

No.MCI-6(2)/2002-Med./

MEDICAL COUNCIL OF INDIA

GENERAL BODY

121 Session

Minutes of the meeting held on 27th August, 2002

The Council met in the Council Office, Aiwan-E-Galib Marg, Kotla Road, New Delhi-110 002 on 27th August, 2002 at 11.00 a.m. with Maj Gen (Retd) SP Jhingon, Kirti Chakra, VSM, Administrator, Medical Council of India in the Chair.

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Present :

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| 1. Maj Gen (Retd) SP Jhingon,
Kirti Chakra, VSM | - Administrator |
| 2. Dr. A.K. Patel | 32. Dr. M.Amusna Singh |
| 3. Dr. Ajay Kumar | 33. Dr. Naveen Nahar |
| 4. Dr. A.C. Borah | 34. Dr. N.B. Singh |
| 5. Dr. Amrith Lal | 35. Dr. Nitin S. Vora |
| 6. Dr. Bijoy Mukherjee | 36. Dr. P.K. Mukherjee |
| 7. Dr. B. P. Dubey | 37. Dr. P.M. Jadhav |
| 8. Dr. B. A. Rudrawadi | 38. Dr. P.C.Kesavankutty Nayar |
| 9. Dr. B. S. Kothari | 39. Dr. P.K. Patel |
| 10. Dr. C. Das | 40. Dr P. Sundararajan |
| 11. Dr. C.S. Jayachandran | 41. Dr. Pramod Singh |
| 12. Dr. D.G. Benakappa | 42. Dr. (Mrs.) Rani Bhaskaran |
| 13. Dr. D. J. Borah | 43. Dr. S.Imkong Tushi AO |
| 14. Dr. D. K. Sharma | 44. Dr. S.R. Maralihalli |
| 15. Dr. F.U. Ahmed | 45. Dr. Shiv Gautam |
| 16. Dr. G.Sham Sunder | 46. Dr. Silvano C.A.Dias Sapeco |
| 17. Dr. G.B. Gupta | 47. Dr. Sahaja Nand Prasad Singh |
| 18. Dr. H.L. Kapoor | 48. Dr. S.K. Sharma |
| 19. Dr. H.P. Bhalodiya | 49. Dr. S.B. Siwach |
| 20. Dr. Indrajit Ray | 50. Dr. S.P. Singh |
| 21. Dr. J.H. Soren | 51. Dr. S. Mishra |
| 22. Dr. J.R. Kher | 52. Dr. Subhash J. Penkar |
| 23. Dr. Ketan Desai | 53. Dr. S.K. Sinha |
| 24. Dr. K.M. Singh | 54. Dr. Samar Deb |
| 25. Padamshree Dr. K.S. Chugh | 55. Dr. U.G. Nachinolkar |
| 26. Dr K.M.Rameshchandra Babu | 56. Dr. U.S. Sinha |
| 27. Dr. Kartar Singh | 57. Padamshree Dr.(Mrs.)Usha Sharma |
| 28. Dr. L.S. Chawla | 58. Dr. Ved Prakash Mishra |
| 29. Dr. M.K. Sharma | 59. Dr. V.K. Puri |
| 30. Dr. Mehrajuddin | 60. Dr. V. Kanagaraj |
| 31. Dr. Mohinder Nath | |

Dr. (Mrs.) M. Sachdeva – Secretary

Apologies for absence were received from the following members:-

1. Dr. B.C. Chhapparwal
2. Dr. B.C. Das
3. Dr. R.C. Arora
4. Dr. A. Rajasekaran

The Administrator called the meeting to order.

At the outset, the Administrator informed the House that before the Hon'ble members take up the agenda for the meeting he would like to inform with regret about the sad demise of Dr. P.Narasimha Rao Ex-President of the Council on 12.08.2002.

Dr Rao had been an esteemed member of the Council between the year 1960 to 2001 i.e for a period of 25 years out of which he was the Vice-President for approximately 8 years and President for 2 years from 1994 to 1996.

The Administrator also informed that the condolences to the bereaved family on behalf of the office and on behalf of the Council members have already been sent. The Administrator requested the members to pass a resolution of condolence to be sent to the bereaved family in the memory of late Dr. P.Narasimha Rao and also to observe two minutes silence.

At this juncture Dr. D.K. Sharma, a member of the Council requested Dr. Ketan Desai who had the longest association with him to move the condolence message. Responding to the request, Dr. Ketan Desai stated that his association with late Dr. P.Narasimha Rao was probably the longest amongst all the members present in the August House.

He stated that Dr. Rao became the member of the Council just 2 years after Dr. Desai was born. Dr. Rao became the member of the Council in 1960 and continued to be a member of the Council uninterruptedly till 2001. When Dr. Desai became the member in 1988, Dr. Rao was the then Vice-President of the Council. He worked with Dr. Narasimha Rao in the Executive Committee during his tenure as Vice-President and President.

Dr. Desai further stated that in 1996 it was unfortunate that he had to fight against Dr. Rao for the post of President, MCI. He stated that to his belief during his career he fought so many elections, but such a simple, non-controversial clean election he had never come across. That speaks volumes of gentleness of Dr. Rao and also of his integrity and honesty and faith in democracy. Dr. Desai learnt lot of things from him, and one thing which he very much wanted to learn from Dr. Rao but could not, was his patience.

When Dr. Desai took over in 1996 as President of the Council, in his first speech he requested all the members of the Council to allow late Dr. Narasimha Rao as member of the Executive Committee, and this request was readily accepted by the House. Accordingly, Dr. Rao was made a member of the Executive Committee. Whenever Council came across some crucial controversial issues, decisions difficult to tackle, Dr. Rao always came to the rescue. Wherever the decisions were taken as per the advise of Dr. Rao Council succeeded. This spoke of his knowledge and understanding about the functions of the Council.

Dr. Desai expressed that he has no words in his personal dictionary to describe Dr. Rao and it is certain that the Council has lost one person, whose vacancy will be difficult to fill up.

With these words, he on behalf of the Council prayed that the departed soul may rest in peace. Thereafter the Council passed the following condolence resolution to be conveyed to the bereaved family.

“The Council resolved to condole the tragic death of Dr.P.Narasimha Rao and pray the God Almighty to give peace to the departed soul and to give strength and courage to the bereaved family to bear the irreparable loss.”

Two minutes silence was observed by the Council in the memory of late Dr. P.Narasimha Rao.

Dr. D.K. Sharma stated that as per norms no business is to be transacted after the condolence meeting without adjournment. Accordingly he moved that the House be adjourned for 5 minutes which was adopted by the House.

Accordingly, Administrator adjourned the House for 5 minutes.

The House reassembled and the Administrator called the meeting to order to take up the agenda.

1. Notification of new members.

The Secretary read out the notification of following new members elected/nominated as member of the Council since the last meeting of the Council held on 3rd & 4th June, 2002:-

<u>Sl.No.</u>	<u>Name</u>	<u>U/s</u>	<u>Constituency</u>
1.	Dr. S.R. Maralihalli	3(1)(a)	Karnataka Govt.
2.	Dr. Prashant Kumar Mukherjee	3(1)(b)	B.N.Mandal Univ.
3.	Dr. H.L. Kapoor	3(1)(b)	H.P. University
4.	Prof. K.M. Singh	3(1)(b)	Lucknow University
5.	Dr.(Mrs.) Usha Sharma	3(1)(b)	Ch. Charan Singh University
6.	Dr. Bijoy Mukherjee	3(1)(b)	Burdwan University
7.	Dr. V.N. Jindal	3(1)(b)	Goa University
8.	Dr. G.B. Gupta	3(1)(b)	Dr. Ravi Shankar University

2. Minutes of the last meeting of the Council – Confirmation of .

The minutes of the last meeting of the Council held on 3rd & 4th June, 2002 were confirmed with the following observations:-

1. On page 3 para 1 the last sentence i.e. “This message was also received in writing by the Administrator through his P.S. which was read out by the Administrator to the House” be read corrected as “ This message of interim stay was also received from Dr. A.K. Gupta for the

Administrator through his P.S. submitted in writing which was read out by the Administrator to the House”.

On page 3 para 2 the following lines be deleted:-

“In a recent case Shri Mukul Rohtagi, Ld. Additional Solicitor General did not put his appearance and the reason for not doing so was given that he was busy in some other matter before the Hon’ble Supreme Court”.

On page 3 last para fifth line the word “prejudicial” be deleted.

2. On page 4 para 1 first line after the word “Council” the following be added:-

“including the one before the Hon’ble Delhi High Court preferred by one Dr. K.P. Aggarwal”.

On page 4 para 1 last line the word “these” be altered as “the” and word “legal” be added thereafter and in the same line after the word “cases”, the words “and the Monitoring Committee shall remain present on behalf of the Council before the Hon’ble Delhi High Court on 5th June,2002 wherein the Administrator has been directed to remain present in person” be added.

On page 4 para 2 last line the words “at present” be deleted and the words “after the Administrator had taken over” be added.

3. On page 5 the following last two paragraphs be deleted as they never had been part of proceedings and seems to have been recorded as an afterthought:-

“The Administrator informed that the members of the Executive Committee have been creating hurdles during every meeting and even the present meeting of the General Body is no different where every action of the Administrator is being questioned.

Administrator stated these areas are regarding appointment of inspectors for carrying out various inspections and also members being appointed for inspections.”

The Administrator did not agree for deletion of the above two paragraphs as he maintained that the contents of the above two paragraphs are there in the proceedings and this is not an afterthought.

Dr. Ved Prakash Mishra pointed out that as a member of the Monitoring Committee along with Dr. D.K. Sharma he is informing that the affidavited position is different. The pertinent queries which were replied by the Administrator in the General Body meeting were confirmed in the meeting itself, hence propriety of retaining these two paragraphs is lost.

After much deliberations, the matter with regard to deletion of these two paragraphs was put to the House as correction to the minutes which was

unanimously accepted as passed and the two paragraphs were then deleted.

During further discussion on the affidavit filed by the Administrator in the Hon'ble Delhi High Court on 7th June, 2002 in LPA No. 470/2002 Dr. K.P. Aggarwal vs Union of India & Others it was again inquired from the Administrator by the Council members question on whether he has found any corruption in the Council.

Administrator to this question replied that he is 100 percent convinced that there has been corruption in the functioning of the Council. Dr. L.S. Chawla requested the Administrator to apologize and withdraw the words as he could not make a sweeping statement of 100 percent corruption in the Council. At this juncture the Administrator informed that he meant that there was no cooperation from the staff and everybody in detecting the corruption which fact he has also informed to the Solicitor General of India.

The Administrator further informed that he is not blaming any of the members but according to his perception in the past there has been corruption and there is a possibility of detecting the same if he gets the cooperation from the members and the staff.

He further informed that on going through the old records he feels that the area of corruption was in granting extension and increase in seats which is being looked into by him. However, at this juncture he cannot give any specific case.

On this statement of the Administrator the members informed that they were with the Administrator in detecting the corruption and will provide him their full cooperation, to which the Administrator replied that this was the first time when the members came forward with this statement. He would have appreciated if after the High Court order a resolution was passed by the Council that if there is any corruption it be condemned.

This observation of the Administrator was objected to by Dr. Usha Sharma and other members and they informed that they have been from the very beginning telling Administrator about their cooperation to detect the corruption if any in the Council and it was not correct to say that the members have come forward for the first time.

The members further stated that as long as the Administrator cannot corroborate his statement and give valuable evidence substantiating his statement he should restrain himself from making such statements.

After much discussions, the Administrator informed the members that he is sorry and withdraws his statement in totality.

Dr. K.S. Chugh wanted to take up the bio-data and the appointment letter of the Advisor Dr. Amitabh Verma before the August House as he wanted to devote some time for discussions on that issue by the House. The Administrator stated that this matter can be taken up after the end of the transact of the business. Dr. Chugh stated that appropriate time be fixed with the permission of the Chair at the end of the meeting as the members would like to have a discussion on appointment of Advisor

because the matter concerns them. Accordingly the Administrator agreed to take up the matter at the end.

4. On page 6, para 2 the words of opening line i.e. “Regarding fixing the meeting of the Postgraduate Committee” be deleted and substituted by the words “In view of the alarming piling up of the postgraduate matters pending consideration by the Postgraduate Committee” before the word Dr. Ved Prakash Mishra be added.

5. On page 16, item No. 33 i.e. “Poona University – Recognition of DM (Cardiology) qualification in respect of students being trained at Armed Forces Medical College, Pune” the last paragraph of the decision taken in the matter be read corrected as under:-

“From the inspection report, the Council noted that the Head of the department is not having the adequate teaching experience as per regulations of the Council and the department is not headed by a Professor (or equivalent rank) the courses was not permitted by the MCI and several other deficiencies were pointed out in view of which it was decided to refer back the matter to the Postgraduate Committee for its reconsideration/reappraisal.”

6. On page 29 & 30 item No. 57 i.e. “Rajiv Gandhi University of Health Sciences, Bangalore – Approval of the Adichunchanagiri Institute of Medical Sciences, Mandya Distt. for the award of M.D.(General Medicine) qualification”, the following two lines be added after the last paragraph of the decision on page 30:-

“It is to be noted that the same matter under item No. 47 in the preliminary agenda sent to the members was an inadvertent error.”

7. On page No. 30, item No. 58 i.e. Bharti Vidyapeeth Medical College (Deemed University) – Recognition of M.D.(Obst. & Gynae.) qualification in respect of students being trained at Bharti Vidyapeeth Medical College, Pune – compliance verification regarding the last three lines i.e. “However, this qualification shall not be recognised for the academic session 2000-2001” be read corrected as under:-

“However, holders of this qualification shall not get registration with the Medical Council of India/State Medical Council”.

The similar correction be made on page No. 32 item No. 59 i.e. Bharti Vidyapeeth Medical College (Deemed University) – Recognition of M.S.(General Surgery) qualification in respect of students being trained at Bharti Vidyapeeth Medical College, Pune – compliance verification regarding”.

8. On page 48 in para 5 last line the word “desired” be substituted by the word “directed”.
9. On page 49 para 3 in the sixth line the ending word “was” be replaced by the word “were” and at the end of the para after the word “authentic” the words “and fixation of the responsibility on the person responsible for the grave lapse” be added.

On page 49, para 4 i.e. “The Administrator further informed that he agrees for detailing the Solicitor General or Additional Solicitor General for obtaining legal opinion or for defending the cases of MCI but he does not approve of detailing any particular advocate by name for defending the cases of MCI by the General Body as this is solely an administrative matter” be deleted.

10. On page 49 item No. 93 i.e. “Requirement of extra staff in certain departments conducting postgraduate courses – Regarding” decision of which is continuing on page 50, the following paragraph be added after the last paragraph:-

“It was further decided that the question of requirement of extra staff (as per DCI norms) for teaching of BDS students in institutions having attached Dental Colleges/running BDS course be referred to the Executive Committee/Postgraduate Committee of the Council for deliberation in details and to submit the recommendations to the Council for consideration”.

The General Body of the Council was informed that the office has received another letter dated 16.08.2002 from Prof. A. Rajasekaran, giving his observations on the minutes of the Executive Committee meetings held on 22.05.2002, and 24.06.2002. Dr. Rajasekaran further requested to place all his communications sent to the Council before the General Body at its meeting on 27.08.2002 for further discussions. Dr. Rajasekaran was not present in the meeting.

The members informed that as per procedure observations of Dr. Rajasekaran be placed before the Executive Committee.

Dr. Ved Prakash Mishra then proposed that the minutes with the aforesaid corrections including deletion of para-4 on page No. 49 of the Draft Minutes be treated as confirmed and copy thereof be made available to the members before their departure which was seconded by the whole House.

3. **Minutes of the last meeting of the Council- Action taken thereon.**

The Council noted the action taken by the office on the minutes of the meeting of the Council held on 3rd & 4th June, 2002 with following observations:-

1. On page No. 3, against the line reading as “the minutes to this extent were read out to the House and were confirmed”, it was recorded that “An affidavit was filed in the Hon’ble Delhi High Court incorporating the minutes to this extent”.

Dr. Ved Prakash Mishra pointed out that two reports of the Monitoring Committee dated 14.06.2002 and 05.08.2002 have been annexed with the action taken report on the minutes of the last General Body meeting held on 3rd & 4th June, 2002 whereas the action taken on these reports has not been reported. He requested the House for its concurrence to place the two reports for its consideration and further requested to approve the same. Accordingly, the reports were considered, approved and adopted by the General Body for necessary execution forthwith.

The Administrator stated that the purpose for appointing the Monitoring Committee by the General Body was to monitor the cases which were before the Hon'ble Delhi High Court in the month of June. However, it appears that the Committee has become permanent and has taken up upon itself to defend the case in addition to the Council office. Hence, he will not like to be a party to this.

Dr. V.P. Mishra clarified that the General Body decided to constitute itself into a committee and authorised the Monitoring Committee to monitor all legal matters on its behalf cannot be the Court of Law as stated by the Administrator. He further stated that they are discharging the obligations which are bestowed upon them by the Council.

The matter with regard to withdrawal of the affidavit and withdrawal of SLP dated 26.11.2001 was also discussed. The Administrator informed that his views regarding filing of the SLP by the Secretary remain unchanged. However, the SLP still stands and has not been withdrawn. To this statement Dr. V.P. Mishra informed that the unanimous decision taken by the House to defend the SLP cannot be withdrawn as the SLP is of the General Body and not of the Administrator.

Dr. Mishra enquired whether the Govt. of India has given any interpretation with regard to the communication sent by the Council with regard to extra constitutional powers and authority as claimed by the Administrator that he has certain powers and authorities over and above the provisions of the Act. It was informed that no reply has yet been received.

Dr. Mishra also informed that it has come to his knowledge that a statement is being made that the Monitoring Committee members have filed an SLP before the Hon'ble Supreme Court. He clarified that he is representing the Council being a member of the Monitoring Committee and the SLP filed by the members on which an interim order has been passed by the Hon'ble Supreme Court on 15.07.2002 is to be tagged with the SLP filed by the Council on 26.11.2001.

He then moved a resolution which was unanimously adopted by the House that SLP preferred for and on behalf of the Council on 26.11.2001 along with the one preferred by Dr.P.M. Jadhav, Dr. S.K. Sinha, Executive Members and another SLP preferred by Dr. P.C. Kesavankutty Nayar, Vice-President and the one preferred jointly by Dr. P.C.Kesavankutty Nayar & Dr. Ved Prakash Mishra respectively, shall collectively be deemed to have been filed for and on behalf of the

Council, as constituted u/s 3 read with Section 2(b) of the I.M.C. Act,1956.

These SLPs shall be represented by Advocates Mr. Maninder Singh, Mr. A. Mariarputham & Co., Mr. Ashok Mahajan and Law Officers of the Govt. of India namely Shri Harish N. Salve, Ld. Solicitor General of India, Shri Kirit Rawal and Shri Mukul Rohtagi, Ld. Additional Solicitor Generals of India respectively.

The Monitoring Committee constituted by the Council on its behalf shall be overseeing the present SLP in addition to all other legal matters including appointment of legal counsel as may be necessary from time to time. The Council's advocates on record shall be entitled to seek the advise and help of Senior Counsels as may be deemed necessary from time to time including their appearances before the appropriate courts, as and when necessary and or called for."

The Administrator did not agree with this decision and stated that it should be only for the SLP and not for the normal cases. Dr. Mishra then drew the attention of the Administrator to the unanimous decision taken by the General Body dated 3rd & 4th June regarding appointment of advocates to which he informed that he has put his note of dissent. However, the Administrator was informed that this was his perception but the decision of the General Body is already on record.

The above resolution was read out which was unanimously adopted and confirmed for its immediate implementation.

4. Address by the Administrator.

The Administrator delivered his address and copy of the same was circulated to the members of the Council.

The salient features of the address are as under:-

1. Condolence on the sad demise of Dr. P.Narasimha Rao, Ex-President, MCI.
2. Welcome of the recently notified new members.
3. Directions of the Hon'ble Supreme Court vide its order dated 15.07.2002 to hold elections for the Executive Committee, Postgraduate Committee and other bodies.
4. Information with regard to actions taken regarding constitution of the Council.
5. Information with regard to functioning of the Monitoring Cell and Grievance Cell existing in the Council office.
6. The follow up action taken by the Ethical Committee on Ethics Regulations, 2002 and also the action taken by the Ethical Committee for expeditious disposal of pending cases concerning negligence and conduct of doctors.

7. Updation of the existing Council Website with additional information.
8. Information with regard to progress of work of proposed building of the offices of the MCI at Dwarka.
9. Information with regard to pending cases for consideration of the Postgraduate Committee which included 176 cases u/s 10A and that no Postgraduate Committee has been held since 16th Oct.,2001.
10. All the members have seen the 'shamianas' outside the Council office with the Indian doctors from Russia sitting in 'Dharna' for the last six weeks. They are agitating primarily against the screening test. Meetings with the Health Secretary as also the Hon'ble Health Minister have been held and presently the case rests with the Ministry. Unfortunately, the solution lies only with the Hon'ble Supreme Court of India as the Screening Test Regulations are also forming part of the judgement dated 8th March,2002. The Screening Test has been scheduled for 28th & 29th Sept.,2002 by the National Board of Examinations.
11. Information with regard to the work of publication of Indian Medical Register.

Dr. Ved Prakash Mishra with the permission of Chair made few observation on the Presidential Address as under:-

- The observation of the Administrator on page 1 in para 4 vis-à-vis his observation in the minutes of General Body dated 30th April/1st May are very pertinent. In the present presidential address the Administrator has reconciled with the reality that the vacancies which are there in the constitution of the Council are beyond the purview and jurisdiction of MCI. Dr. Mishra wanted to know whether this is a change of opinion or change of perception. This was necessary to know for the reason that the Council was said to be defective in character by virtue of having vacancies due to which the representative character of the Council was said to have been lost resulted in bringing the Administrator to the Council.

He then referred to the situation u/s 3(1)(a), 3(1)(b), 3(1)(e). He further referred to the vacancy chart which was given by the Administrator with a citation that the names of 19 universities have been deleted from the list of the membership of the Council. Dr. Mishra wanted to know whether the Administrator has reconciled with this changed position that this Council is properly constituted and that even these vacancies are beyond the capacity and purview of their being filled in.

Dr. Ved Prakash Mishra further referred to a writ petition filed before the Hon'ble Delhi High Court by one Dr. K.P. Aggarwal in which the judgements were passed on 3rd, 5th & 7th June,2002 wherein some extra powers were also contemplated by the Administrator, which perhaps directly or indirectly stood granted as it was being propagated which now is no more in force because of the Hon'ble Supreme Court order dated 15.07.2002.

Dr. Mishra wanted to know from the Administrator whether a caveat was filed before the Hon'ble Supreme Court in the judgement delivered in Dr. K.P. Aggarwal's case. He further wanted to know the relationship between Dr. K.P. Aggarwal and the Administrator.

Dr. Mishra further stated that the address did not refer to a caveat which had been preferred by the Administrator before the Hon'ble Supreme Court wanting protection of the order of the Hon'ble Delhi High Court which stayed the election of the Postgraduate Committee. How simultaneously the Administrator is now concerned that the Postgraduate Committee is not meeting and therefore decisions are not being taken up. He found a bundle of antithesis of realities in the address. There is dichotomy of different stands included in the presidential address.

- The second observation which Dr. Mishra wanted to put across referring to the presidential address was regarding Executive and Postgraduate Committee elections which were required to be held by an order of the Hon'ble Supreme Court. He further wanted to know the stand of the Administrator before the Hon'ble Supreme Court in regard to the interim orders passed by it on 15.07.2002. This is required because there is an appearance which has been made by the Administrator for defending Delhi High Court judgement. Council is against the Delhi High Court order and therefore filed the SLP or the other hand the Administrator was for Delhi High Court order and therefore was before the Supreme Court. Dr. Mishra further wanted to know the nexus between the petition Dr. K.P. Aggarwal and the caveat i.e. the Administrator.

Administrator clarified that the caveat filed after the 7th June,02 was basically because he was not a party to any of it. The purpose of filing the caveat was that any decision if is required to be taken based on 3rd, 5th & 7th June,02 particularly, then he must be a party. Hence, the caveat.

Administrator further clarified that he was summoned before the Hon'ble Delhi High Court where the Hon'ble members were also present, and that his stand in respect to holding the elections which was different was put on the floor of the House as has been brought by him also in the affidavit. Caveat was very much filed for this reason and no other reason. As far as his concern for Postgraduate Committee even in the first IA which was filed by him he had talked about the urgency of the Postgraduate Committee.

Dr. Mishra further referred to para 3 on page 1 of the address of the President and requested Administrator to recall that Hon'ble members are aware that there was a contempt petition which was filed before the Hon'ble High Court stating that the Council which was expected to be fully constituted within six months as per the directive of the Delhi High Court has not been constituted, therefore, contempt must be established against the Council and Govt. of India.

Single judge comprising of justice S.P. Aggarwal dismissed the contempt petition as it was not the MCI or the Govt. of India who were responsible for non-filing up of the vacancies and the responsibility lied with the concerned universities or the State Govts. It is a fact that the Administrator opposed this judgement.

Dr. Mishra further stated that the Administrator had a view of Council being defective, therefore, none of the meetings till date whether EC or General Body had been held without a court order.

Coming to the many of the postgraduate items which have come within the purview of 10A(5) as on date it is to be seen that who is responsible for the

same. Responsibility therefore, needs to be fixed for 10A(5) being attracted to some of the postgraduate items. This very General Body of the Council had decided to refer the matter to the Ld. Solicitor General who opined on 15.5.2002 that it is not only necessary but imperative for the Council to discharge its obligations in the present form and content.

- The third concern which Dr. Mishra wanted to express was with regard to genuineness of two innovations which were thought to have been made by the Ld. Administrator in his regime. One pertained to the Monitoring Cell and the second to the Grievance Cell. The Administrator has himself admitted that the Monitoring Cell has failed but the failure is being attributed to the Executive Committee since extension to Shri R. Srinivasan who was looking after this Cell was not granted. He informed that no appointment shall be made which is not in consonance with the governing rules and regulations of the Council. Hence, this venture has failed because it lacked propriety, sincerity and legality.

As regards the Grievance Cell Dr. Mishra informed that inspite of big sign boards before the MCI in Hindi and English the Grievance Cell which was set up to deal with number of complaints could not be made operational as according to the Administrator the dedicated staff for the Cell was not available. He wanted to know from the Secretary that which is the staff in the Council which is not dedicated so that that particular person can be taken to task.

Administrator stated that he was not talking about the efficiency of the staff, but was talking about the dedicated staff nominated.

Dr. Mishra further stated that people have to win the confidence of the workmen, then only the work can begin. Primarily the things which begin on suspicion, doubt, if and buts cannot succeed and they can never be successful. Council has never been suffocated as it is today in the domain of ifs, suspicion and buts which is the most unfortunate part and this has not been reflected in the Presidential address.

Dr. Mishra concluded that the presidential address unfortunately conceals much more than what it reveals and whatever it reveals is nothing but bad mishap which has been occurring primarily because of paucity of direction and understanding.

Administrator stated that should we go for the next item.

Dr. Mishra moved a resolution that before proceeding further the presidential address be adopted along with the observations thereon which was unanimously accepted by the House.

The rest of the agenda was then taken up starting with the elections to the Executive Committee, Postgraduate Committee and other bodies.

5. Executive Committee – Election of members.

(i) University Group:

To elect four members of the Executive Committee representing University Group vice (i) Dr. P.M. Jadhav, (ii) Dr. (Mrs.) Usha Sharma, (iii) Dr. Prakash M. Shah & (iv) Dr. K. Ananda Kannan

whose term expired on 30.3.2002 as members of the Executive Committee.

(ii) Nominated Group :

To elect three members of the Executive Committee representing Nominated Group vice (i) Dr. K.S. Chugh, (ii) Dr. Surender Kumar Sinha & (iii) Dr. C. Das whose term expired on 30.3.2002 as members of the Executive Committee.

(iii) R.M.G. Group :

To elect two members of the Executive Committee representing R.M.G. Group vice (i) Dr. Mukesh Kumar Sharma & (ii) Dr. Inderjit Ray whose term expired on 30.3.2002 as members of the Executive Committee.

Dr. Ved Prakash Mishra proposed the name of Dr. P.C.Kesavankutty Nayar, Vice-President of the Council which was seconded by Dr. Ajay Kumar, Dr. P.M. Jadhav. Dr. P.C. Kesavankutty Nayar, Vice-President of the Council was then unanimously appointed as Returning Officer for conduct of all the elections announced as per the provisions of election rules.

Dr. P.C. Kesavankutty Nayar, then took the Chair as Returning Officer Secretary submitted the electoral roll duly signed by all the members to the Returning Officer.

Dr. Kesavankutty Nayar, Returning Officer called nominations for the Scrutiny Committee.

Dr. A.K. Patel, Dr. Mehrajuddin and Dr. N.B. Singh were unanimously appointed as members of the Scrutiny Committee for the elections to the posts of Executive Committee and Postgraduate Committee.

The Returning Officer also called nominations for the Polling Committee.

Dr. Samar Deb and Dr.(Mrs.) Joba Halen Soren were unanimously appointed as members of the Polling Committee for the elections to the posts of Executive Committee and Postgraduate Committee.

The Returning Officer then called for nominations for election to the Executive Committee and informed that there are total 9 vacancies as under:-

- (a) 4 vacancies in University Group i.e. 3(1)(b),
- (b) 3 vacancies in Nominated Group i.e 3(1)(a) & (e)
- (c) 2 vacancies in R.M.G. Group i.e. 3(1)©

The Returning Officer explained to the members that the nomination papers contained the name of the candidate, post or office for which the candidate is contesting, name of the proposer and name of the seconder. He also informed that the nominations received should be duly signed by the concerned along with a signed consent letter from the person whose name is being proposed for the post.

9(nine) nominations for membership for different categories for the Executive Committee were received by the Returning Officer duly scrutinised by the Scrutiny Committee. The Scrutiny Committee confirmed that all nominations were in order.

4(four) nominations were received for the University Group where the following names were duly proposed and seconded:-

1. Dr. P.M. Jadhav – Proposed by Dr. S.P. Singh
Seconded by Dr. M. Nath
2. Dr. F.U. Ahmed – Proposed by Dr. Sahajanand Prasad
Singh
Seconded by Dr. Indrajit Ray
3. Dr. B.P. Dubey – Proposed by Dr. V.K. Puri
Seconded by Dr. D.K. Sharma
4. Dr. Nitin S. Vora – Proposed by Dr. Haresh Kumar
Bhalodiya
Seconded by Dr. P.K. Patel

Dr. P.M. Jadhav, Dr. F.U. Ahmed, Dr. B.P. Dubey and Dr. Nitin S. Vora were declared elected unopposed as members of the Executive Committee representing the University Group.

3(three) nominations were received for the Nominated Group where the following names were duly proposed and seconded:-

1. Dr. K.S. Chugh – Proposed by Dr. L.S. Chawla
Seconded by Dr. V.Kanagaraj
2. Dr. Ajay Kumar – Proposed by Dr. Joba Helen Soren
Seconded by Dr. Usha Sharma
3. Dr. D.K. Sharma – Proposed by Dr. S.R.Maralihalli
Seconded by Dr. D.G.Benakappa

Dr. K.S. Chugh, Dr. Ajay Kumar and Dr. D.K. Sharma were declared elected unopposed as members of the Executive Committee representing the Nominated Group.

2(two) nominations were received for the R.M.G. Group where the following names were duly proposed and seconded:-

1. Dr. V.K. Puri – Proposed by Dr. S.J. Penkar
Seconded by Dr. J.R. Kher
2. Dr. Mukesh Kr. Sharma – Proposed by Dr. Ved Prakash Mishra
Seconded by Dr. L.S. Chawla

Dr. V.K. Puri and Dr. Mukesh Kumar Sharma were declared elected unopposed as members of the Executive Committee representing the R.M.G. Group.

6. Postgraduate Medical Education Committee – Election of member.

To elect three members of the Postgraduate Committee vice (i) Dr. S.R. Maralihalli, (ii) Dr. B.P. Dubey and (iii) Dr. C.R. Maity who ceased to be member of the Postgraduate Committee on 16.10.2001. (The Central Govt. nominated six members for constitution of Postgraduate Medical Education Committee).

The nominations for membership for the vacancies for Postgraduate Medical Education Committee were called for by the Returning Officer.

3(three) nominations for membership for the Postgraduate Medical Education Committee were received by the Returning Officer duly scrutinised by the Scrutiny Committee. The Scrutiny Committee confirmed that all nominations were valid. The following names were duly proposed and seconded:-

1. Dr. S.B. Siwach - Proposed by Dr. S.K. Sinha
Seconded by Dr. P.M. Jadhav
2. Dr. S.R. Maralihalli – Proposed by Dr. Usha Sharma
Seconded by Dr. Ved Prakash Mishra
3. Dr. Indrajit Ray – Proposed by Dr. K.M.Rameshchandra
Babu
Seconded by Dr. V.K. Puri

Dr. S.B. Siwach, Dr. S.R. Maralihalli and Dr. Indrajit Ray were declared elected unopposed as members of the Postgraduate Medical Education Committee.

7. Representation of the Council on other bodies – Election of.

(i) Drugs Technical Advisory Board.

To elect a member of the Council as its representative on Drugs Technical Advisory Board in place of Dr. U.C. Samal who ceased to be a member of the Council on 17.1.2002, for the remaining period upto 13.2.2004. (Term of member on the said Board is for three years).

Proposed by Dr. Ved Prakash Mishra and seconded by Dr. (Mrs.) Usha Sharma, Dr. C.S. Jayachandran was declared elected unopposed as a representative of the Council on Drugs Technical Advisory Board for the remaining period upto 13.2.2004.

(ii) Indian Parliamentary Scientific Committee.

To elect a member of the Council as its representative on Indian Parliamentary Scientific Committee for a full term of three years

in place of Dr. C. Das who ceased to be a member of the said Committee on 21.3.2002.

Proposed by Dr. Ved Prakash Mishra and seconded by Dr. D.K. Sharma, Dr. D.J. Borah was declared elected unopposed as a representative of the Council on Indian Parliamentary Scientific Committee for a period of three years.

(iii) Hari Om Ashram Alembic Research, Award Fund.

To elect four members of the Council as its representative on Hari Om Ashram Alembic Rsearch, Award Fund for the remaining period in place of (i) Dr. Prakash M. Shah, (ii) Dr. G.K. Thakur (iii)Dr. S.K. Pathak & (iv) Dr. U.C. Samal who ceased to be members of the Council.

The following names were duly proposed and seconded:-

- (i) Dr. A.C. Borah - Proposed by Dr. D.K. Sharma
Seconded by Dr. P.M. Jadhav
- (ii) Dr. Bhavin S. Kothari - Proposed by Dr. D.K. Sharma
Seconded by Dr. P.M. Jadhav
- (iii) Dr. S.P. Singh - Proposed by Dr. D.K. Sharma
Seconded by Dr. P.M. Jadhav
- (iv) Dr. Silvano C.A.Dias Sapeco - Proposed by Dr. D.K. Sharma
Seconded by Dr. P.M. Jadhav

Dr. A.C. Borah (upto 16.03.2003), Dr. Bhavin S. Kothari (upto 16.03.2003), Dr.S.P.Singh (upto 22.10.2002) and Dr. Silvano C.A. Dias Sapeco (upto 22.10.2002) were declared elected unopposed as representatives of the Council on Hari Om Ashram Alembic Research Award Fund for the remaining period.

(iv) Dr. B.C. Roy National Award Fund.

To elect two members of the Council as its representative on Dr. B.C. Roy National Award Fund for a full term of five years in place of (i) Dr. V.K. Puri and (ii) Dr. W.K. Belokar who ceased to be members of the Committee and Dr. W.K. Belokar has also ceased to be a member of the Council. Also to elect a member of the Council on Dr. B.C. Ray National Award Fund for the remaining period upto 28.10.2003 in place of Dr. S.R. Maralihalli who ceased to be a member of the Council

The following names were duly proposed and seconded:-

- (i) Dr. Subhash J. Penkar - Proposed by Dr. (Mrs.) Usha
Sharma
Seconded by Dr. B.P.Dubey &
Dr. P.M. Jadhav

- (ii) Dr. G. Shamsunder - Proposed by Dr.(Mrs.) Usha Sharma
Seconded by Dr. B.P.Dubey & Dr. P.M. Jadhav

Dr. Subhash J. Penkar and Dr. G. Shamsunder were declared elected unopposed as representatives of the Council on Dr. B.C. Roy National Award Fund for a period of five years.

Proposed by Dr. (Mrs.) Usha Sharma and seconded by Dr. B.P. Dubey, Dr. P.K. Mukherjee was declared elected unopposed as representative of the Council on Dr. B.C. Roy National Award Fund for the remaining period upto 28.10.2003.

(v) **Council of National Society for prevention of Blindness.**

To elect a member of the Council as its representative on Council of National Society for prevention of Blindness for the remaining period up to 15.10.2005 in place of Dr. S.C. Shetty who ceased to be a member of the Council.

Proposed by Dr. Ved Prakash Mishra and seconded by Dr. D.K. Sharma, Dr. Pramod Singh was declared elected unopposed as a representative of the Council on Council of National Society for prevention of Blindness for the remaining period up to 15.10.2005.

Minutes pertaining to the above elections were confirmed in the meeting itself for execution.

The Administrator and the Secretary congratulated the newly elected members on the Executive Committee, Postgraduate Committee and representatives of the Council on other bodies on behalf of the office and on their own behalf and wished them success in their tenure.

8. Sri Devraj Urs Medical College, Kolar – Approval of the college for the award of MBBS degree for the increased number of seats i.e. 100 to 150.

Read : The Council Inspectors report (23rd & 24th May, 2002) for approval of Sri Devraj Urs Medical College, Kolar for the increased number of seats i.e. from 100 to 150.

The Council approved the following recommendations of the Executive Committee:-

“The Executive Committee considered the Council Inspectors report (23rd & 24th May,2002) and decided to approve Sri Devraj Urs Medical College, Kolar for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore for the increased number of seats i.e. 100 to 150.

The attention of the authorities concerned be drawn towards implementation of observations made in the inspection report.”

9. Continuance of recognition of MBBS degree granted by Gorakhpur University in respect of students being trained at B.R.D. Medical College, Gorakhpur.

Read : The matter with regard to continuance of recognition of MBBS degree granted by Gorakhpur University in respect of students being trained at B.R.D. Medical College, Gorakhpur.

The Council approved the following recommendations of the Executive Committee:-

“The Executive Committee considered the matter with regard to Continuance of recognition of MBBS degree granted by Gorakhpur University in respect of students being trained at B.R.D. Medical College, Gorakhpur and noted the following:-

1. Periodical inspection for continuation of recognition of MBBS degree was carried out by the Council in Oct.,1995.
2. As no compliance regarding rectification of the deficiencies pointed out in the inspection report was received inspite of sufficient time given to the college authorities, the General Body at its meeting held on 17.3.1998 decided to represent to the Central Govt. to withdraw the recognition of MBBS degree granted by Gorakhpur University in respect of students being trained at BRD Medical College, Gorakhpur u/s 19 of the Indian Medical Council Act,1956 in view of the gross deficiencies pointed out in the over all infrastructural facilities.
3. The decision of the General Body was communicated to the Central Govt. on 28.04.1998 and accordingly the Central Govt. requested the Govt. of U.P. to obtain explanation of the Gorakhpur University and BRD Medical College, Gorakhpur, on the recommendations of the Council as per provisions of Section 19 of the I.M.C. Act,1956.
4. The Central Govt. vide their another letter dated 20.11.1998 forwarded the compliance report submitted by the college authorities and requested the MCI to carry out the fresh inspection of the college.
5. In light of the Central Govt.’s letter inspection of the college was carried out on 14th & 15th Oct.,1999 and the inspection report was considered by the Executive Committee at its meeting held on 04.11.1999.
6. Upon consideration of the inspection report, the Committee noted that the college was admitting 105 students each year against the approved intake of 50 students in violation of the Regulations of the Council. It also noted the gross deficiencies with regard to the teaching staff even for 50 annual admissions and the gross deficiencies in over all infrastructural facilities including teaching beds.
7. In view of above, the Committee decided to reiterate the decision taken by the General Body to withdraw the recognition of MBBS degree granted by Gorakhpur University in respect of students being trained at BRD Medical College, Gorakhpur. The Committee further decided to

direct the college authorities to stop admissions in the postgraduate medical courses which were being conducted by the institution.

8. The decision of the Executive Committee was communicated to the Central Govt. vide MCI letter dated 26.11.1999 and the Central Govt. requested the then Secretary, Medical Education, Govt. of U.P. to take appropriate steps to rectify the deficiencies within 3 months and to send a compliance to that effect to MCI under intimation to the Ministry so as to avoid possible de-recognition of the institution.
9. In response to above, the Govt. of U.P. informed the Central Govt. that they had decided that the medical colleges in UP shall admit the number of students as determined by the MCI for MBBS course. They further informed that the process of giving autonomy to the medical colleges in U.P. is almost complete and facilities will be developed by the colleges to ensure that they fulfil the minimum requirements of medical colleges prescribed by the Council.
10. The matter was again considered by the Executive Committee at its meeting held on 26.05.2000 and the Committee gave six months time to the institution to rectify the deficiencies pointed out in the inspection report for 50 (fifty) admissions
11. Six months time as granted by the Executive Committee on 26.05.2000 have already been over and no compliance has been received from the college authorities inspite of a D.O. letter dated 11.4.2002 sent to the Secretary, Medical Education, Govt. of U.P. requesting to personally intervene in the matter and direct the authorities to send the compliance.

Noting all the above mentioned facts, the Committee decided to reiterate the decision representing to Central Govt. to withdraw the recognition of MBBS degree granted by Gorakhpur University in respect of students being trained at B.R.D. Medical College, Gorakhpur w.e.f. the academic session 2002-2003.”

10. MBBS(Devi Ahilya Vishvidyalaya) – Continuance of recognition in respect of students being trained at M.G.M.Medical College, Indore.

Read : The matter with regard to continuance of recognition of MBBS degree granted by Devi Ahilya Vishvidyalaya in respect of students being trained at M.G.M.Medical College, Indore.

The Council considered the matter with regard to continuance of recognition of MBBS degree in respect of students being trained at M.G.M. Medical College, Indore along with the following recommendations of the Executive Committee:-

“The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Devi Ahilya Vishvidyalaya in respect of students being trained at M.G.M.Medical College, Indore and noted the following:-

1. Periodical inspection for continuance of recognition of MBBS degree was carried out in Feb.,1998.

2. The inspection report was considered by the Committee on 16.3.1998 where the Committee noting the deficiencies with regard to teaching staff did not recommend continuance of recognition of MBBS degree and gave 3 months time to the institution to send a compliance report.
3. The compliance received from the college authorities was again considered by the Committee at its meeting held on 23.3.1999 where the Committee noted that the deficiency of staff still persists for the present number of admissions being made by the college i.e. 140 students.
4. The Committee decided to issue a show cause notice to the concerned authorities as to why steps should not be initiated to reduce the number of seats in consonance with the facilities available. The Committee gave one month time to the institution to respond to the show cause notice.
5. The decision of the Committee was communicated to the college authorities on 17.4.1999 in response to which the Dean, of the College vide his letter dated 14.6.1999 furnished the staff list. The same was considered by the Executive Committee at its meeting held on 16.6.1999.
6. Since the Dean had not provided any information pertaining to the staff available for departments of TB & Chest Diseases, Skin & STD, Psychiatry and further that the deficiencies with regard to other staff were still persisting in terms of regulations, 1999 prescribed by the Council in Standard Requirements for a medical college for 150 admissions, the Committee gave 3 months time to the institution to rectify all the deficiencies and send a compliance to that effect.
7. The compliance as received from the college authorities was placed before the EC on 4.11.1999 where it was decided to verify the same by way of an inspection.
8. Inspection to verify the compliance was conducted by the Council on 27th & 28th Sept., 2001.
9. The compliance verification inspection report was considered by the Executive Committee at its meeting held on 16.10.2001 where the Committee noted the following:-

(i) Shortage of staff

Professor – 1 (Anatomy)

Reader – 11 (Anatomy-1, Biochemistry-1, Pathology-2, Micro.-2, Forensic Medicine-2, Gen.Med.-1, Anaes.-1, Radio-Diag.-1)

Lecturers – 12 (Anatomy-1, Biochemistry-1, Pharma.-2, Path.-2, For. Medicine – 1, Genl.Med.-3, Dermatology-1, Radio-Diag.-1)

Demonstrator/Senior Resident – 10 (Anatomy-3, Physiology-1, Biochemistry-3, Microbiology-1, PSM-1, Dermatology-1)

Junior Residents – 3 (Dermatology-3)

(ii) Additional shortage of staff due to postgraduate admission requirements:

Reader –9(Anatomy-1,Physiology-1,Pharma.-1,Path.-1,PSM-1, Medicine-2, Anaes.-1, Radio-Diagnosis-1).

Lecturer – 9 (Anatomy-1,Pharmacology-1,Pathology-1, PSM-1, Medicine-3, Anaes.-1, Radio-Diagnosis-1).

Demonstrator – 3 (Anatomy-1, Physiology-1, PSM-1).

- (iii) The shortage of staff for undergraduate requirement was 13% against the permitted 5% and the shortage of staff including postgraduate admission requirements was 19% against the permitted 5%.
- (iv) All the staff of Biochemistry department was non-medical.
- (v) Nine Lecturers had joined the institution on contractual basis for a period of three years in the month of July, August and Sept.,2001 which was not acceptable.
- (vi) There were 53 general duty medical officers working in the hospital. Their designations need to be made teaching designations i.e. Demonstrators/ Registrars/Senior Residents/Tutors.
- (vii) The departments of Skin & STD and TB & Chest Diseases were not separated from the department of Medicine.
- (viii) It was reported that at the time of inspection there was no power in the institution for about 45 minutes and none of the power generators functioned. The inspecting team was informed that there was a daily power cut of two hours in the morning since last two months. The college authorities must ensure uninterrupted electric supply at least to the vital areas and functions by way of providing powerful generators.

10. In view of above, the Committee decided to issue a show cause notice to the concerned authorities of the institution as to why action be not initiated to reduce the number of seats in consonance with the teaching staff available at the college and not complying with the deficiencies as pointed out in the periodical inspection report (Feb.,98) inspite of sufficient time granted to them from time to time. One month's time was again granted to the institution to respond to the show cause notice.
11. In reply, the Dean vide his letter dated 10.1.2002 informed that regarding the shortage of staff in the medical college, Indore all efforts have been made to fill up the posts. The contractual appointments were made as per Govt. policy and directives.
12. A letter dated 07.01.2002 had also been received from the Director, Medical Education, Govt. of M.P. intimating that they are in continuance process of rectifying the deficiencies with regard to teaching staff in the medical colleges.

Since nothing has been heard after Jan.,2002 and matter for continuance of recognition is pending for more than 4 years, the Executive Committee decided to recommend to the Council to reduce the number of seats from 140 to 100 in 1st MBBS course in consonance with the teaching facilities available at M.G.M. Medical College, Indore from the academic year 2002-2003.”

Dr. B.P. Dubey member of the Council informed that admissions to the academic session 2002-03 are already over and academic session has already commenced. The members further argued that why the decision of the Executive Committee taken at its meeting 22.5.2002 was not placed before the General Body of the Council at its meeting held on 3rd & 4th June,2002? If the decision of the Executive Committee had been placed before the General Body on 3rd & 4th June,2002 the situation which has arisen now could have been avoided. The members attributed non-placement of this decision of the Executive Committee before the General Body to some corrupt intentions and nexus.

Administrator clarified that the minutes of the Executive Committee could not be placed before the General Body as they were not approved and circulated to the members. He also stated that the matter with regard to taking action on the various minutes of the Committees has been discussed in the Executive Committee time and again.

Dr. Mishra informed that the Administrator could have availed the power given in the Act to him for placing these minutes before the General Body.

After much discussions, the Council approved the above decision of the Executive Committee with the modification that the reduction in the seats from 140 to 100 at M.G.M. Medical College, Indore shall come into effect from the academic session 2003-04 instead of 2002-03.

11. MBBS (Rajiv Gandhi University of Health Sciences,- Continuance of recognition in respect of students being trained at Bangalore Medical College, Bangalore.

Read : The matter with regard to continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences in respect of students being trained at Bangalore Medical College, Bangalore.

The Council considered the matter with regard to continuance of recognition of MBBS degree in respect of students being trained at Bangalore Medical College, Bangalore along with the following recommendations of the Executive Committee:-

“The Executive Committee noted that an inspection to assess the infrastructural and other facilities for training and teaching of 150 students at Bangalore Medical College, Bangalore was carried out by the Council on 24th -26th August,2000.

In view of the various deficiencies detected in the inspection report the Committee at its meeting held on 22.1.2001 decided to issue a show cause notice to the college authorities as to why steps should not be

initiated to reduce the number of seats in consonance with the facilities available at the college.

The Committee further considered the compliance verification inspection report (28th & 29th Nov.,2001) carried out on receipt of the compliance on rectification of the deficiencies pointed out in the inspection report (Oct.,2000) and noted that the following deficiencies with regard to teaching staff and other infrastructural facilities still persist:-

1. Shortage of staff:-

Professor – 1 (Psychiatry –1)

Associate Professor – 7 (Physiology-2, Pharmacology-1, Micro.-1, Forensic Medicine –2, PSM –1)

Assistant Professors – 9 (Anatomy –2, Physiology-1, Lecturer in Biophysics –1, Microbiology-1, Forensic Medicine-1, PSM –2, Lecturer cum Epidemiologist –1)

Tutor/Sr. Resident – 17 (Anatomy-5, Physiology-3, Biochemistry-1, Pharmacology-2, Pathology-4, Forensic Medicine-2)

Total – 34.

2. There is also gross shortage of para medical staff for 150 admissions.
3. Appointments to the post of Professors in various departments are made without putting any experience as Associate Professor/Reader which is contrary to the regulations of the Council.
4. The auditorium presently available is not having permanent seats. It is used for conducting examinations. It is not used for indoor games. Minto Ophthalmic Hospital is having its own gallery type auditorium with fixed furniture having 500 seats in the same campus instead of required 750 to1000 seats.
5. Examination hall is not available with required number of seats i.e. 375. It is having only 80 seats.
6. Adequate accommodation is not available in the hostels for girls and boys. Only accommodation for 391 students is available as against the requirement of 750.
7. Casualty services at Bowering Hospital need to be upgraded to provide adequate equipment for resuscitation and surgical procedures.
8. There is no residency system.
9. There is no CT Scanning facility.

10. Departmentwise deficiencies:

Anatomy department:

- Demonstration room II should be provided 75 to 100 seats with furniture.
- Histology practical laboratory should have 90 workplace.

Physiology department:

- Each practical laboratory should have 90 work place.

Biochemistry department:

- Two demonstration rooms each having 75 to 100 seats are required.

Pharmacology department:

- Demonstration room II should have 75 to 100 seats.
- Each practical laboratory should have 75 to 100 seats.

Pathology department:

- One more practical laboratory for 90 students should be provided.
- Practical laboratory should not be used by Microbiology department.
- Two demonstration rooms each having 75 to 100 seats should be provided.

Microbiology department:

- One more demonstration room having 75 to 100 seats should be provided.
- Student practical laboratory should be commissioned as per Council guidelines immediately.
- Independent museum should be established.

Forensic Medicine Department:

- The departmental library cum seminar room needs to have an independent facility and addition of new books.
- There is no separate research laboratory.
- Office accommodation needs to be provided for junior members of the teaching and non-teaching staff.
- There should be two demonstration rooms each having 75 to 100 seats with furniture.

Preventive and Social Medicine:

- Each demonstration room should have 75 to 100 seats.

11. Other observations/deficiencies pointed out in the inspection report.

In view of above, the Executive Committee decided to recommend to the Council to reduce the number of seats from 150 to 100 in 1st MBBS course in consonance with the teaching facilities available at Bangalore Medical College, Bangalore from the academic year 2002-2003.”

Dr. D.G. Benakappa, member of the Council informed that the admissions to this medical college for the academic session 2002-03 have already been made and before any further decision with regard to reduction in the seats from 150 to 100 for the academic session 2003-04 is taken up, Council may consider the compliance report on rectification of the deficiencies pointed out in the inspection report. He then handed over a copy of the compliance report.

In light of the compliance submitted, the Council deferred the consideration of the matter for continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of Bangalore Medical College, Bangalore with reduced seats and decided that the compliance report be placed before the Executive Committee for its consideration.

12. **Continuance of recognition of MBBS degree granted by Manipal Academy of Higher Education in respect of students being trained at Kasturba Medical College, Manipal and Kasturba Medical College, Mangalore.**

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

The Council approved the following recommendations of the Executive Committee:-

“The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Manipal Academy of Higher Education in respect of students being trained at KMC, Manipal and KMC, Mangalore along with the decision taken by the Committee at its meeting held on 22.1.2001.

Upon consideration of the inspection reports of the institutions carried out by the Council Inspectors in Jan.,2001 at K.M.C. Manipal and KMC, Mangalore, the Committee had noticed that out of the total admissions being made at Kasturba Medical College, Manipal and Kasturba Medical College, Mangalore 25% of the seats are being filled up with NRI/Foreign quota and the remaining 75% under the general category quota. Further all the students admitted against NRI/foreign quota of both the colleges are being placed at Kasturba Medical College, Manipal for the entire MBBS course. The general category candidates

admitted against the Kasturba Medical College, Manipal are being sent to the Mangalore medical college for the entire MBBS course in lieu of the NRI/foreign quota admitted against the Mangalore Medical College. Thus the admissions against NRI/foreign quota fixed as 15% by the Hon'ble Supreme Court is being violated by the institution. Moreover, the number of admissions made against the NRI/foreign quota has been exceeded in the year 2000-2001 beyond the 25% i.e. 26.2%. Further, approximately 50% of the total seats are being filled up by the NRI/foreign students each year at Kasturba Medical College, Manipal which is also a total violation of the NRI quota fixed by the Hon'ble Supreme Court for one particular medical college. To quote an example out of the total 248 admissions made at the college during the year 1999-2000 at Kasturba Medical College, Manipal, 134 students belonged to general category and 114 belonged to NRI/foreign quota.

The Committee also noted the deficiencies pointed out in the inspection report with regard to infrastructural facilities, clinical material in the hospital, teaching facilities in Govt. Hospital, shortage of staff etc. for the number of admissions being made at the colleges.

In view of above, it was decided to issue a show cause notice to the concerned authorities regarding the admissions made at the college in excess of the NRI quota fixed by the Hon'ble Supreme Court at 15% and also that all the NRI/foreign students selected against Kasturba Medical College, Manipal and Kasturba Medical College, Mangalore are being placed at Kasturba Medical College, Manipal for their entire MBBS course which is in total violation of the orders of the Hon'ble Supreme Court and further that seats in the NRI quota at Kasturba Medical College, Manipal have been increased to 50%.

The Executive Committee further considered the reply received from the Registrar, MAHE, regarding the admission against NRI quota and the compliance regarding rectification of the deficiencies pointed out in the inspection report of two medical colleges.

Regarding admission against NRI quota the Registrar has informed that the Hon'ble High Court of Karnataka has ruled that deemed universities are not under the purview of the State Govt. Further, the Hon'ble Supreme Court has also declared that the scheme in Unnikrishnan judgement is not applicable to the colleges run by the Govt. and University colleges. The Registrar has enclosed a copy of Govt. notification dated 01.06.1993 issued by the Govt. of India conferring the Deemed university status to these colleges. In the said order clause D reads as follows:-

“The Academy will not charge any capitation fee from the students and the tuition fee to be charged from the students for pursuing the professional courses should be as prescribed on the recommendations of the Expert Committee appointed in consultation with the UGC.”

The Committee so appointed recommended admission of 33.3% of the total intake by NRI/Foreign students but the university restricted admission only to 25%. This question was raised before the Hon'ble Supreme Court in WP No. 23/99 and the Court made the following orders dated 16.4.1999:-

“However in view of peculiar facts of this case, we order that for the year 1999-2000 only, the petitioner’s institutions shall be permitted to continue their earlier policy of NRI quota, a fee fixation and admission.”

It was also informed that the UGC instructed all the universities to create 20% supernumerary seats in all the university departments special courses whether technical or professional or otherwise. These supernumerary seats are exclusively meant for foreign students. Subsequently, the UGC reduced these supernumerary seats to 15%. This was in addition to 15% of the seats allowed by the Hon’ble Supreme Court.

Regarding admitting all of NRI’s in KMC, Manipal resulting in the increase of quota of NRI/Foreign students to 50% in Manipal, it was informed that the entire admission process (medical, dental, nursing and other courses) is done through an all India entrance test, Open Counselling and a centralized admission procedure (which is as per UGC guidelines). Hence, based on the total number of seats available, the NRI/foreign and general category seats are fixed. Accordingly, out of 500 seats available for medical, the NRI/foreign quota becomes 125 which is distributed in both Manipal and Mangalore as per the option given by the students. Since most of the NRI/foreign students opted for Manipal it appears that there are more number of NRI/foreign students in Manipal. The Govt. category students selected through Karnataka entrance test are admitted in KMC, Mangalore because of the Govt. hospitals which are utilized by them only at Mangalore.

From the compliance submitted by the Registrar, MAHE in respect of KMC, Manipal and KMC, Mangalore it was also noted that all the deficiencies have not yet been rectified.

The Committee further considered the legal opinion obtained from the Council Advocate regarding NRI quota. He opined that UGC does not have the authority to create supernumerary seats in medical colleges. Creation of additional seats in medical colleges lies in the domain of the MCI. He further opined that reservation of 15% seats as NRI quota has to be institution-wise; it matters not if more than one institutions have acquired the character of deemed university. He also informed that the question whether the judgement of Unnikrishnan case would apply to deemed university or not, would become clear after judgement is delivered by a Bench of eleven judges of the Supreme Court.

In view of above, the Committee decided to recommend to the Council to initiate action u/s 19 of the I.M.C. Act,1956 for withdrawal of recognition of MBBS degree granted by Manipal Academy of Higher Education in respect of students being trained at Kasturba Medical College, Manipal and Kasturba Medical College, Mangalore for not following the orders of the Hon’ble Supreme Court of India with regard to admission against NRI quota i.e 15% in each of the medical colleges and approximately 50% of the total seats being filled up by the NRI/foreign students each year at Kasturba Medical College, Manipal which is also a total violation of the NRI quota fixed by the Hon’ble Supreme Court for one particular medical college.”

13. Eligibility of colour blind students for admission to MBBS course – Reg.

Read : The matter with regard to Eligibility of colour blind students for admission to MBBS course as referred by the Executive Committee.

The Council noted that a Sub-Committee under the Chairmanship of Dr. K. Ananda Kannan, the then member of the Council and the member of the Executive Committee had been constituted along with other members as Dr. Indrajit Ray and Dr. U.G. Nachinolcar and Secretary, MCI. This Committee had submitted its report which was approved by the Council at its meeting held on 21/22nd June, 2001. The main recommendations of the Sub-Committee are again recorded as under:-

“The visually handicapped is not in a position to pursue the medical course and do the internship as corrected vision is absolutely necessary for the study and for the practice of medicine. The hearing impairment will interfere with the training in medical education since the process of hearing of various signs and auscultation is absolutely essential to pursue the medical training and to follow the medical practice. In view of the above observations, the visually handicapped and hearing disabled should be considered invalid for admission to the MBBS.

Among the locomotory disabled, the upper limb should be functional and normal as it is required to elicit sign during clinical examination and movements are desired for conduct of surgical procedure. The locomotory disables involving the lower limb is permissible but it should be with the following guidelines:-

1. If it involves only one lower limb it should have a minimum of 40% and should not exceed 60%.
2. If it involves both the lower limbs the total disability should not exceed 60% with a minimum of 40%.

The disability certificate should be issued by a duly constituted and authorised Medical Board.”

The above decision was communicated to the Chief Commissioner for disabilities, Govt. of India. However, after receiving the judgement of the Delhi High Court that Section 39 of the Disabilities Act refers only to the reservation of posts in Govt. Educational Institutions or Aided Institutions, the Council had again communicated to the Chief Commissioner for Disabilities that no reservation for any category of students is permissible under the Council Regulations except that relaxation of 10% marks has been provided for candidates belonging to SC/ST/OBC in the prescribed qualifying marks in the qualifying examination for admission to MBBS.

In the meanwhile, the Hon’ble High Court of Rajasthan, Jaipur have admitted a writ petition in which the petitioner had been found to be medically unfit as he was unable to recognise red and green colour with both 13 and 1.3 mil. Aperture on edridge green lantern test (high and low grade). As a consequence of colour blindness the Mahatma Gandhi Institute of Medical Sciences, Jaipur did not allow the petitioner to prosecute the said course further. The Court has pointed out “this petitioner raises an important question

for consideration which may be relevant in case of many persons who have colour blindness as a defect of vision. We found that the petition involves an arguable question”.

The Council further noted that the above matter was placed before the Executive Committee for its consideration however, Executive Committee has referred the matter to the General Body for its consideration.

The Council noting all the above facts decided to form a Sub-Committee consisting of Dr. (Mrs.) Usha Sharma and Dr. S.B. Siwach. It was further decided that this Sub-Committee may co-opt an eminent Ophthalmologist from Delhi. The report of the Sub-Committee be submitted to the Executive Committee for its consideration.

14. Modification of Application Forms for Registration.

The Council approved the modified application form and checklist for registration as approved by the Executive Committee.

15. Continuance of recognition of MBBS degree granted by Saurashtra University in respect of students being trained at M.P. Shah Medical College, Jamnagar.

Read : The matter with regard to continuance of recognition of MBBS degree granted by Saurashtra University in respect of students being trained at M.P. Shah Medical College, Jamnagar.

The Council considered the matter with regard to continuance of recognition of MBBS degree in respect of students being trained at M.P. Shah Medical College, Jamnagar along with the following recommendations of the Executive Committee and also the latest position of the case i.e. receipt of the compliance:-

“The Executive Committee considered the matter with regard to continuance of recognition of MBBS degree granted by Saurashtra University in respect of students being trained at M.P. Shah Medical College, Jamnagar and noted the following:-

1. Periodical inspection of M.P. Shah Medical College, Jamnagar for continuance of recognition of MBBS degree was carried out in Jan., 1994.
2. The inspection report along with the compliance on the remarks made in the inspection report was considered by the Executive Committee at its meeting held on 8/1/1996.
3. The Executive Committee recommends that recognition of MBBS degree granted by Saurashtra University in respect of M.P. Shah Medical College, Jamnagar be continued subject to immediate rectification of deficiencies pointed out in the inspection report within six months.
4. Further compliance report received from the college authorities was considered by the Executive Committee at its meeting held on 8/3/1997.

5. Since the deficiencies were still persisting the Committee gave 3 months time to the institution to rectify the same and send the compliance. The President was authorized to take a decision on receipt of the compliance.
6. Compliance report received in response to the above decision was put up to the President for consideration. Since the deficiencies were still persisting the President gave final 3 months time to the institution to rectify the deficiencies.
7. Compliance along with the list of the teaching staff received from the Dean, M.P. Shah Medical College, Jamnagar was considered by the Executive Committee at its meeting held on 2/7/98.
8. From the compliance report the Committee observed that though there was improvement in the staff deficiencies as compared to the last inspection report, yet certain deficiencies in the staff were still persisting. The Committee granted six months time to the institution to rectify the deficiencies and send a detailed compliance report.
9. Compliance report received from the college authorities was considered by the Executive Committee at its meeting held on 16/6/99, where the Committee noting the deficiencies of staff for the present number of admissions being made by the college authorities i.e 175 gave 6 months time to the college authorities to comply with the above deficiencies and send a compliance.
10. In response to above decision, the Dean, M.P. Shah Medical College, Jamnagar vide letter dated 11th May, 2000 had submitted the compliance on the general remarks mentioned in the inspection report and list of the staff in position as on 11/5/2000.
11. A letter In this connection was also received from the Commissioner Health, Medical Services and Medical Education, Govt. of Gujrat intimating that the Govt. is in the process of filling up of teaching and other posts at M.P. Shah Medical College, Jamnagar. Moreover the State and the Saurashtra region in particular is facing drought situation, and Govt. is engaged in taking mitigating measures. He had requested to give at least 3 months time for filling up the various posts and submission of the compliance.
12. Three months time as requested was granted by the Executive Committee at its meeting held on 26/5/2000. No further compliance report was received however, a letter dated 19/1/2001 was received from the Dean, M.P. Shah Medical College, Jamnagar requesting to grant six months time in view of the earthquake in the Gujarat State. Time as requested was granted to the college authorities for submission of the compliance.

The Committee further considered the letter dated 8/11/2001 received from the Dean, M.P. Shah Medical College, Jamnagar requesting to grant extension of six months more time for submission of compliance report w.e.f. 15th Nov., 2001 on the grounds that the State Govt. is still very much occupied with the various health problems which had arisen due to earthquake.

Six months time w.e.f. 15th Nov., 2001 as sought by the Institution for submission of the compliance has already been over and no further communication has been received. In light of the facts stated above, the Executive Committee decided to recommend to the Council to reduce the number of seats from 175 to 100 in Ist MBBS course in consonance with the teaching facilities available at M.P. Shah Medical College, Jamnagar from the academic year 2002-2003.”

The Council also observed that the above decision taken by the EC at its meeting held on 22.05.2002 should have been brought before the General Body of the Council for its consideration on 3rd & 4th June,02 so that the decision with regard to reduction in the seats could have been communicated to the concerned authorities well before the process for admission to the academic session 2002-03 started.

The Council further noted that the Dean, M.P. Shah Medical College, Jamnagar vide his letter dated 11th June, 2002 had submitted the compliance report on rectification of the deficiencies pointed out in the inspection report and the Executive Committee at its meeting held on 5th August,2002 has appointed following inspectors to verify the same:-

Dr. Alka Deshpande
Dr. Dawan
Dr. R.D. Bansal.

In view of the above facts, the Council deferred the consideration of the matter for continuance of recognition of MBBS degree granted by Saurashtra University in respect of students being trained at M.P. Shah Medical College, Jamnagar with reduced seats and decided that the compliance verification report be considered by the Executive Committee and the recommendations of the Executive Committee be brought back to the General Body for further consideration.

16. Request for change of nomenclature of MD (Immuno-Haematology & Blood Transfusion) to MD (Transfusion Medicine) in the Council's regulations on Postgraduate Medical Education – letter of Govt. regarding.

Read : The matter with regard to change of nomenclature of presently prescribed course of M.D.(Immuno-Haematology & Blood Transfusion) to MD(Transfusion Medicine).

The Council approved the following recommendations of the Postgraduate Committee:-

“The Postgraduate Committee considered the Central Govt.’s letter dated 5.7.2000 forwarding therein the request from the HOD, Department of Transfusion Medicine, SGPGI, Lucknow for consideration of change of nomenclature of qualification of M.D.(Immuno-Haematology & Blood Transfusion) to MD(Transfusion Medicine).

The Committee after due deliberations and taking into consideration the considered opinion of the concerned authorities of various institutions; decided to recommend that the nomenclature of M.D.(Immuno-

Haematology & Blood Transfusion) be changed to M.D.(Transfusion Medicine) and further decided that the necessary amendment in the Council's regulations on Postgraduate Medical Education, 2000 be recommended to the Govt. to this effect.”

17. Appointment for the post of Lower Division Clerk.

The Council approved the following appointments made in the Council office for the posts of Lower Division Clerks as approved by the Executive Committee:-

General (no.of vacancies 4):

1. Mr. Vinay Gupta
2. Ms. Kavita Chaudhary
3. Ms. Sarabjeet Kaur
4. Mr. Manoj Kumar

Wait list:

1. Ms. Baljeet Kaur
2. Mr. Arjun Singh

Scheduled Caste: (no. of vacancy 1):

1. Ms. Rekha Banga

Wait list:

1. Mr. Sanjay Ujjainwal

OBC (no. of vacancies 3):

1. Mr. Rajiv Kataria
2. Ms. Manju Rani
3. Mr. Mahender Singh

Wait list:

1. Mr. Satish Kumar

18. Revision/Amendment in the letter of intent issued to M/s L & T Ltd., the contractor for the proposed Council building at Dwarka.

Read and approve the revision/amendment made in the letter of intent issued to M/s L & T Ltd., the contractor for the proposed Council building at Dwarka approved by the Administrator as authorized by the Executive Committee.

The Council noted that the Letter of Intent for the construction of the proposed Building for the offices of the MCI at Dwarika was issued in favour of M/s L & T Ltd. and the matter was duly placed before the Executive Committee and the General Body of the Council at its meetings held on 02.02.2000 and 31.03.2000 respectively.

The Council further noted that at the time of signing the agreement with the contractors, on the advise of Management Consultants, the escalation of Rs.45 lakhs agreed to was considered as superfluous in the absence of no work having been started by them and that the escalation as per provision of clause 10CC of the tender would only be acceptable. It was further noted that the cost reduction of approximately 50 lakhs by M/s L & T Ltd. as agreed upon was required to be calculated rate-wise and as per calculations, it was decided to bring down the cost by 6.23% of the original tendered amount of Rs.8,66,78,084/- to Rs.8.1 crores only. The above amendments along with other technical details which required minor modifications were included in the agreement and the agreement was signed.

The Council, therefore, decided to approve the following decision of the Executive Committee taken at its meeting held on 24.06.2002 and the action taken by the Administrator in approving the decision of the Executive Committee:-

“The Executive Committee read the detailed note prepared with respect to an earlier agreement of payment of Rs.45 lakhs towards escalation charges by Medical Council of India to M/s L & T Ltd. – the Contractors appointed for constructing the proposed building of MCI offices at Dwarka. The Committee noted that the Building Committee has approved that the escalation charges will be payable only as per the Clause 10CC already included in the tender and also uniformity in general rebate of 6.23 percent at the earlier quoted rates to bring down the cost of tendered amount of Rs. 8,66,78,084/- to Rs. 8.1. crores only. The Committee also noted the enhanced dates for the completion of work which have occurred because of non-availability of land for starting the construction on the scheduled time. The Committee also noted certain other revisions/amendments of technical nature made in the tender document at the time of signing the agreement with contractors on the advice of management consultants after having prolonged meeting with the contractors.

This being a financial matter, the Committee decided that the same be placed before the Administrator before its implementation.”

The Administrator informed the members that the Building Committee is not meeting regularly. One member atleast of the Building Committee should visit the site to see the progress of the building coming up. He requested the General Body to constitute the Building Committee comprising of the members from the nearby States so that the construction work can be inspected as frequently as possible.

The General Body decided that the Executive Committee may reconstitute the Building Committee. This Committee should meet as frequently as possible to discharge the obligation of monitoring of construction work by going to the site and reporting back to the Executive Committee and General Body from time to time.

19. Recognition of MBBS degree granted by H.N.B. Garhwal University, Srinagar (Uttaranchal) in respect of students being trained at Himalyan Instt. of Medical Sciences, Dehradun.

Read : The matter with regard to Recognition of MBBS degree granted by H.N.B. Garhwal University, Srinagar (Uttaranchal) in respect of students being trained at Himalyan Instt. of Medical Sciences, Dehradun.

The Council approved the following recommendations of the Executive Committee:-.

“The Executive Committee considered the letter dated 29.07.2002 of the Registrar, H.N.B. Garhwal University, Srinagar (Uttaranchal) received through the Central Govt., Ministry of Health & F.W. making request u/s 11(2) of the I.M.C. Act,1956 for recognition of MBBS degree granted by H.N.B. Garhwal University, Srinagar (Uttaranchal).

The Committee noted that after the formation of Uttaranchal State, all the affiliated colleges with any of the recognised universities of Uttar Pradesh were transferred to their regional universities vide Uttaranchal Government Order No. 2272/HRD/2001-3/2/2001 dated June 15,2001. Subsequently, Himalayan Institute of Medical Sciences has been given permanent affiliation by this University for award of MBBS course.

The Committee further noted that the students who were admitted from the year 1996-97 onwards appeared in their respective examinations along with the remanded students of the final professional the examination of which was held in March,2002 conducted by this University.

The Committee also noted its decision which was taken in June,1988 i.e. “No inspection is required where there is change of name and change of affiliation of the University or the college whose medical qualifications are already recognised and included in the First Schedule to the I.M.C. Act,1956 unless the Executive Committee decides otherwise”.

Since Himalayan Instt. of Medical Sciences, Dehradun is already recognised under Ch. Charan Singh University, Meerut for the purposes of I.M.C. Act,1956, the Committee decided to recommend to the Council that MBBS degree granted by H.N.B. Garhwal University, Srinagar (Uttaranchal) in respect of students being trained at Himalayan Instt. of Medical Sciences, Dehradun be recognised w.e.f. March,2002 and included in the First Schedule to the I.M.C. Act,1956 being change of affiliation of the University.”

20. Minutes of the meeting of the Finance Committee – Approval of.

The Council approved the minutes of the Finance Committee meeting held on 2nd August,2002 as approved by the Executive Committee with the observation that the expenditure made on the lawyers appointed by the Administrator be evaluated through a legal opinion in regard to their validity in the back drop of the decision of the General Body dated 30th April/1st May,2002, Hon’ble Delhi High Court order dated 23.11.2001 & 7th June,2002 respectively and Hon’ble Supreme Court order dated 15th July,2002. However,

the Council reiterated that the decision of the General Body in regard to incurring on legal expenses on lawyers shall be strictly in accordance with the decisions taken by the Executive Committee and General Body from time to time.

21. Compliance and implementation of Orders dated 11/3/2002 and 10/5/2002 passed by the Hon'ble Supreme Court in Writ Petition No.8/2001-Asheesh Pratap Singh & Ors. Vs. UOI & Ors with regard to adjustment of students of Medical College, Azamgarh to the Medical College in the Govt. Medical Colleges in the State of Uttar Pradesh.

Read : The matter with regard to adjustment of students of Azamgarh in the medical colleges of the State of U.P.

The Council reconsidered the whole matter along with the legal opinion obtained from the Ld. Solicitor General of India, decision taken by the General Body of the Council at its meeting held on 3rd & 4th June,2002, the letter of the Director General, Medical Education & Training, U.P. and the observations made by the Executive Committee at its meeting held on 05.08.2002.

The Council after detailed deliberations in the matter again and in light of the Council Regulations, decided to reiterate that the decision taken earlier on 3rd & 4th June,2002 is just and appropriate.

The Council accordingly further decided that DGMET, U.P. be requested to take appropriate steps as already communicated to him vide MCI letter dated 17.7.2002 followed by a reminder dated 13.08.2002.

22. Inspection of National Instt. of Medical Sciences at Jaipur – Certain news item appearing in the newspaper regarding Council inspectors being manhandled and roughed up, lodging of FIR at the hand of management against one of the Council Inspectors.

Members of the Council enquired from the Administrator whether inspectors were appointed by him to carry out the inspection of NIMS at Jaipur and also that one of the Inspectors were manhandled and an FIR was lodged against him for indecent behaviour.

The Administrator informed that the inspection of the said institution was arranged on receipt of a court order dated 20.8.2002 from the Rajasthan High Court. The Executive Committee members pointed out that the matter regarding appointment of inspectors should have been placed before the Executive Committee as this institution on earlier occasion has played fraud regarding the faculty which was shown to the Council Inspectors and on basis of which Letter of Intent was not recommended by the Executive Committee of the Council.

The complete status note on the application received earlier and its disposal at the end of the Council was read out to the members of the General Body. The order of the Hon'ble Rajasthan High Court was also read out.

A complete chronology from the receipt of the court order, inspectors appointed and the inspection carried out was informed to the members of the General Body.

The members objected to the appointment of inspectors by the Administrator without placing the same before the Executive Committee scheduled to be held on 28.08.2002. Dr. Usha Sharma, a member of the Executive Committee also referred to a fax message sent by her and Dr. P.C. Kesavankutty Nayar and stated that no importance was given to these fax messages.

Administrator clarified that since it was a court case, urgency was shown and the inspectors appointed. He further stated that the members would have also appointed the inspectors in the same manner and he is surprised at the bias being expressed. He further stated that he has not not done anything wrong in appointing the inspectors to comply with the court order. However, the Council may take a decision for appointing a Committee to look into the decision taken by the Administrator.

Dr. Ved Prakash Mishra then informed the Executive Committee that it may annul the decision taken by the Administrator when they will be considering the item in the Executive Committee.

The Administrator put his note of dissent and informed that he sticks to the decision which was taken by him looking into the court order.

After much discussions the matter was finally concluded as under:-

The Executive Committee is directed to look into the matter in light of the observations that have been made in the General Body in today's meeting when the item No.20 is listed before the Executive Committee for taking appropriate decision on merit.

Dr. Achal Gulati, Professor of ENT, MAMC, New Delhi who was one of the members of the inspection team appeared before the General Body of the Council and submitted his report regarding the incidence which happened with him in the night of 25.08.2002 . He informed that after reaching Jaipur on 25.08.2002 and checking into the Hotel it was decided amongst the three inspectors to visit the college in the night of 125.08.2002 so that an actual situation of the clinical material available at the college and the infrastructural facilities could be judged. It was also decided by the inspection team that one of them could visit the college in cognito and since he was the one who was not known to any one in the college by face he went on recci of the college.

He reached the college around 10.00 p.m. with the intention of doing preliminary survey of NIMS to judge the factual position at it existed. This he did by posing as visitor. While he was inquiring and surveying, one of the RMOs who introduced himself as Dr. Shekavat suspected the presence of Dr. Achal Gulati and called for a person who approached in Maruti Car. This gentleman roughed him up and tried to take out his wallet from the trouser. They also tried to snatch his Identity Card which he resisted. When he asked for the Principal the gentleman replied that he was Dr. Tomar and owner of the college and makes the Principals and everybody is scared of him. Dr. Achal Gulati further ifnormed that he was manhandled and assaulted. Then he identified himself to be one of the inspectors of the Council even then an FIR

was lodged against him in the Chandvaji Police Station at Jaipur. More details from the letter were read out regarding the FIR etc.

Dr. Achal Gulati being a Govt. servant was very much disturbed on the behaviour of the management and the college authorities and requested the Council to get the matter straightend up and requested for steps to be taken for withdrawal of the FIR/its disposal.

The whole incidence which took place at Jaipur with the Council inspector who was on Govt. duty and was performing the task as assigned to him as a member of the inspection team by the Council in public interest and in compliance of the orders of the High Court of Rajasthan was deeply regretted and condemned.

In view of the above episode and noting the facts, Council decided to resolve to write the following letters:-

- (a) A letter of appreciation to Dr. Achal Gulati with a copy to his employer and a demi-officio communication to his wife and family members.
- (b) A letter to the Secretary, Govt. of India, Ministry of Health & F.W.,
- (c) A letter to Secretary, Govt. of Rajasthan expressing the deep concern of the General Body in the matter.

Dr. A.K. Patel, Hon'ble MP and also member of the Council informed the House that he would be taking up the matter with the Chief Minister, Govt. of Rajasthan for taking necessary corrective steps at the State Govt.'s end.

23. Letter of Mr. R. Krishnamurthy to the Administrator, MCI and letter of Dr. Rajasekaran dated 16.08.2002 - Consideration regarding.

The General Body entrusted the responsibility to Dr. Ajay Kumar to evaluate the present communication of Dr. Rajasekaran dated 16.08.2002 along with all previous communications received from him in regard to irregularity in admissions in Annamalai University and then report the same to the Executive Committee who may decide to inquire into the matter if need be.

24. Appointment of Advisor to the Administrator.

The members referred to the letter of the Council dated 19.06.2002 giving intimation regarding appointment of Advisor to the Administrator enclosing therewith his curriculum vitae. The members pointed out that in the letter a sentence was mentioned that the terms and conditions of his appointment shall be communicated at a later date.

Dr. Ved Prakash Mishra desired to know whether any terms and conditions of the said appointment have been decided.

Administrator stated that the appointment of Advisor was made as per the Hon'ble Delhi High Court order and regarding terms and conditions nothing has been given so far. Regarding the appointment to which Dr. Chugh referred he has seen the same but he has not met Dr. Amitabh Verma as his wife

is in disposed. Administrator further informed that the General Body cannot question him on the appointment of Advisor and it should be left to him to decide on the appointment letter to which reference has been made by Dr. Chugh (appointment letter as issued by Santosh Medical College, Ghaziabad for appointment of Dr. Amitabh Verma as Dean).

Dr. Ajay Kumar stated that the credentials of a person who has been appointed as Advisor should have been inquired into. He also wanted to know whether any inquiry was made with regard to removal of Dr. Amitabh Verma from AIIMS, Apollo Hospital, Santosh Medical College and Batra Hospital.

It was also stated that Dr. Amitabh Verma was practicing as practitioners from Delhi and the Administrator has been in hand in gloves with him.

Dr. Ajay Kumar, member pointed out that eminent members of the Council have obtained qualifications in medicine i.e. degrees and diplomas in various specialities. He objected that the Administrator is writing his decoration with his name while there is no mention about their qualifications. He further stated that many members of the Council have been conferred upon Padam Shri or other prestigious awards. He stated that their qualifications should also be written with their names. Administrator stated that henceforth in every letter the qualifications/honours obtained by the concerned member should also be written.

25. Date and venue of the next meeting of the General Body

The next meeting of the General Body of the Council shall be held on 16th October, 2002 at 11.00 a.m. in the Council office, Aiwan-E-Galib Marg, Kotla Road, New Delhi-2, which may continue on the next day.

(Dr. M. Sachdeva)
Secretary

New Delhi, dated the
27th August, 2002.

A P P R O V E D

(Maj Gen (Retd.) SP Jhingon)
Administrator

