

No.MCI-5(3)/2001-Med./

MEDICAL COUNCIL OF INDIA

EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on Tuesday, the 16th Oct.,2001 at 2.30 p.m. in the Council office, Aiwan-E-Galib Marg, Kotla Road, New Delhi-110 002.

Present:

Dr. P.C. Kesavankutty Nair - Chairman
Dr. P.M. Jadhav
Dr. K. Ananda Kannan
Dr.(Mrs.) Usha Sharma

Dr.(Mrs.) M. Sachdeva – Secretary.

Deferred items of the Executive Committee meeting held on 3rd Oct.,2001

Item No. 3. **Inclusion of the basic principles and concepts of Ayurveda, Homeopathy, Unani, Siddha and Yoga in the curriculum of MBBS.**

Read : The minutes of the meeting of the Sub-Committee with regard to inclusion of the basic principles and concepts of Ayurveda, Homeopathy, Unani, Siddha and Yoga in the curriculum of MBBS.

The Executive Committee considered the matter with regard to the inclusion of the basic principles and concepts of Ayurveda, Homeopathy, Unani, Siddha and Yoga in the curriculum of MBBS alongwith the minutes of the Sub-committee held on 12th June, 2001 and decided to obtain the opinion of the Dean/Principal of all the medical colleges in India including the Director, Medical Education of all the states.

Item No. 14. **Starting of National Instt. of Medical Sciences & Research, Jaipur by Indian Medical Trust, Jaipur.**

Read : The compliance verification inspection report (24th & 25th Sept., 2001) along with the inspection report (4.10.2001) carried out to see the infrastructural facilities particularly the staff and clinical material available at the proposed medical college i.e. National Instt. of Medical Sciences & Research, Jaipur.

The Executive Committee noted that an inspection to assess the facilities available for starting of National Instt. of Medical Sciences & Research, Jaipur by Indian Medical Trust, Jaipur u/s 10A of the I.M.C. Act,1956 was carried out by Council Inspectors on 30th & 31st March, 2001. Upon consideration of the inspection report the Committee at its meeting held on 24.04.2001 decided to recommend to the Central Govt. not to issue Letter of Intent for starting of the above proposed medical college in view of the various deficiencies pointed out in the inspection report. On receipt of the compliance through the Central Govt. another inspection to verify the same was carried out by the Council on 24th & 25th September, 2001 and the compliance verification inspection report was considered by it at its meeting held on 3.10.2001. During the discussion, it came to the notice that the certain faculty members which were shown against this medical college are also working at other medical colleges.

In view of above, the Committee decided to carry out another immediate inspection of the college to assess the infrastructural facilities particularly to verify the staff and clinical material.

A letter was sent to the authorities to confirm the facts regarding the faculty working at two places. The information thus received was considered by the Committee along with the inspection report dated 04.10.2001. The following faculty of this medical college as shown in the declaration forms was found to be working in other medical colleges as given below:-

Department of Anatomy:

1. Dr. Jeewan Prakash, Professor & HOD
2. Dr. A.K. Garg, Associate Professor
3. Dr. R.M. Bajpai, Associate Professor

Out of the above 3 faculty members, the first two are working at Subharti Medical College, Meerut and the third one is working at L.L.R.M. Medical College, Meerut, in addition to having been shown to be working at N.I.M.S., Jaipur.

Department of Physiology:

Prof. Sharda Agarwal is working as full time Professor in the department of Physiology at Subharati Medical College, Meerut in addition to having been shown to be working at N.I.M.S., Jaipur.

Department of Biochemistry:

1. Dr.(Mrs.) P.P. Lanjekar, Associate Professor working at MIMER, Talegaon in addition to having been shown to be working at N.I.M.S., Jaipur.

2. Dr.(Mrs.) Deepa Chandiramani, Assistant Professor working at Jaipur Dental College, Jaipur in addition to having been shown to be working at N.I.M.S., Jaipur.

Information pertaining to Dr. Deepa Chandiramani whether she is working at Jaipur Dental College, Jaipur was sought from the Secretary, Dental Council of India who sent a list of the teachers working in Jaipur Dental College, Jaipur where her name has been included in their faculty list.

In addition to above, the Committee also noted the following:-

1. that in the OPD registration area there was only one nurse assisted by 2 persons for registration of the cases. However, there was no patient. At about 10.30 a.m. only 9 patients were registered.
2. Medical Superintendent of the Hospital was not available.
3. **that only 16 teaching staff members (13 faculty and 3 Tutor/Sr. Residents) were present on the day of present inspection i.e. 04.10.2001 out of the total required at inception. In the previous inspection report i.e. 24th & 25th Sept.,2001, 81 staff members out of the 82 required were shown to be present and their declaration forms were submitted duly counter-signed and endorsed by the Principal.**
4. **Clinical material – Out of the 300 beds, 172 beds were reported to be locked and were not functional. The bed occupancy was 9% i.e. out of 283, 25 beds were occupied as against the bed occupancy shown 80-85% in the previous inspection report dated 24th & 25th Sept.,2001.**
5. The record maintenance of the central laboratory is not proper as it was found that extra entries were made to increase the number of patients and investigations.
6. The blood bank is not functional.
7. After the last inspection of 24th & 25th Sept.,2001, the average number of x-rays done per day were found between 10-13 and 3-4 pages were left blank after each date perhaps to fill them up with extra entries as no reason for doing so was provided.
8. In the operation theatre register only names were written along with the surgeries done. However, there was no mention of the central registration number and the address of the patient and the surgeon who operated on the patient and anaesthetist who gave the anaesthesia. The authorities were also unable to bring out the record sheets of all the patients operated for the month of August,2001.

9. The common rooms provided for boys and girls were found to be small.
10. Other observations/deficiencies pointed out in the inspection report.

In view of above, the Committee decided to recommend to the Central Govt. not to issue Letter of Intent for starting of National Institute of Medical Sciences & Research, Jaipur by Indian Medical Trust u/s 10A of the I.M.C. Act,1956.

The Committee also decided to request the Central Govt. that it may consider disapproving the scheme for starting of National Institute of Medical Sciences & Research, Jaipur by Indian Medical Trust in view of furnishing false information regarding the teaching faculty and clinical material amounting to misdeclaration/ misrepresenting the Council.

The Committee further decided to issue a show cause notice to the teachers who have shown themselves to be working at two medical colleges as to why their registration with the State Medical Council/Medical Council of India should not be cancelled. It also decided to give one month's time to them to respond to the show cause notice.

Item No.15. **Starting of MNR Medical College at Sangareddy, Distt. Medak, A.P. by MNR Educational Trust.**

Read : The compliance verification inspection report (24th & 25th Sept., 2001) along with the inspection report (10.10.2001) carried out to see the infrastructural facilities particularly the staff and clinical material available at the proposed medical college i.e. MNR Medical College at Sangareddy, Distt. Medak, A.P.

The Executive Committee noted that an inspection to assess the facilities available for starting of MNR Medical College, Sangareddy, A.P. by MNR Educational Trust u/s 10A of the I.M.C. Act,1956 was carried out by Council Inspectors on 30th April & 1st May, 2001. Upon consideration of the inspection report the Committee at its meeting held on 2.08.2001 decided to recommend to the Central Govt. not to issue Letter of Intent for starting of the above proposed medical college in view of the various deficiencies pointed out in the inspection report. On receipt of the compliance through the Central Govt. another inspection to verify the same was carried out by the Council on 24th & 25th September, 2001 and the compliance verification inspection report was considered by it at its meeting held on 3.10.2001. During the discussion, it came to the notice that the certain faculty members which had been shown against this medical college were also working at other medical colleges in Andhra Pradesh.

In view of above, the Committee decided to carry out another immediate inspection of the college to assess the infrastructural facilities particularly to verify the staff and clinical material.

A letter was sent to the authorities to confirm the facts regarding the faculty working at two places. The information thus received was considered by the Committee along with the inspection report dated 10.10.2001. The following faculty of this medical college as shown in the declaration forms was found to be working in other medical colleges as given below:-

(A) Working in Govt. Medical Colleges in A.P.

Deptt. of Anatomy:

1. Dr. Ashok Kumar, Assoc. Prof. of Anatomy at Osmania Medical College, Hyderabad.
2. Dr. Seema Madan, Assoc. Prof. of Anatomy at Osmania Medical College, Hyderabad.
3. Dr. T.K. Rajshir, Assoc. Prof. of Anatomy at Osmania Medical College, Hyderabad.

Deptt. of Physiology:

4. Dr. B. Narsimha Rao, Asst. Professor of Physiology at Osmania Medical College, Hyderabad.
5. Dr. Bhujang Rao, Prof. of Physiology, Siddhartha Medical College, Vijayawada.

Deptt. of Obstetrics & Gynaecology:

6. Dr. R. Seethamma, Prof. of Obstetrics & Gynaecology, Kurnool Medical College, Kurnool.
7. Dr. Upendra, Asst. Professor of Medicine, Kakatiya Medical College, Warrangal.

(B) Working in Pvt. Medical Colleges in A.P.:

8. Dr. L. Nanda Kumar Yadav, Asst. Prof., Deptt. of ENT, Kamineni Institute of Medical Sciences, Narketpally.
9. Dr. A. Ramachandran, Asst. Prof., Deptt. of Gen. Surgery, Kamineni Institute of Medical Sciences, Narketpally.
10. Dr. Y. Shravan Kumar Reddy, Asst. Prof., Deptt. of Surgery, Kamineni Institute of Medical Sciences, Narketpally.
11. Dr. C. Ram Mohan, Prof. of Forensic Medicine, S.V.S. Medical College, Mahboobnagar.

In addition to above, the Committee also noted the following:-

1. that in the OPD registration area on the day of present inspection i.e. 10.10.2001 there was only one clerk available with very few patients and some of the O.P.Ds. were not equipped adequately by the examination facilities or furniture.

2. **that only 12 teaching staff members (10 faculty and 2 residents) were present on the day of present inspection i.e. 10.10.2001 out of the 73 required at inception. In the previous inspection report (24th & 25th Sept.,2001) all 73 staff members required at inception were shown to be present and their declaration forms were submitted duly signed by the Principal.**
3. **Clinical material – the bed occupancy was 10 out of 300 beds available i.e. about 5% as against 81% shown in the previous inspection dated 24th & 25th Sept.,2001.**
4. Space for para-clinical departments – only space for office room has been provided for para clinical departments required at inception. No space so far has been provided for practical laboratories, demonstration rooms etc. required to be operational at inception.
5. Other observations/deficiencies pointed out in the inspection report.

In view of above, the Committee decided to recommend to the Central Govt. not to issue Letter of Intent for starting of MNR Medical College, Sangareddy, A.P. by MNR Educational Trust u/s 10A of the I.M.C. Act,1956.

The Committee also decided to request the Central Govt. that it may consider disapproving the scheme for starting of MNR Medical College, Sangareddy, A.P. by M.N.R. Educational Trust in view of furnishing false information regarding the teaching faculty and clinical material amounting to misdeclaration/misrepresenting the Council.

The Committee further decided to issue a show cause notice to the teachers who have shown themselves to be working at two medical colleges as to why their registration with the State Medical Council/Medical Council of India should not be cancelled. It also decided to give one month's time to them to respond to the show cause notice.

Item No. 18. **MBBS (Devi Ahilya Vishwavidyalaya, Indore) - Continuance of recognition in respect of students being trained at M.G.M. Medical College, Indore.**

Read : The compliance verification inspection report(27th & 28th Sept., 2001) of MGM Medical College, Indore for continuance of recognition of MBBS degree granted by Devi Ahilya Vishwavidyalaya, Indore.

The Executive Committee considered the compliance verification inspection report 27th & 28th Sept.,2001 carried out on receipt of the compliance on rectification of the deficiencies pointed out in the periodical inspection report of M.G.M. Medical College, Indore conducted in Feb.,98 for continuance of recognition of MBBS degree granted by Devi Ahilya Vishwavidyalaya. On going through the compliance verification inspection report, the Committee noted that

the following deficiencies of staff still persist for the number of admissions i.e. 140 being made by the college authorities.

1. **Shortage of Staff:**

Professor – 1 (Anatomy –1)

Reader – 11 (Anatomy-1, Biochemistry-1, Pathology-2, Microbiology –2, Forensic Medicine –2, General Medicine –1, Anaesthesia – 1, Radio-Diagnosis –1)

Lecturers – 12 (Anatomy –1, Biochemistry –1,Pharma.-2, Pathology –2, Forensic Medicine –1, General Medicine –3, Dermatology –1, Radio-Diagnosis – 1)

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

Junior Residents – 3 (Dermatology – 3)

2. **Additional shortage of staff due to postgraduate admission requirements:**

Reader – 9 (Anatomy –1, Physiology –1, Pharmacology –1, Pathology –1, PSM –1, Medicine –2, Anaesthesia –1, Radio-Diagnosis –1).

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

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

3. The shortage of staff for undergraduate requirement is 13% against the permitted 5%. The shortage of staff including post graduate admission requirements is 19% against the permitted 5%.
4. All the staff of Biochemistry department is still non-medical.
5. Nine Lecturers had joined the institution on contractual basis for a period of three years in the month of July, August and September,2001 which is not acceptable.
6. There are 53 general duty medical officers working in the hospital. Their designations need to be made teaching designations i.e. Demonstrators/ Registrars/Senior Residents/ Tutors.
7. The departments of Skin & STD and TB & Chest Diseases are still not separated from the department of Medicine.
8. 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 is 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.

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

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. The Committee further decided to grant one month time to the institution to respond to the show cause notice. Copy of the letter be marked to the Chief Secretary, Secretary (Health), Director Medical Education, Madhya Pradesh, Devi Ahilya Vishwavidyalaya and member of the Council representing the State Govt.

Item No. 29. **Suggestions to review standard of facilities, infrastructure and teaching manpower etc. available in the non-teaching institutions recognised by the MCI for internship training.**

Read : The letter dt.11th Sept., 2001 from Dr.S.K. Mittal, Director Professor & Head, Department of Paediatrics, Maulana Azad Medical College, New Delhi to review standard of facilities, infrastructure and teaching manpower etc. available in the non-teaching institutions recognised by the MCI for internship training.

The Executive Committee considered the letter dated 11th Sept.,2001 from Dr. S.K. Mittal, Director-Professor & Head of the department of Paediatrics, Maulana Azad Medical College, New Delhi and decided to conduct periodical inspection of the non-teaching institutions recognised by MCI for compulsory rotating internship training in every five years to verify the standard of facilities, infrastructure and teaching manpower etc. available at the institutions.

Item No. 31. **Teachers' Eligibility Qualifications – Counting of Teaching Experience of specialities graded doctors of A.M.C.**

Read: The matter with regard to counting of teaching experience of specialities graded doctors of A.M.C along with the decision taken by the Teachers' Eligibility Qualifications Sub-Committee.

The Executive Committee noted its earlier decision taken on 14th April,1977 with regard to criteria for appointment of teachers in the Armed Forces Medical College, Poona and other institutions recognised by the Medical Council of India for postgraduate training/housemanship as under:-

1. The graded specialist with requisite recognised postgraduate qualifications and 3 years teaching experience as graded specialist may be appointed as Lecturer/Assistant Professor.
2. The classified specialists with requisite recognised postgraduate qualification and 2 years experience as classified specialist may be appointed as Reader.
3. Adviser/Consultant with 3 years experience as Adviser/Consultant may be considered for appointment as Associate Professor.

The persons to be considered for appointment as teachers must possess the requisite recognised postgraduate qualification in his respective subject as per recommendations of the Medical Council of India.”

The Executive Committee also noted the recommendations of the Teachers Eligibility Qualifications Sub-Committee held on 27.8.2001 wherein certain modifications to the above said decision have been suggested as under:-

Existing	Modifications recommended
<p>1. The graded specialist with requisite recognised postgraduate qualifications and 3 years teaching experience as graded specialist may be appointed as Lecturer/Assistant Professor.</p> <p>2. The classified specialists with requisite recognised postgraduate qualification and 2 years experience as classified specialist may be appointed as Reader.</p> <p>3. Adviser/Consultant with 3 years experience as Adviser/Consultant may be considered for appointment as Associate Professor.</p>	<p>1. The graded specialist with requisite recognised postgraduate qualification and 3 years experience as 'graded specialist' in a hospital which is recognised at least for the purposes of internship/housemanship, may be appointed as Lecturer/Asstt. Professor.</p> <p>2. A classified specialist with requisite recognised postgraduate qualification and two years experience as classified specialist in a hospital which is recognised at least for the purposes of internship/housemanship, may be appointed as Reader/Assoc. Professor.</p> <p>3. An Adviser/Consultant with requisite recognised postgraduate qualification with 3 years experience as Advisor/Consultant appointed in a hospital may be considered for appointment as Professor in the concerned subject.</p>

The Committee also decided to continue the recommendation of the Executive Committee that "besides the special provision as recommended above, a teacher in a medical college must have requisite recognised postgraduate qualification in the concerned subject and should meet other criteria, as laid down in the Council Regulations on "Minimum Qualifications for Teachers in Medical Institutions, 1998."

In order to decide the matter in its totality it was decided to obtain clarification from the Director General, Armed Forces Medical Services regarding the criteria followed by them for appointment of individuals as Graded Specialist, Classified Specialists and Adviser/Consultant and further how appointment of teachers are made in the AFMC/other hospitals which are imparting postgraduate courses.

It also decided to obtain the information pertaining to postgraduate students i.e. whether during the course of study of 3 years postgraduate courses these students continue to remain in the same institution where they are admitted for the postgraduate course or transferred to other institutions in between the course.

On receipt of these clarifications, the matter may be brought back to the Executive Committee for its consideration.

Item No.32. **Regarding promotional avenues and designation for technical persons other than medical teachers employed in various departments in medical colleges who are involved in teaching and training of medical students.**

Read : The matter with regard to promotional avenues and designation for technical persons other than medical teachers employed in various departments in medical colleges who are involved in teaching and training of medical students along with the decision taken by the Teachers' Eligibility Qualification Sub-Committee.

The Executive Committee considered the decision taken by the Teachers' Eligibility Qualifications Sub-Committee in the matter with regard to promotional avenues and designation for technical persons other than medical teachers employed in various departments in medical colleges who are involved in teaching and training of medical students and was of the view that the matter does not come under the purview of the Medical Council of India and the same has to be decided by the appointing authorities.

Item No. 37. **Appointment of Whole-time Inspector in the Council office.**

The Executive Committee approved the appointment of Dr. Shobha Das as Whole-time Inspector in the Council office as recommended by the Selection Committee.

Item No. 38. **Appointment of Deputy Secretary in the Council office.**

The Executive Committee approved the appointment of Dr. D.B. Dayal as Deputy Secretary in the Council office as recommended by the Selection Committee.

Other Items:

1. **Starting of Medical College at Sullia by Academy of Liberal Education, Sullia u/s 10A of the I.M.C. Act,1956.**

Read : The Council Inspectors report (2nd & 3rd Oct.,2001) for starting of Medical College at Sullia by Academy of Liberal Education, Sullia u/s 10A of the I.M.C. Act,1956.

The Executive Committee considered the Council Inspectors report (2nd & 3rd Oct., 2001) carried out as per the Central Govt.'s letter dated 13.8.2001 and noted the following:-

1. The proposed medical college complex is situated in an area of 25.88 acres at Sullia which is divided in two pieces measuring 13.20 and 12.68 acres respectively. The distance between two pieces of land is 1.8 kms. No application has been considered by the Council for any applicant medical college where the requirement of the total land of 25 acres has been provided in two pieces situated at a distance from each other i.e. the land not in single piece of 25 acres.
2. There is shortage of 10 beds in Ophthalmology and 10 beds in ENT as calculated under the MCI Regulations 1993.
3. Following faculty of this college as shown in the declaration forms was also found to be working at other Medical Colleges/Dental College which fact was confirmed from the authorities of the concerned medical colleges and Dental Council of India:-

Anatomy Department:-

1. Dr.S.V.Chinappa, Assoc. Prof.,working at Kempegowda Instt. of medical Sciences, Bangalore as well as shown against the KVG Medical College, Sullia.
2. Dr. Holla Parmeshwar, Assistant Professor, working at K.V.G. Dental College, Sullia as well as shown against K.V.G.Medical College, Sullia.

Biochemistry Department:-

1. Dr.Manu Ghatikesh, Asstt. Prof., working at Kempegowda Instt. of medical Sciences, Bangalore as well as shown against the KVG Medical College, Sullia.
2. Dr. Thomas George, Professor, working at K.V.G. Dental College, Sullia as well as shown against K.V.G.Medical College, Sullia.

Physiology Department:-

1. Dr.S.R.Pandhari, Professor,working at Siddhartha Medical College, Tumkur, as well as shown against the KVG Medical College, Sullia.
2. Dr. Damodar D., Lecturer, working at K.V.G. Dental College, Sullia as well as shown against K.V.G.Medical College, Sullia.

Pathology Deptt.:-

1. Dr.N.P.Khadilkar, Asstt. Professor, working at K.V.G. Dental College, Sullia as well as shown against K.V.G.Medical College, Sullia.

Microbiology Deptt.:-

1. Dr. Mathew Francis, Asst. Professor, working at K.V.G. Dental College, Sullia as well as shown against K.V.G.Medical College, Sullia.

General Surgery:-

1. Dr. K.V. Chidananda, Professor, working at K.V.G. Dental College, Sullia as well as shown against K.V.G.Medical College, Sullia.
4. Other deficiencies/observations made in the inspection report.

In view of above, the Committee decided to recommend to the Central Govt. not to issue Letter of Intent for starting of Medical College at Sullia (KVG Medical College by Academy of Liberal Education, Sullia, Karnataka) u/s 10A of the I.M.C. Act,1956.

The Committee also decided to request the Central Govt. that it may consider disapproving the scheme for starting of Medical College at Sullia (KVG Medical College by Academy of Liberal Education, Sullia, Karnataka) in view of furnishing false information regarding the teaching faculty amounting to misdeclaration/misrepresenting the Council.

The Committee further decided to issue a show cause notice to the teachers who have shown themselves to be working at two medical colleges as to why their registration with the State Medical Council/Medical Council of India should not be cancelled. It also decided to give one month's time to them to respond to the show cause notice.

2. **Starting of Medical College at Ghanpur, Ranga Reddy Distt., A.P. by Medi Citi Share Medical Care, Hyderabad u/s 10A of the I.M.C. Act,1956.**

Read : The Council Inspectors report (9th & 10th Oct.,2001) for Starting of Medical College at Ghanpur, Ranga Reddy Distt., A.P. by Medi Citi Share Medical Care u/s 10A of the I.M.C. Act,1956.

The Executive Committee noted that certain faculty members which had been shown working against this medical college were also working at other medical colleges in the State and decided to carry out another immediate inspection of the college to assess the infrastructure facilities particularly staff and clinical material available at the college. The Committee further authorised the Chairman to decide in the matter on receipt of the inspection report.

3. **Relaxation of rules for establishment of medical colleges in hilly states including Uttaranchal.**

Read : The minutes of the Sub-Committee meeting held on 3.10.2001 for Relaxation of rules for establishment of medical colleges in hilly states including Uttaranchal.

The Executive Committee perused its earlier decision taken on 2nd August,2001 considered the matter with regard to relaxation of rules for establishment of medical colleges in hilly states including Uttaranchal where it authorized the Chairman to form a committee to go through the matter. The Committee noted that a Sub-Committee consisting of Dr. D.K. Sharma and Dr. N.B. Singh met in the Council office on 3.10.2001 and recommended the following:-

1. The Committee felt that the medical education imparted either in hills or in plain remains the same. Hence, relaxation of the criteria may not fulfil the objectives of medical education.
2. The matter of acquisition of land measuring 25 acres or more in the hilly area is generally not difficult. It is rather more difficult to get acquisition of such land in the non hilly areas. Hence the Committee felt the necessity of 25 acres of land or more for establishing a medical college in the hilly area be made mandatory.
3. As per the regulations of the MCI 8 patients per student per day is the requirement for a medical college hospital except in the initial stage. The purpose of having this criteria laid down in the regulations of the MCI is to provide a requisite number of patients for proper training. Hence, the Committee felt that training of any doctor either in the hilly region or in the plain should not have any differentiation.

The Sub-Committee, therefore, is of the opinion, that relaxation of rules for opening a medical college in the hilly area may not be in the best of interest of medical education.

The Executive Committee accepted the above recommendations of the Sub-Committee.

4. **Recognition of Apollo Hospital, Chennai for purposes of compulsory rotating internship training.**

Read : The Council Inspectors report (20th & 21st August,2001) of Apollo Hospital, Chennai for purposes of its recognition for compulsory rotating internship training.

The Executive Committee considered the Council Inspectors report (20th & 21st August,2001) and decided that Apollo Hospital, Chennai be recognised for purposes of compulsory rotating internship training.

5. **Starting of Govt. Medical College at Kolhapur by Govt. of Maharashtra u/s 10A of the I.M.C. Act,1956.**

Read : The Council Inspectors report (5th & 6th July, 2001 and 27th Sept., 2001) for starting of Govt. Medical College, Kolhapur by Govt. of Maharashtra u/s 10A of the I.M.C. Act,1956.

The Executive Committee noted that on receipt of application for starting of the Govt. Medical College at Kolhapur u/s 10A of the IMC Act,1956, an inspection to assess the facilities available at the college was carried out on 11th & 12th April,2001. This inspection report was considered by it its meeting held on 24.04.2001.

In view of certain observations regarding functioning of the hospital and demarcation of the facilities etc., the Committee had decided to obtain clarifications to that effect from the authorities of the State Govt.

On receipt of clarification as desired another inspection to verify the same was carried out by the Council Inspectors on 5th & 6th July,2001. In the meantime the Aurangabad Bench of the Mumbai High Court vide its order dated 13th July, 2001 quashed the State Govt.'s resolution to establish a new medical college at Kolhapur.

Aggrieved by the order of the High Court the State Govt. approached the Hon'ble Supreme Court vide the SLP quoted above.

In light of the orders of the Hon'ble Supreme Court, dated 3rd Sept., 2001 Council carried out compliance verification inspection on 27th Sept.,2001 on the clarification/compliance received from the State authorities.

The Committee on going through the inspection reports (11th & 12th April,2001, 5th & 6th July,2001 and 27th Sept.,2001) decided to recommend to the Central Govt. to issue Letter of Permission for starting of Govt. Medical College, Kolhapur by the Govt. of Maharashtra u/s 10A of the IMC Act, 1956 with an annual intake of 100 students for the academic session 2001-2002.

6. **CWP No. 4843/2000 – Dr. Anil Kumar Aggarwal & Anr. Vs. Union of India & Anr.**
Recognition of qualification “Physician” – Wroclaw Medical Academy, Poland.

Read : CWP No. 4843/2000 – Dr. Anil Kumar Aggarwal & Anr. Vs. Union of India & Anr.

The Executive Committee noted that a Writ Petition had been filed by Dr. Anil Kumar Aggarwal & Anr. –vs- UOI & Anr. being CWP No. 4843/2000, before the Hon'ble Delhi High Court seeking a relief against the MCI that it should recognise the medical courses conducted by Wroclaw Medical Academy, Poland.

In the Writ Petition, it has been stated by the petitioners that they had acquired medical qualifications and some of them had acquired postgraduate medical qualification as well from Wroclaw Medical Academy, Poland. They were not granted registration by the MCI on account of the fact that the Wroclaw Medical Academy, Poland is not recognised by the MCI.

It appears that these petitioners had engaged themselves in exchanging correspondence between them and the MCI on earlier occasions. One of such communications indicates that the issue of recognition of medical qualifications obtained from Wroclaw Medical Academy, Poland was considered by the Registration & Equivalence Committee of the Council. The petitioners were informed that the Registration & Equivalence Committee had deferred consideration in the matter till such time modalities for conducting screening test for Indian nationals coming with foreign medical qualifications is finalised. It was also decided by the said Committee that this matter cannot be considered as the request has come from an individual and not through the Government of Poland or its Medical Council. It was also observed by the Committee that a decision can be taken after physical verification of facilities.

The petitioners have further contended in the writ petition that the medical qualifications granted by the Warsaw Medical Academy and Medical Academy in Gdansk, Poland have already been recognised by the MCI.

The relevant documents further indicate that the MCI through its affidavits informed the Hon'ble Delhi High Court in the proceedings in the above-mentioned writ petition that since Wroclaw Medical Academy, Poland is not recognised by the MCI, it is not permissible for the Council to grant registration under the provisions of the Indian Medical Council Act,1956 to any candidate coming back from these medical institutions.

The Hon'ble Court was also informed that the Government of India has also, in principle, taken a decision that it is going to provide for conducting of post screening test for the Indian citizens who come back with foreign medical qualifications for seeking registration under the provisions of the Act.

The Hon'ble Delhi High Court passed an order on 24.09.2001 directing the MCI to take a decision on the question of recognition of medical qualifications granted by the Wroclaw Medical Academy, Poland. It has been directed by the Hon'ble Court that for taking a decision on this issue, the Council is to take into consideration whether the degrees awarded by other two academies are recognised on the basis of any representation made by the Government of Poland or they were recognised without any such requests being made. The Hon'ble Court has also desired that the letters written by the Dean of Wroclaw Medical Academy, Poland and the representation made by the Indian Ambassador in Poland, be also considered while taking a decision.

It is also noticed that the medical qualifications granted by Warsaw and Gdansk Medical Academies in Poland have been recognised when granted upto 16.09.2001 and included in the Schedules to the Act. Accordingly, it is a position on record that the medical qualifications by Warsaw and Gdansk Medical Academies, when granted after 16.09.2001, are not recognised medical qualifications for the purpose of Indian Medical Council Act,1956.

The Committee deliberated and considered the entire issue in detail. However, it was found that a very important development has taken place by way of an amendment in the provisions of Section 13 of the Indian Medical Council Act,1956 by a notification dated 03.09.2001. Through this notification, the Indian Medical Council (Amendment) Act,2001 was published in the Official Gazette and which provides as under:-

Section 13: Recognition of medical qualifications granted by certain medical institutions whose qualifications are not included in the First or Second Schedule:

Amendment of section 13

"1. In the Indian Medical Council Act, 1956 (102 of 1956) (hereinafter referred to as the principal Act, in section 13, -

- (a) in sub-section (3), after the words "granted by medical institutions outside India", the words "before such date as the Central Government may, by notification in the Official Gazette, specify" shall be inserted;
- (b) in sub-section (4), the following provisos and Explanation shall be inserted at the end, namely:-

Provided that after the commencement of the Indian Medical Council (Amendment) Act, 2001, no such amendment shall be made in Part II of the Third Schedule to include any primary medical qualification granted by any medical institution outside India:

Provided further that nothing contained in the first proviso shall apply to inclusion in Part II of the Third Schedule any primary medical qualification granted by any medical institution outside India to any person whose name is entered in the Indian Medical Register.

Explanation- For the purposes of this sub-section, "primary medical qualification" means any minimum qualification sufficient for enrolment on any State Medical Register or for entering the name in the Indian Medical Register.

(4A) A person who is a citizen of India and obtains medical qualification granted by any medical institution in any country outside India recognised for enrolment as medical practitioner in that country after such date as may be specified by the Central Government under sub-section (3), shall not be entitled to be enrolled on any Medical Register maintained by a State Medical Council or to have his name entered in the Indian Medical Register unless he qualified the screening test in India prescribed for such purpose and such foreign medical qualification after such person qualifies that said screening test shall be deemed to be the recognised medical qualification for the purposes of this Act for that person.

(4B) A person who is a citizen of India shall not, after such date as may be specified by the Central Government under sub-section (3), be eligible to get admission to obtain medical qualification granted by any medical institution in any foreign country without obtaining an eligibility certificate issued to him by the Council and in case any such person obtains such qualification without obtaining such eligibility certificate, he shall not be eligible to appear in the screening test referred to in sub-section (4A):

Provided that an Indian citizen who has acquired the medical qualification from foreign medical institution or has obtained admission in foreign medical institution before the commencement of the Indian Medical Council (Amendment) Act, 2001 shall not be required to obtain eligibility certificate under this sub-section but, if he is qualified for admission to any medical course for recognised medical qualification in any medical institution in India, he shall be required to qualify only the screening test prescribed for enrolment on any State Medical Register or for entering his name in the Indian Medical Register.

(4C) Nothing contained in sub-sections (4A) and (4B) shall apply to the medical qualifications referred to in section 14 for the purposes of that section.

An extract from the IMC Act, 1956, incorporating the above amendment Act, is appended as Annexure.

By this amendment, the legislature has made it mandatory for all the Indian citizens coming back with medical qualifications from the medical institutions abroad to appear for a screen test before they can claim grant of registration under the provisions of the Act. It is relevant to note that the proviso to Section 13(4)(B) which has been incorporated by way of the above-mentioned Amendment Act clearly provides that all those Indian citizens who already had medical qualifications from a foreign medical institution shall also be required to qualify the screening test prescribed for enrolment on any State Medical Register or for entering his name in the Indian Medical Register.

The Committee also noted that under section 13(4)(A), the recognition of foreign medical qualifications has been related to the candidates and not to the institutions in as much as this provision now provides that when an Indian citizen obtains a medical qualification from any medical institution in any country outside India but which is recognised for enrolment as medical practitioner in that country, if he qualifies in the screening test in India provided under the provisions of Section 13(4)(A) then such foreign medical qualification after such person qualifies the said screening test shall be **deemed to be the recognised medical qualification for the purposes of this Act for that person.**

With this legislative amendment, it is no more relevant whether a particular foreign medical institution is recognised or not. The important thing, as per the Amendment Act, is that the Indian citizen has obtained a medical qualification granted by any medical institution in any country outside India **recognised for enrolment as medical practitioner in that country.**

In view of the above-mentioned amendment, if the petitioners can show the fulfillment of this condition, i.e., that the medical qualifications obtained from Wroclaw Medical Academy, Poland is a qualification which can entitle for enrolment as medical practitioner in Poland, the petitioners are obliged to undergo the screening test provided under the provisions of Section 13(4)(A) of the Amendment Act of 2001.

If the petitioners are entitled to appear in the screening test, as stated above and are able to qualify the screening test prescribed in India then their foreign medical qualification shall be deemed to be the recognised medical qualification for the purposes of this Act, for the petitioners.

In view of this, the office of the Council is directed to inform the petitioners to submit documents to the following effect:-

- (a) That they are qualified for admission to any medical course for recognised medical qualification in any medical institution in India, i.e., the eligibility condition at the time of their admission in the medical institutions in Poland;

- (b) documents for establishing requirement of under section 13(4)(A) that the medical qualifications obtained by them from the Wroclaw Medical Academy, Poland is recognised medical qualification for enrolment as a medical practitioner in Poland.

Upon their submitting the necessary documents towards the fulfillment of the above-mentioned conditions under section 13(4)(A) and proviso of Section 13(4)(B), they should be informed for the requirement of appearing in the screening test. If they are able to qualify the screening test under the provisions of Section 13(4)(A) then the medical qualification which they have obtained from Wroclaw Medical Academy, Poland shall be deemed to be the recognised medical qualification for the purpose of this Act, for that person. They would then be eligible for grant of registration under the provisions of the Act.

(Dr. M. Sachdeva)
Secretary.

New Delhi, dated the
16th October, 2001.

A P P R O V E D

(Dr. P.C. Kesavankutty Nair)
Chairman.

Extract from the Indian Medical Council Act, 1956, as amended by the Indian Medical Council (Amendment) Act, 2001.

RECOGNITION OF MEDICAL QUALIFICATION GRANTED BY CERTAIN MEDICAL INSTITUTIONS WHOSE QUALIFICATIONS ARE NOT INCLUDED IN THE FIRST OR SECOND SCHEDULE

13. (1) The medical qualifications granted by medical institutions in India which are not included in the First Schedule and which are included in Part I of the Third Schedule shall also be recognised medical qualifications for the purposes of this Act.

(2) The medical qualifications granted to a citizen of India:-

(a) before the 15th day of August, 1947, by medical institutions in the territories now forming part of Pakistan, and,

(b) before the 1st day of April, 1937, by medical institutions in the territories now forming part of Burma, which are included in part 1 of the Third Schedule shall also be recognised medical qualifications for the purposes of this Act.

(2) The medical qualifications granted by medical institutions outside India, before such date as the Central Government may, by notification in the Official Gazette, specify which are included in Part II of the Third Schedule shall also be recognised medical qualifications for the purposes of this Act, but no person possessing any such qualification shall be entitled to enrolment on any State Medical Register unless he is a citizen of India and has undergone such practical training after obtaining that qualification as may be required by the rules or regulations in force in the country granting the qualification, or if he has not undergone any practical training in that country he has undergone such practical training as may be prescribed.

(3) The Central Government, after consulting the Council, may, by notification in the Official Gazette, amend Part II of the Third Schedule so as to include therein any qualification granted by a medical institution outside India, which is not included in the Second Schedule.

Provided that after the commencement of the Indian Medical Council (Amendment) Act, 2001, no such amendment shall be made in Part II of the Third Schedule to include any primary medical qualification granted by any medical institution outside India:

Provided further that nothing contained in the first proviso shall apply to inclusion in Part II of the Third Schedule any primary medical qualification granted by any medical institution outside India to any person whose name is entered in the Indian Medical Register.

Explanation- for the purposes of this sub-section, "primary medical qualification" means any minimum qualification sufficient for enrolment on

any State Medical Register or for entering the name in the Indian Medical Register.

(4A) A person who is a citizen of India and obtains medical qualification granted by any medical institution in any country outside India recognised for enrolment as medical practitioner in that country after such date as may be specified by the Central Government under sub-section (3), shall not be entitled to be enrolled on any Medical Register maintained by a State Medical Council or to have his name entered in the Indian Medical Register unless he qualified the screening test in India prescribed for such purpose and such foreign medical qualification after such person qualifies that said screening test shall be deemed to be the recognised medical qualification for the purposes of this Act for that person.

(4B) A person who is a citizen of India shall not, after such date as may be specified by the Central Government under sub-section (3), be eligible to get admission to obtain medical qualification granted by any medical institution in any foreign country without obtaining an eligibility certificate issued to him by the Council and in case any such person obtains such qualification without obtaining such eligibility certificate, he shall not be eligible to appear in the screening test referred to in sub-section (4A):

Provided that an Indian citizen who has acquired the medical qualification from foreign medical institution or has obtained admission in foreign medical institution before the commencement of the Indian Medical Council (Amendment) Act, 2001 shall not be required to obtain eligibility certificate under this sub-section but, if he is qualified for admission to any medical course for recognised medical qualification in any medical institution in India, he shall be required to qualify only the screening test prescribed for enrolment on any State Medical Register or for entering his name in the Indian Medical Register.

(4C) Nothing contained in sub-sections (4A) and (4B) shall apply to the medical qualifications referred to in section 14 for the purposes of that section.

(5) Any medical institution in India which is desirous of getting a medical qualification granted by it included in Part I of the Third Schedule may apply to the Central Government to have such qualification recognised and the Central Government, after consulting the Council, may by notification in the Official Gazette, amend Part I of the Third Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the last column of Part-I of the Third Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.

