U/s.) by Review Committee held on 22.11.2017 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 22.11.2017 at 10.15 a.m.

The Executive Committee of the Council approved the minutes of the Review Committee meeting dated 22.11.2017 to continue the suspension of Dr. Anshu Sethi Bajaj, Deputy Secretary (U/s.) for a further period of 90 days w.e.f. 14.12.2017.

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

66. Review of suspension of Dr. Davinder Kumar, Joint Secretary (U/s.) by Review Committee held on 22.11.2017 at 10.30 a.m.

Read: the matter with regard to review of suspension of Dr. Davinder Kumar, Joint Secretary (U/s.) by Review Committee held on 22.11.2017 at 10.30 a.m.

The Executive Committee of the Council approved the minutes of the Review Committee meeting dated 22.11.2017 to continue the suspension of Dr. Davinder Kumar, Joint Secretary (U/s.) for a further period of 90 days w.e.f. 04.12.2017.

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

Dr. Reena Nayyar rejoined the meeting

67. Appointment/Selection of Driver (Ordinary Grade) in the Council Office.

Read: the matter with regard to appointment/selection of Driver (Ordinary Grade) in the Council Office.

The Executive Committee of the Council accepted the minutes of the Selection Committee meeting held on 07.11.2017.

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

New Delhi, dated
22nd November, 2017

(Dr. Reena Nayyar)
Secretary I/c

APPROVED

(Dr. Jayshree Mehta)
President