

No.MCI-5(3)/2003/Med./

MEDICAL COUNCIL OF INDIA

EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on Friday, the 7th Nov.,2003 at 11.00 am in the Council office, Aiwan-E-Galib Marg, Kotla Road, New Delhi –2 where the members of the Adhoc Committee appointed as per the Hon'ble Supreme Court order dated 20.11.2002 were also present.

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Present:

Dr.P.C. Kesavankutty Nayar]President (Acting)]Former Dean,]Govt. Medical College,]Trivandrum
Padamshree Prof. P.N.Tandon]Former Prof. & Head of Neuro-]Surgery,A.I.I.M.S, New Delhi and]Member, Adhoc Committee]appointed by the Hon'ble Supreme Court
Dr. (Mrs.) S.Kantha]Former Vice Chancellor, [Rajiv Gandhi University of Health]Sciences, Karnataka and Member, Adhoc Committee appointed by]the Hon'ble Supreme Court
Dr.D.K. Sharma]Former Prof. & Head,]Deptt. of Paediatrics,]LLRM Medical College]Meerut.
Dr.Nitin S. Vora]Director, Health Services(ESIS),]Govt. of Gujarat.
Dr.P.K. Sur]Professor of Radio-therapy,]Medical College,]Kolkatta.
Dr. G.B. Gupta]Professor of Medicine,]Pt. J.N.M. Medical College,]Raipur (Chhattisgarh).
Dr.M.K. Sharma]Department of Surgery,]SMS Medical College,]Jaipur.
Dr. V.K. Puri]Professor & Head,]Department of Cardiology,]K.G.Medical College, Lucknow.

Lt.Col.(Retd.) Dr. A.R.N. Setalvad - Secretary

Apologies for absence were received from Prof. N. Rangabashyam, member of the Adhoc Committee and Dr. K.S. Chugh, Dr. Ajay Kumar & Dr. P.M. Jadhav.

1. Minutes of the last meeting of the Executive Committee – Confirmation of.

The minutes of the last meeting of the Executive Committee held on 19th September, 2003 were confirmed with following correction under the decision recorded in item No. 13 para 1:-

“The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that they at their meeting held on 28.7.2003 considered the inspection reports (09.08.2003)Central Govt. for derecognition”.

“The date of the meeting of the Executive Committee in the 3rd line of the above paragraph be read corrected as 23.8.2003 in place of 28.7.2003.”

29.09.2003

The minutes of the meeting of the Executive Committee held on 29th September, 2003 were confirmed.

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

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the action taken on the minutes of the last meetings of the Executive Committee held on 19th September, 2003 & 29th September 2003 with following amendments/upgradation:-

19th September, 2003:

1. Page No. 11, item 10 “**Navodaya Medical College, Raichur – renewal of permission for admission of 2nd batch of students**”.

In the action taken report it was recorded that “Decision of the Executive Committee communicated to the Central Govt. on 22.9.2003.”

Action taken in the matter be read as under with following addition:-

“The college had filed a writ petition in the Hon'ble High Court of Karnataka praying for extension of last date of admission to MBBS course. The same has been withdrawn by the college as informed by the Council Advocate.”

2. Page No. 16, item 22 “**Cadre review for different posts in the Council office – Regarding**”.

In the action taken report it was recorded that ‘noted’. The action taken be read corrected as under:-

“A detailed note is being prepared by the office for cadre review of different posts and will be placed before the Executive Committee for its consideration”.

3. Page No. 16, item 24 **“To consider and approve the Annual Report of the MCI for the year 2002-03”**. In the action taken report it was reported that “Annual report of the MCI for the year 2002-03 has also been approved by the General Body of the Council at its meeting held on 20th Oct.,2003”.

Dr. P.N. Tandon, one of the members of the Adhoc Committee pointed out that he had given certain suggestions regarding preparation of the annual report. The highlights of the activities carried out by the Council during the year should be prominently written. Important judicial pronouncements on the issues affecting the Council should also be brought out. Participation by the Council in extramural programmes should be described in detail. Decorations, awards, prizes etc. also should be described in detail. The material to be presented should be indexed. It was assured by the Secretary that the same will be taken into consideration and incorporated in the annual report of the Council for the year 2003-2004 onwards.

4. Page No. 40, item 42 **“CMA No./2003 in CWP No.2912/2003-Ms. Rekha Tyagi Vs. Vice Chancellor & Ors”**.

In the action taken report it was recorded that “Matter was placed before the General Body of the Council at its meeting held on 20th Oct.,2003”.

The action taken in the matter be read as under with following addition:-

“The Council, upon consideration of all the relevant points on this issue did not find itself in a position to accept the claim set out on behalf of persons with disabilities that they should be extended the benefit of relaxed minimum qualifying marks as laid down for candidates belonging to SC, ST and OBC categories and reiterated that persons with disabilities, who are entitled for admissions to the seats earmarked for them under the provisions of The Persons with Disabilities (Equal Opportunities, Protection of Rights ad Full Participation) Act, 1995 would be required to be complied with the minimum norm of at least 50% marks in the qualifying examination and/or CET, as the case may be.”

5. Page No. 41, item 45 **“Information with regard to Qualification as to Gastroenterologist”**.

In the action taken report it was recorded that “Matter was placed before the General Body of the Council at its meeting held on 20th Oct.,2003”.

The action taken in the matter be read as under with following addition:-

“The Council decided to take legal opinion in the matter for its further consideration.”

3. **To consider the inspection report of Khaja Banda Nawaz Instt. of Medical Sciences, Gulbarga carried out on 14th & 15th Oct., 2003 in pursuance of the order passed by the Hon'ble High Court of Karnataka.**

Read : the inspection report of Khaja Banda Nawaz Instt. of Medical Sciences, Gulbarga carried out on 14th & 15th Oct., 2003 in pursuance of the order passed by the Hon'ble High Court of Karnataka.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report of Khaja Banda Nawaz Instt. of Medical Sciences, Gulbarga carried out on 14th & 15th Oct., 2003 and noted as under:-

- (1) K.B.N. Medical College is located in a land of 19 acres wherein the built up area of 126000 sq.ft. is available. Hospital is located 3 kms. away from the college in an area of 6 acres of land wherein built up area of 145000 sq.ft. is available. Hostels

are located in an adjacent area opposite to the college wherein 45000 sq.ft. built up area is available in 3 acres of land. Hence the college, hospital and hostels are located in three pieces of land.

(2) Civil Engineering Campus, Computer Centre and Office Building for the Engineering College run by the management are located within the 19 acres of the Medical College campus.

(3) It has been observed that the following teachers claimed to have been employed by this college have also been found in other colleges as under: -

Name	Department	Also working at
1. Dr. S.L. Reddy	Biochemistry	SVS Medical College, Mahboobnagar NRI Instt. of Medical Sciences, Guntur
2. Dr. S. Bhayya	Community Med.	Kamineni Instt.of Med.Sciences, Narketpalli
3. Dr. Shilpa Patankar	Community Med.	Maharashtra Institute of Medical Education & Research, (Maharashtra).
4. Dr. S.S. Hariprasad	Forensic Med.	NRI Academy of Med.Sciences, Guntur
5. Dr. N. Hari	Forensic Med.	Warangal Instt.of Med. Sciences, Warangal Prathima Instt.of Med.Sciences, Karimnagar Dr. Pinnamaneni Siddhartha Institute of Medical Sciences, Chinnoutpalli Christian Medical College, Dichpalli
6. Dr. S.M. Sirajuddin	Gen. Surgery	Kamineni Instt.of Med.Sciences, Narketpalli
7. Dr. R.A. Ginde	Physiology	Kamineni Instt.of Med.Sciences, Narketpalli

(4) Boys' Hostel is located opposite to the college campus and girls' hostel is located another 100 yards away in a separate area - both comprise 3 acres of land. Facilities in residents' hostel has to be improved so that more number of residents will stay in the hostel. More rooms have to be provided for the unmarried staff nurses to stay in the hostel.

(5) There is no statistical unit available.

(6) Side labs are non-functional except in Paediatrics. Teaching rooms are small and can accommodate only 10 chairs. Spacing between the beds is inadequate.

(7) There is no Medical ICU, Surgical ICU, Obstetric ICU and Paediatric ICU.

(8) There is no Central Oxygen supply available in ICCU and Casualty ward. Central suction & ventilator are not available in ICCU.

(9) Intercom facility is only partly available.

(10) There is no canteen facility available in the hospital for the staff members.

(11) Only 70 staff nurses are available for 450 bedded hospital which is low in number and grossly inadequate.

(12) Central laundry is partly mechanical.

(13) Hostel rooms for boys are poorly maintained and dormitory type of accommodation for medical students is not as per the norms prescribed.

- (14) Unfinished civil work in the pre clinical departments with reference to flooring has to be completed.
- (15) Residential accommodation for senior staff is located at different locations.
- (16) Equipment available in MEU is inadequate as no LCD projector and no OHP available. The civil work in the medical education unit room remains incomplete.
- (17) The RHTC at Hire Aurad is taken on lease from a private organisation on annual basis. There is no long term arrangement.
- (18) Adequate number of non-teaching staff has to be posted.
- (19) Other observations/deficiencies pointed out in the inspection report.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council found that the college for the academic year 2002-03 had failed to fulfil the minimum infrastructural, teaching and other facilities for getting recommendation from the MCI for 2nd annual renewal of the initial permission enabling it for admission of 3rd batch of students in the first year of the MBBS course after obtaining the necessary and mandatory prior permission from the Central Govt. under Section 10A in accordance with the statutory scheme.

On consideration of the deficiencies, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council came to the conclusion to recommend to the Central Govt. not to grant 2nd annual renewal for the admission of 3rd batch of students to Khaja Banda Nawaz Instt. of Medical Sciences, Gulbarga. It was further resolved to direct the office of the Council for taking all steps for early consideration of the appeal filed by the Council before the Hon'ble Supreme Court challenging the orders passed by the Hon'ble High Court granting permission for admissions and for sitting in the examinations and which orders are not in conformity with the statutory provisions and regulations and of the judgements of the Hon'b'e Supreme Court. It was also resolved to urge the Central Govt. to also consider filing appeals against the orders passed by the Hon'ble High Court, which are not in accordance with the provisions of the Indian Medical Council Act,1956 and/or which either stay, disregard, overrule or set aside the orders passed by the Central Govt. in accordance therewith.

4. To consider the Council Inspection report of Basaveshwara Medical College & Hospital, Chitradurga carried out on 14th & 15th October 2003 in pursuance of the order passed by the Hon'ble High Court of Karnataka.

Read : The inspection report of Basaveshwara Medical College & Hospital, Chitradurga carried out on 14th & 15th October 2003 in pursuance of the order passed by the Hon'ble High Court of Karnataka.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report of Basaveshwara Medical College & Hospital, Chitradurga carried out on 14th & 15th October 2003 in pursuance of the order passed by the Hon'ble High Court of Karnataka and noted the following:-

1. Rajiv Gandhi University of Health Sciences, Bangalore granted affiliation of the college for the academic year 2001-02. No further affiliation or consent of affiliation for any academic session thereafter is available.

2. There are two teaching hospitals attached to the medical college namely Basaveshwara Hospital & Research Center Pvt. Ltd. and Government Hospital.

(a) In Basaveshwara Hospital the following have been observed:-

- This hospital is not owned by the applicant trust, which is against Regulations 2(2) of the 'Qualifying Criteria'.
- The clinical material claimed to have been available in this hospital has not been signed by any responsible authority of the hospital.
- Statement of bed occupancy is not furnished. Information about casualty attendance and minor surgery is not available.
- The total OPD attendance is between 450-500. The number of surgical operations and procedure is 4-6 per day. The number of x-ray investigations is only in the range of 20-30 per day which is grossly inadequate with the number of patients claimed to have been attending the hospital.
- Water was not available in the hospital. All the taps were dry.
- Universal safety precautions in the hospital particularly with regard to AIDS & other hospital acquired infections, were not observed in any hospital section.
- There is reason to doubt veracity of OPD and registration records. During verification actual record of different sections were scrutinized. Following observations have been made:-

(I) OPD Attendance:

Date	Attendance
13.10.2003	377
12.10.2003	126
7.10.2003	173

On the day of inspection, 12 patients had registered till 10.30 a.m.

Date	Attendance
10.10.2003	5
9.10.2003	6
8.10.2003	7

On the day of inspection nil.

Pathological investigations:

Microbiology:

Date	No. of investigations
11/10/2003	3
12/10/2003	1
14/10/2003	1 (till 11:30)
13/10/2003	Nil

Serology:

Date	No. of investigations
10/10/03	1
11/10/03	1
12/10/03	1

During the month the maximum samples were 2

Biochemistry:

Date	No. of investigations
10/10/2003	9
11/10/2003	11
12/10/2003	7

Average 9 – 10 per day.

In the Orthopaedic OPD, several fractures were claimed to have been seen but there was no evidence that any x-ray had been ordered for any of these patients. Since it is virtually impossible to manage Orthopaedic patients without x-rays, this finding immediately puts the OPD records under a cloud. On direct

enquiry, the Surgeon in the OPD claimed that all these patients had left the hospital without treatment, which is highly improbable. Similarly, in the Surgical OPD records there were improbable entries. For example, the hospital seems to have at least 7-10 dog bites, 1-2 catbites and 2-3 monkey bites EVERY DAY. On the other hand there are no patients of common surgical ailments like anal and perianal problems, haemorrhoids and hernias on ANY DAY. Acute Appendicitis is commonly seen but not admitted or operated. This suggests that the records are not genuine and is corroborating evidence that the patient load in the OPDs is very small and the case mix unsatisfactory for teaching the given number of students.

(II) **In patient department.:**

On the day of admissions it appears that about 90% of the beds were occupied in Basaveshwara Hospital. However the following few random observations are made.

Medicine:

The no. of patients actually available in 32 bedded ward were 33. The admissions register showed the following information.

Date	No. of Admission
10/10/2003	6
11/10/2003	6
12/10/2003	6
13/10/2003	7

None of the above admissions are discharged. However the above patients were not available in the ward. The residents confessed that they have seen any of these patients. The case papers of the patients admitted were either blank or without proper identification clinical & treatment information.

- Isolation ward had 22 beds and there were 21 patients. Dr. Manjunath Jr. Resident he has not seen any of the patient. All the case papers were blank and Nursing student Sudha & Lisa there are no treatment orders for any of the patient.
- In OBG ward the patient with diagnosis of Carcinoma Cervix are admitted the case papers showed history and proper clinical findings recorded on 8th October. There were no further clinical notes are follow up order for the patient . Two Associate Professors & 9 Residents who are available in the ward flatly denied that the patient was ever seen nor they were aware regarding the proposed patient management course.
- It appeared that the patient were admitted on the day or one day before the inspection date , no proper record of any of the patient was maintained the registers either not available or did not collaborate with the actual patient in the ward.
- The registers and OBG OPD showed about 3-4 MTP's / Week . However a patient name Leelavathi registration no. 10969 30 yrs was admitted on 29/9/2003 for MTP and discharged on 22nd of September her operation records were not available in the operation theatre. Another patient Venkamma Regi. No. 2241 with diagnosis of threatened abortion was shown to be admitted on 12/10/2003. However no such admission was found in OBG ward.
- No consent forms were found for any of the surgical or MTP procedures supposed to have been performed.
- The record linkage of several patients thus tested on random basis showed that for none of the patient OPD record In-patient admission records, Investigations, Operation Theater records or the case papers could be traced.
- In the Central Laboratory except for one technician no person are available. The duty roster was not available for inspection.
- In Blood Bank, apart from one Technician who is looking after Central Pathology and Microbiology laboratory, no other medical or para medical staff available. The duty rosters and attendance register was not available for inspection. The Professor of Pathology has no control over the blood bank and it is under the supervision of hospital authorities.
- In Radiology, BARC Regulations are not followed.

- Work load
X-rays - 30-40 / day
Special investigations - 2 /Day
USG-- 3 /Day
CT Scan-- 5 /day

The information was linked with the receipts for the investigations and it revealed that during previous 3 months only 2 CT scan receipts were available. On scrutinising of the hospital cash receipts, it was found that the average number of radiological investigations are as follows:

X-Ray	4 per day
Ultrasound	1-2 per day
CT Scan	1 per week

Considering the above figures, the workload given by the authorities appears doubtful. This was substantiated by the Faculty members of the department.

- The stock register / Indent Book for X-ray films was not shown inspite of repeated request.
- During the inspection it has been observed that all wards and OPDs were manned by students nurses only.
- Verification of record showed that no surgical procedure was carried out after 5th of Sept 2003. Before this the average number of surgeries is 1-2 per day.

The above findings indicate that the hospital is in a state of utter disarray and there was not a single authority who could explain the various lacunae's observed.

- (b) In District Hospital, the OPD services provided by the college staff are available only on two days on the week i.e. Wednesday and Saturday. On other days it is looked after by the Govt. staff which is not attached to the medical college. In the casualty area, emergency trolleys, drugs are not available. There are only 3 beds available and no separate casualty wards is maintained.

3. There is no kitchen. Food is purchased by directly by the patient. There is no dietician.

4. Data processing facilities are not available in MRD.

5. There is no co-relation between number of patients registered and corresponding hospital record. In spite of repeated requests the OPD patient register on 13th October, 03 were not provided to the inspection team. The hospital records shows that there are no patient in Psychiatry & TB Chest.

6. Units in the department of Medicine are not as per MCI norms.

7. The number of teaching beds are deficient as under:

Pediatrics-	23
Orthopaedics-	29
Ophthalmology-	04
ENT-	04
Total	60

8. The deficiencies of the teaching staff is as under:

(a) Faculty: 26 out of 88 i.e. more than 30%.

-Professors –2 (Pead,-1, anaesthesia-1).

-Assoc. Prof.-8 (Patho-2, Community Med.-1, Gen.Med.-2, Surgery-1, Anaesthesia-1, Dental-1).

-Asstt.Prof.-15 (Patho-1, Community Med.-3, Epidemiologist-cum- Lecturer-1, Peadiatric-2, Surgery-2, Ortho.-2, Ob.Gy.-2, Anaesthesia-1, Biostat. Lecturer-1.)

(b) Tutors/Residents: 16 out of 118 i.e. more than 12%.

-Tutor –3 (Patho-1, Surg.2)

-Sr.Resident – 6 (Pead-1, Dermatology-1, Psy-1, Ophthal-1, Surgery-2).

-Jr.Resident – 7 (Gen. Med.-1, Pead.-2, Surg.-3, Ortho-1).
 Other
 Pharmaceutical chemist –1.
 Total Faculty deficiency –32
 Residents – 7

It has been observed that the following teachers claimed to have been employed by this college have also been found in other colleges as under:-

Name	Department	Also working at
1. Dr. A. Shekharan	Forensic Medicine	PES Instt. of Medical Sciences, Kuppam Katuri Medical College, Guntur Navodaya Medical College, Raichur Pushpagiri Medical College
2. Dr. Raj Kumar S.T.	Physiology	Navodaya Medical College, Raichur

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

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council found that the college for the academic year 2002-03 had failed to fulfil the minimum infrastructural, teaching and other facilities for getting recommendation from the MCI for 1st annual renewal of the initial permission enabling it for admission of 2nd batch of students in the first year of the MBBS course after obtaining the necessary and mandatory prior permission from the Central Govt. under Section 10A in accordance with the statutory scheme.

On consideration of the deficiencies, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council came to the conclusion to recommend to the Central Govt. not to grant 1st annual renewal for the admission of 2nd batch of students to Basaveshwara Medical College & Hospital, Chitradurga. It was further resolved to direct the office of the Council for taking all steps for early consideration of the appeal filed by the Council before the Hon'ble Supreme Court challenging the orders passed by the Hon'ble High Court granting permission for admissions and for sitting in the examinations and which orders are not in conformity with the statutory provisions and regulations and of the judgements of the Hon'ble Supreme Court. It was also resolved to urge the Central Govt. to also consider filing appeals against the orders passed by the Hon'ble High Court, which are not in accordance with the provisions of the Indian Medical Council Act, 1956 and/or which either stay, disregard, overrule or set aside the orders passed by the Central Govt. in accordance therewith.

5. To consider the inspection of M.V.J. Medical College, Bangalore carried out on 10th & 11th Oct., 2003 pursuant to the order passed by the Hon'ble high Court of Karnataka.

Read : The inspection report of M.V.J. Medical College, Bangalore carried out on 10th & 11th Oct., 2003 pursuant to the order passed by the Hon'ble high Court of Karnataka.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report of M.V.J. Medical College, Bangalore carried out on 10th & 11th Oct., 2003 pursuant to the order passed by the Hon'ble high Court of Karnataka and noted the following:-

1. Affiliation is available only for the first batch of admission i.e. 2001-02; the University has not renewed the affiliation subsequently even though inspection has been carried out on 13th February, 2003.

2. The land is situated on National Highway No.4 between Bangalore and Chennai at a distance of 10 kms. from the existing temporary location. The college building is coming up in an area of 12 acres of land which is also going to have Hostels and staff quarters etc. The Hospital building is coming up in an area of 8 acres of land which is separated from the college campus by a village panchayat road. Another 6 acres of land is available opposite the Hospital campus separated by the NH 4 highway earmarked for future expansion activities. Thus available land is located in 3 pieces which is against Regulations 2(2) of Establishment of Medical College Regulations, 1999 which requires that the college & hospital should be located in a unitary plot of 25 acres.
3. Hospital: As per the statement given by the Principal of the college, the college has taken possession of an area of 2000 sq.ft. in the proposed Hospital under construction located 10 kms. away from the present location of the college on the NH-4 highway and is being used since June, 2003. As this part of the hospital is owned and managed by the college the team visited the area. There is a temporary building covered with asbestos sheet which is being used as the Out patient area. There are separate cubicles for Medicine, Pediatrics, Surgery and Obst. & Gynae. but these cubicles are too small and cannot serve the purpose of any teaching activity. Rooms meant for ENT and Ophthalmology do not have permanent OPD facilities. There is a collection center for blood sample and no laboratory facility is available. There is one 100 MA portable x-ray machine available with only a technician. There is no minor OT or labour room available. 60 to 70 cases inclusive of old and new patients attend the facility. Since the college doesn't own and manage any other teaching hospital as per the statement given by the Principal, it is presumed that this the only clinical teaching facility available. On the whole the hospital facilities available are grossly inadequate. The hospital claims to have been utilized by the college – i.e. HAL and ITI Hospitals – over, are not under the administrative & financial control of the college. The college has only academic control of these hospitals. The college is permitted to utilize clinical facilities only.

This is against the statutory Regulations. Regulation 2(2) & 2(5) of the 'Qualifying Criteria' of Establishment of Medical College Regulations, 1999 which states as under:

“2. Qualifying Criteria

2(2) that a suitable single plot of land measuring not less than 25 acres is owned and possessed by the person or is possessed by the applicant by way of 99 years lease for the construction of the college.....

2(5) that the person owns and manages a hospital of not less than 300 beds with necessary Infrastructural facilities capable of being developed into a teaching institution in the campus of the proposed medical college.....”

The nursing staff available at HAL Hospital (56 nurses) and at ITI Hospital (52 nurses) are grossly inadequate for the teaching hospitals-the shortage being more than 40%. The para medical technical staff at these hospitals is also grossly inadequate.

4. It has been observed that the following teachers claimed to have been employed by this college have also been found in other colleges as under:

Name	Deptt.	Designation	Also working at
1. Dr. M.A. Reddy	Biochemistry	Professor	Arogyavaram
2. Dr. M.Prashanth Kumar	Physiology	Assoc.Prof.	B.R.Ambedkar Med.Col., Bangalore
3. Dr.C.Prashanth	Surgery	Lecturer	K .V.G.Med.College,

When these are also taken into account, the deficiency of teaching staff is more than 5%/.

5. The proposed budgets for the year 2003-04 and 2004-05 fails to project increase in the anticipated expenses under the column of salary of non-teaching staff inclusive of the proposed 500 bedded own hospital which is expected to start functioning from Octo.2004 as per the Time Bound Programme and the assurances made by the Management in their affidavit submitted to the court and GOI.
6. Pre and para clinical departments, Library, Hostels, Lecture Halls, Examination Hall, Common rooms and Play ground are all located in the Engineering College premises as a make shift arrangement.
7. There are only two level type of Lecture halls with seating capacity of 120 each available with all audiovisual equipments installed. There is no gallery type of lecture halls as per MCI specifications.
8. No statistical unit is established.
9. There is no accommodation provided for the Residents and Nurses.
10. Playground facilities of the Engineering college only is available- there are no identified areas available exclusively for the Medical College students.
11. Govt. of Karnataka has accorded permission to utilize the services of PHCs at Sullible, Mugabala and Nandaguid for training purposes for a period of only one year. There is no Rural Health Center available.
12. The examination hall is available only for 88 students against the requirement of 250 at this stage.
13. Hostels are provided in temporary location and the facilities are shared with Engineering college students.
14. In the Infrastructure of pre and para clinical departments the following deficiencies are observed:-
 - (i) In the department of Anatomy,
 - (a) Research lab. has to be fully equipped &
 - (b) More number of students' lockers has to be provided and should be made available near dissection hall.
 - (ii) The laboratories in Physiology-Haematology, Mammalian and Amphibian—have capacity of only 40 students as against the requirements of 60 students each.
 - (i) Museum of Microbiology department is too small and the facilities provided are inadequate.
 - (ii) Preparation room for Forensic Medicine laboratory is not available.
15. Other observations/deficiencies pointed out in the inspection report.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council found that the college for the academic year 2002-03 had failed to fulfil the minimum infrastructural, teaching and other facilities for getting recommendation from the MCI for 1st annual renewal of the initial permission enabling it for admission of 2nd batch of students in the first year of the MBBS course after obtaining the necessary and mandatory prior permission from the Central Govt. under Section 10A in accordance with the statutory scheme.

On consideration of the deficiencies, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council came to the conclusion to recommend to the Central Govt. not to grant 1st annual renewal for the admission of 2nd batch of students to MVJ Medical College & Research Hospital, Bangalore. It was further resolved to direct the office of the Council for taking all steps for early consideration of the appeal filed by the Council before the Hon'ble Supreme Court challenging the orders passed by the Hon'ble High Court granting permission for admissions and for sitting in the examinations and which orders are not in conformity with the statutory provisions and regulations and of the judgements of the Hon'b'e Supreme Court. It was also resolved to urge the Central Govt. to also consider filing appeals against the orders passed by the Hon'ble High Court, which are not in accordance with the provisions of the Indian Medical Council Act,1956 and/or which either stay, disregard, overrule or set aside the orders passed by the Central Govt. in accordance therewith.

6. To consider the inspection report of D.Y.Patil Medical College, Kolhapur carried out on 16th & 17th Oct., 2003 alongwith the compliance verification inspection report to assess the undergraduate teaching & training facilities available at the college.

Read : The inspection report of D.Y.Patil Medical College, Kolhapur carried out on 16th & 17th Oct., 2003 alongwith the compliance verification inspection report to assess the undergraduate teaching & training facilities available at the college.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report of D.Y.Patil Medical College, Kolhapur carried out on 16th & 17th Oct., 2003 alongwith the compliance verification inspection report to assess the undergraduate teaching & training facilities available at the college and noted the following:-

1. The college is divided into 3 main campuses (a) college with 100 beds hospital, (b) a hospital with 468 beds which has been constructed recently and (c) the boys and girls hostels which are ½ km. away from the college. The distance between 2 hospitals is 2 kms.
2. The clinical material is inadequate as under:-
 - (a) out patient attendance (total) is 400-550 against the norms of 800 patients per day.
 - (b) bed occupancy is less than 80% as required under the norms.
 - (c) The number of laboratory investigations and x-ray investigations are grossly inadequate and not commensurate with the number of patients claim to have been attending the outdoor and indoor services.
3. The surgical OPD does not have separate examination room for proctoscopy.
 - The Orthopaedic OPD has no proper plaster room. Only one table is made available in the corridor for plaster facility.
 - The medical demonstration room does not have wash basins.
 - The diagnostic register is to be maintained in the respective OPDs.
 - The computerisation of OPD department has started and it has to improve further.
4. Duly licensed blood bank is not yet available and not functional.

5. Only 6 operation theatres were functional on the day of inspection against the 10 required.
6. Separate ICCU is not available. IHD cases are treated in medical ICU.
7. The capacity of the examination hall is less than required as per norms.
8. Total accommodation for 320 students (150 girls and 170 boys) is available in the hostels against the requirement of accommodation for 500.
9. The accommodation available for residents is only for 104 residents against the requirement for 150.
10. There is no shortage of teaching staff. However, the ratio of non-medical staff in Biochemistry is more than 50% as permitted under the norms.
11. The common rooms for girls and boys are inadequate in size and space i.e. only for 15 boys and 10 girls as against the total student strength of more than 500. Toilet facilities and furniture are inadequate.
12. Accommodation for nurses is available for 90 nurses only which is less than the required as per norms.
13. The college has not yet obtained the permission from the Govt. of Maharashtra for conduct of the postmortems.
14. The reading space in the library is less than required as per norms. The number of journals subscribed are only 80 as against the requirement of 100 journals.
15. Although incinerator is available, the hospital is not following the hospital waste management system properly and colour coded bags and dustbins are not available for hospital and bio-medical hazard waste.
16. Medical Education Unit although established but needs to be streamlined and upgradation. Documentation and record keeping should be maintained regularly.
17. Other observations/deficiencies pointed out in the inspection report.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to issue a show cause notice to the institution as to why steps should not be initiated to recommend to the Central Government u/s 19 of the I.M.C. Act, 1956 for derecognition of the institution for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik. The Committee further decided to give one month time to the institution to respond to the show cause notice. If no reply is received within the specified period, action be initiated as decided.

Copy of the letter be marked to the Chief Secretary, Secretary (Health), Director of Medical Education, Registrar of the University and member of the Council representing the State Govt.

7. To consider the inspection report of Co-operative Medical College, Kochi carried out on 13th & 14th Oct., 2003 in pursuance of the order passed by the Hon'ble High Court of Kerala on 29.9.2003.

Read : The inspection report of Co-operative Medical College, Kochi carried out on 13th & 14th Oct., 2003 in pursuance of the order passed by the Hon'ble High Court of Kerala on 29.9.2003.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report of Co-operative Medical College, Kochi carried out on 13th & 14th Oct., 2003 in pursuance of the order passed by the Hon'ble High Court of Kerala on 29.9.2003 and noted the following:-

1. The shortage of teaching staff is more than 5 percent as under:

Professor (1) – Community Medicine –1

Assoc. Prof. (7) – Anatomy –1, Physiology –2, Biochemistry – 1, Pharmacology –1, Forensic Medicine –1, and Radiology –1.

Asst. Prof. (3) – Anatomy –1, Physiology-1, (Dr. Kunjahammed M.P. was issued show cause notice for disobedience of court order by judicial 1st class magistrate, Manjeri asking him to appear in person in the court on 13 Oct. 2003 to explain why action shall not be taking against him. Because of the court order he could not remain present on 13th & 14th during inspection on college. Hence he is not considered)

Lecturer in Biophysics (Dr. Seena M.R. is qualified but not having adequate teaching experience in the medical college. Hence not considered.)

2. Teaching Hospital owned by the college i.e. Indira Gandhi Co-operative Hospital has 172 beds. It is 7 km away from the college.

The General Hospital Ernakulam has 325 teaching beds. It is 7 km away from the college campus. This hospital is under the control of the government and the facilities are available for clinical education of the students for a period of 18 months only from Feb.2003. Teaching staff of the medical college conduct OPD at this hospital only for 2 days a week i.e. Wednesday & Friday and for the remaining days, the OPD is run by the doctors of the Government not belonging to the Co-operative Medical College.

3. The clinical materials in the medical college hospital is inadequate.
4. No central oxygen supply for in the operation theatre of IGCH hospital
5. Incinerator is not available in IGCH hospital.
6. There is no central sterilization in IGCH hospital.
7. In IGCH hospital laundry is manual.
8. There is no separate kitchen for the hospital. There is a canteen for student, staff and for patient relatives. It has gas type oven. Vegetarian and non-vegetarian food is supplied on payment. No dietician is available. No provision to supply for special diet. The hospital authorities give milk, break and eggs to patient of free of charge.
9. The medical college is shifted to the new campus owned by the college, where all the pre & para-clinical departments have been shifted to the new buildings and functioning. The construction of certain new building which is not yet over is as under:-
 - (i) The boys and girls hostel will be completed by Nov. 15th 2003
 - (ii) Women and children block will be completed by 30.11.2003
 - (iii) Diagnostic block with operating theaters will be completed by 25.5.2003.
 - ((iv) Male wards will be completed 25.5.2003.
 - (v) D-Block partly occupied by pre-clinical department will be competed by 31.12.2003.
 - (vi) Auditorium will be completed by April 2004.
10. Boys Hostel: It is housed in a rental building, which is a lodge and contrary to the regulations. It is outside the college campus. It is 4 kms away from the college. It can accommodate 62 boys. At present 33 boys are staying in the hostel. There is no mess facilities in the hostel. The boys either get food in a container/carrier from outside or they eat in the girl's hostel, which is about 5.3 kms from boys hostel.

Civil construction of new boys hostel at Kalamassery is in progress. It has 57 three bedded rooms and 2 guest rooms and one warden quarters. There is provision for kitchen, dinning hall and one storeroom. The furniture is not provided. As per the statement of the college authorities hostel will be ready for occupation by Nov. 15th 2003.

Girls Hostel: It is also on lease. It is outside the campus. It is 6.9 kms away from college. It was a working women hostel. There are 51 rooms, which can accommodate 67 girls. Mess and common room facilities are available. One lady assistant Warden is also staying in the hostel.

Civil construction of new girls hostel at Kalamassery is in progress. It has 55 rooms each three bedded, and two guest rooms and one-warden quarters. It has got provision for one Kitchen, one dinning hall and one store room. As per the statement by the college authorities the hostel will be ready for occupation by Nov. 15th 2003.

11. Residential Quarters - Not provided at present for any category of staff.
12. There is no hostel for resident doctors.
13. There is no cold room or cooling cabinet in Anatomy department.
14. Other observations/deficiencies pointed out in the inspection report.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council found that the college for the academic year 2002-03 had failed to fulfil the minimum infrastructural, teaching and other facilities for getting recommendation from the MCI for 2nd annual renewal of the initial permission enabling it for admission of 3rd batch of students in the first year of the MBBS course after obtaining the necessary and mandatory prior permission from the Central Govt. under Section 10A in accordance with the statutory scheme.

On consideration of the deficiencies, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council came to the conclusion to recommend to the Central Govt. not to grant 2nd annual renewal for the admission of 3rd batch of students to Co-operative Medical College, Kochi. It was further resolved to direct the office of the Council for taking all steps for early consideration of the appeal filed by the Council before the Hon'ble Supreme Court challenging the orders passed by the Hon'ble High Court granting permission for admissions and for sitting in the examinations and which orders are not in conformity with the statutory provisions and regulations and of the judgements of the Hon'b'e Supreme Court. It was also resolved to urge the Central Govt. to also consider filing appeals against the orders passed by the Hon'ble High Court, which are not in accordance with the provisions of the Indian Medical Council Act,1956 and/or which either stay, disregard, overrule or set aside the orders passed by the Central Govt. in accordance therewith.

8. The petitions filed by the colleges for extension in time for fresh admission to MBBS course.

Read : The applications/petitions filed by the certain colleges and the decision taken by the Hon'ble Supreme Court dismissing the petitions.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the State of Utranchal and Andhra Pradesh had filed applications for being impleaded as a party in Madhu Singh case with further plea of extension of last date of admission. Three colleges had filed writ petitions under article 32 for extension of last date of admission. All these

applications/petitions were dismissed by the Hon'ble Supreme Court vide orders dated 27.10.2003 and 29.10.2003 respectively.

9. **To note the letters dt. 1st/4th Oct. 2003 issued by the Central Government to the concerned authorities of the colleges where renewal of permission granted by it in the absence of the recommendations of the Council in response to the decision of the Executive Committee dt. 19th & 29th Sept. 2003.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the letters dated 1st/4th Oct.,2003 issued by the Central Government to the concerned authorities of the colleges where renewal of permission granted by it in the absence of the recommendations of the Council in response to the decision of the Executive Committee dt. 19th & 29th Sept. 2003.

The Committee further noted the directions given by the Hon'ble Supreme Court on 28.10.2003 in I.A. No.5-14 in CA No.599-600 of 2002 as under:-

“The Union of India shall file an affidavit within one week. The Medical Council of India is also permitted to file an additional affidavit within the same period. Responses, if any, to these affidavits may be filed within a period of 4 weeks.

List after 5 weeks.”

10. **Removal of name of deceased person from Indian Medical Register.**

Read : The letter dt. 8.10.2003 received from the Registrar, Rajasthan Medical Council, Jaipur with regard to removal of name of Dr. Hans Kumar from the Register of the Registered Medical Practitioners.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council at their earlier meeting dated 05.05.2003 while considering the matter with regard to removal of name of Dr. Hans Kumar noted as under:-

“The Executive Committee and members of the Adhoc Committee noted from the letter dated 16.04.2003 received from the Registrar, Rajasthan Medical Council that the State Council has erased the name of Dr. Hans Kumar from the register of Registered Medical Practitioners maintained by the Rajasthan Medical Council only on the basis of an information published in the local newspaper on 11.4.2003 about his sad demise. While appreciating that the Rajasthan Medical Council has been prompt enough in furnishing the information of removal of name of doctors from their register, the Committee decided to obtain verification and confirmation from the Rajasthan Medical Council as to how they have removed the name of Dr. Hans Kumar only on the information about his demise published in the local paper.”

The above decision of the Committee was communicated to the authorities of Rajasthan Medical Council vide Council letter dated 24.05.2003. In response to Council letter, the Registrar, Rajasthan Medical Council vide his letter dated 08.10.2003 has stated as under:-

“news regarding death of any person is published in the newspaper only on request and report by the nearest relatives of the deceased, hence, itself authentic. However, this Council use to send a condolence letter first, to the deceased relative whose name published with news of death in the newspaper, which confirms the given information, thereafter we erase the name and request you for the same.”

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to remove the name of Dr. Hans Kumar, registration no. 564, dated 30/06/1961, from the Indian Medical Register and also to give intimation in this regard to all the State Medical Councils in the country.

11. Establishment of medical college at Mysore by Gopala Gowda Shanthaveri Memorial Hospital Trust, Mysore – Permission of Central Govt. – Regarding.

Read : The letter received from the authorities of Gopala Gowda Shanthaveri Memorial Hospital Trust, Mysore with regard to postponement of inspection for establishment of medical college at Mysore application of which has been received through the Central Govt. vide its letter dated 24/09/2003.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that an application for establishment of medical college at Mysore by Gopala Gowda Shanthaveri Memorial Hospital Trust, Mysore as per provision of the section 10A of the IMC Act, 1956 was received through the Central Govt. vide its letter dt. 24.9.2003 for evaluation and sending the recommendations of the Council to the Ministry.

An inspection to verify the information furnished in the inspection as required under the regulations was arranged to be carried out by the inspection team of the MCI on 7th & 8th Nov., 2003 and the college authorities were informed vide MCI letter dt. 30.10.2003.

In reference to above, a fax letter dt. 03.11.2003 has been received from the Managing Trustee, Gopala Gowda Shanthaveri Memorial Hospital Trust, Mysore to postpone the inspection in the month of March/April,2004 giving therein the reasons that they have to get the clearance BARC/Licence for establishing the Blood Bank etc. and few such technical difficulties. The Managing Trustee has also requested to make that inspection for LOP and by that time they will be ready for the same with all infrastructure facilities as per guidelines of the MCI.

As per the Schedule prescribed in the establishment of medical college regulations, 1999 - the Medical Council of India has to send its recommendations to the Central Govt. for issue of Letter of Intent by 31st December.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return the file pertaining to establishment of medical college at Mysore by Gopala Gowda Shanthaveri Memorial Hospital Trust, Mysore to the Central Govt. recommending disapproval of the scheme.

12. Establishment of medical college at Dehradun (Uttranchal) by Shri Guru Ram Rai Education Mission, Dehradun - Permission of Central Govt. – Regarding

Read : The letter received from the authorities of Shri Guru Ram Rai Education Mission, Dehradun with regard to postponement of inspection for establishment of medical college at Dehradun application of which has been received through the Central Govt. vide its letter dated 30/09/2003.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that an application for establishment of medical college at Dehradun by Shri Guru Ram Rai Education Mission, Dehradun as per provision of the section 10A of the IMC Act, 1956 was received through the Central Govt. vide its letter dt. 30.9.2003 for evaluation and sending the recommendations of the Council to the Ministry.

An inspection to verify the information furnished in the inspection as required under the regulations was arranged to be carried out by the inspection team of the MCI on 10th & 11th Nov., 2003 and the college authorities were informed vide MCI letter dt. 03.11.2003.

In reference to above, a fax letter dt. 06.11.2003 has been received from the President Shri Guru Ram Rai Education Mission, Dehradun, stating therein that the building/blocks will be ready for use by March end 2004, when they will be presentable for inspection. He has therefore requested to defer the above inspection to end of March 2004.

As per the Schedule prescribed in the establishment of medical college regulations, 1999 - the Medical Council of India has to send its recommendations to the Central Govt. for issue of Letter of Intent by 31st December.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return the file pertaining to establishment of medical college at Dehradun (Uttanchal) by Shri Guru Ram Rai Education Mission, Dehradun to the Central Govt. recommending disapproval of the scheme.

13. Continuation of recognition of MBBS degree granted by Bundelkhand University in respect of students being trained at MLB Medical College, Jhansi.

Read : The Council Inspectors report (03rd & 04th November, 2003) of MLB Medical College, Jhansi for continuance of recognition of MBBS degree granted by Bundelkhand University.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (03rd & 04th November, 2003) of MLB Medical College, Jhansi for continuance of recognition of MBBS degree granted by Bundelkhand University and noted the following:-

1. The college belongs to UP Govt. & it is in existence since 1968. Available clinical material is as under:-

Clinical Material:

	Daily Average		Day of Inspection	
O.P.D. attendance	361		487	
Casualty attendance	42		17	
Number of admissions	60		69	
Bed occupancy%	58%		52%	
<u>Operative work</u>				
Number of major surgical operations	12		8	
Number of minor surgical operations	6		0	
Number of normal deliveries	6		0	
Number of caesarian Sections	3		5	
<u>Radiological Investigations</u>				
	O.P.	I.P.	O.P.	IP
X-ray	25	30	14	8
Ultrasonography	25	28	16	9
Special Investigations	3	4	0	0
C.T. Scan				
<u>Laboratory Investigations</u>				
Biochemistry	2	27	2	8
Microbiology, Serology, Parasitology	16	20	16	0
Haematology	83	0	0	8
Histopathology	5-6	1		
Cytopathology	2-5	0		
Others	74		120	

2. OPD services are run daily in one session. Space for teaching area is not available in the OPDs of any major departments like Medicine. Surgery, Paediatrics, Obstetrics & Gynaecology and Orthopaedics.
3. Total 5 O.T.s are available and are inadequately equipped with essential resuscitation & monitoring equipments. Adequate instrument sets are available. TV with camera attachment is available. Resuscitation and monitoring equipment is shared by the different O.T.s. A common post-operative ward with 12 beds are also available.
4. **Radiological facilities:** The radiology deptt. is having a single ultra sound machine and a portable machine. There is one 800 MA Xray machine , in which image intensifier is not working **so no special investigation can be carried out**, another 500 MA machine is not working, one 300 MA machine is functional, there is one 60 MA mobile Xray machine in working condition but due to non functioning of lifts it can not be used for indoor patients in the hospital. There is also 30 MA portable Xray machine which is non functional. There is no CT scan & MRI in the institution & no Colour Doppler.
5. Though the Blood Bank is available and functional, space and equipment are available but the license for whole blood has already expired on 31-12-1999.
6. Central Pharmacy, C.S.S.D., mechanized laundry, LPG operated kitchen & canteen facilities are not available .
7. No incinerator facility is available in the hospital.
8. The availability of para medical staff of different categories is inadequate. There is gross deficiency of staff nurses & ward sisters for 641 beds. However staff nurses sanctioned by the UP Govt. are 93 & presently posted are 70. hence there is a deficiency of 23 staff nurses even out of the sanctioned post.
9. There are in all three gallery type lecture theatres of capacity of 130-150, located in the college building. They are poorly equipped with reference to audio-visual equipment. Clinical demonstration rooms are not available in OPD and wards.
10. Central library is located on 1st floor of the college building and has 10,333 books and 10 foreign and back issues of 50 Indian journals are available. No new Journal has been subscribed since 1996 and no new book has been purchased since 1998. Internet facility is available.
11. The shortage of teaching staff required at present stage is as under:-
 - (a) Faculty 60.7% (i.e. 65 out of 107)
 - (i) Professor : 11 (Anatomy:1, Physio:1, Biochem:1, Pharma:1, Micro:1, Forensic Medicine:1, Psychiatry:1, Ophthalmology:1, ENT:1, Obst. Gynae:1, Anaesthesia:1)
 - (ii) Associate Professor: 1 (Radio-diagnosis:1)
 - (iii) Assistant Professor: 18 (Physio:1, Bio phy.:1, Biochem:1, Pharma:1, Micro:1, PSM:1, General Med:3, T.B. Chest:1, Skin V.D.:1, Surgery:3, Radio diagnosis:1, Dentistry:1, Obst. Gynae (MCH:1), ANC/Lect:1.)
 - (iv) Tutor: 35

(b) Resident 17.6% (i.e 9 out of 51)

- i) Sr. Resident: Nil
- ii) Jr. Resident: 9

12. The Institution is running Post Graduate degree courses in 14 disciplines and Diplomas in 4. As per the MCI recommendations for PG Courses year 2000, there are gross irregularities in intake of PGs. Only 4 subjects, (Medicine, Surgery, Pediatrics and Anesthesia) are recognized by MCI for annual intake of 4,4,2 and 2 Post graduates respectively while the institution has admitted in year 2002 8,6,6, and 3 PGs respectively. The rest of the degree courses are running and are not recognized by the MCI.
13. Other deficiencies/observations made in the inspection report.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council opined that enough opportunities was given to M.L.B. Medical College, Jhansi which is now falling short of staff and infrastructural facilities for which it was originally recognised by the Medical Council of India. The college is also running postgraduate courses without adequate staff.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to issue a show cause notice to the institution as to why steps should not be initiated to recommend to the Central Government u/s 19 of the I.M.C. Act,1956 for derecognition of the institution for the award of MBBS degree granted by Bundelkhand University and refer the matter to the Postgraduate Committee for further consideration regarding postgraduate courses. The Committee further decided to give one month time to the institution to respond to the show cause notice. If no reply is received within the specified period, action be initiated as decided.

Copy of the letter be marked to the Chief Secretary, Secretary (Health), Director of Medical Education, Registrar of the University and member of the Council representing the State Govt.

14. **To consider the news item appeared in the Southern Indian Regional Newspaper by Indian International University inviting applications from Hospital /Colleges/Schools other institutions for affiliations/off campus centers all over India and abroad for conducting Undergraduate and Postgraduate medical courses among other courses.**

Read : The news item appeared in the Southern Indian Regional Newspaper by Indian International University.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the news item appeared in the Southern Indian Regional Newspaper by Indian International University inviting applications from Hospital/Colleges/Schools/other institutions for affiliations/off campus centres all over India and abroad for conducting undergraduate and postgraduate medical courses and directed the office to contact the Secretary, University Grants Commission to obtain the copies of the Gazette notifications. It also authorised the President (Acting) to meet the Chairman, UGC and to discuss the issue so as to protect the interest of the medical education.

15. **Appointment of Zonal Inspector on consolidated salary.**

Read : The matter with regard to extension of services of Dr. C.A. Desai, Zonal Inspector of the Council.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to extend the services of Dr. C.A. Desai, Zonal Inspector of the Council for a further period of one year w.e.f. 02.11.2003.

16. Minutes of Finance Committee held on 17/10/2003 – Approval of.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the minutes of the Finance Committee meeting held on 17/10/2003.

17. Proposal for purchase of Maruti Van for the Council.

Read : The proposal for purchase of Maruti Van for the Council office.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the proposal for purchase of Maruti Van for the Council Office.

18. Punctuality in attendance by officials of the Council.

Read : The proposal regarding punctuality in attendance by officials of the Council.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the proposal of initiating disciplinary action against the errant and recalcitrant employees. The Committee also directed the office of the Secretary to make necessary entries in the service records and confidential reports in case of those employees who are habitually irregular.

19. Establishment of National Instt. of Medical Sciences, Jaipur.

Read : The matter with regard to establishment of National Instt. of Medical Sciences, Jaipur.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the order dated 13.12.2002 by the Hon'ble Supreme Court. The Committee also noted the various proceedings which took place in the Hon'ble Supreme Court.

The Committee also noted the minutes of the meeting dated 28.08.2003 which took place at the office of Shri R.N. Trivedi, Ld. Addl. Solicitor General of India whereafter the matter was adjourned to 05.09.2003 for directions. Thereafter an emergent meeting of the Committee along with members of the Adhoc Committee appointed by the Hon'ble Supreme Court was held on 02.09.2003. Copies of the affidavits of Dr. B.S. Tomar, Dr. Anurag Tomar and Ms. Shyamli George submitted before the Hon'ble Supreme Court were also placed before the Committee.

The Members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and the of the Executive Committee of the Council met on 02.09.2003 and considered the proposal of the college as incorporated in the minutes of the meeting and also perused the affidavits mentioned above. The decision of the Members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and the Members of the Executive Committee of the Council taken on 02.09.2003 is reproduced as under : -

“The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council in the meeting on 02.09.2003 noted as under:-

Their last meeting had taken place on 23.8.2003.

The present meeting on 02.09.2003 was scheduled when the Secretary of the Council had contacted the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee, informing them the further development which had taken place in the application of Indian Medical Trust before the Hon'ble Supreme Court. It was informed by him that, as had been desired by the Hon'ble Court, a meeting of the Ld. Advocates appearing on behalf of the parties was held on 28.08.2003 at 1.00 p.m. in the office of Mr. R.N. Trivedi, Additional Solicitor General of India in the Supreme Court premises. The Secretary had informed the members about the minutes of the meeting thereby requesting for an emergent meeting of the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council.

With due deference to the desire of the Hon'ble Supreme Court and keeping in mind that it has been desired that, if possible, a meeting be held prior to 05.09.2003, the present meeting was fixed for 02.09.2003.

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the minutes of the meeting dated 30.8.2003 and also the contents of the three affidavits of Dr. B.S. Tomar, Dr. Anurag Tomar and Shyamli George.

The Secretary of the Council who was there at the time of the meeting held in the office of the Ld. Additional Solicitor General of India on 28.08.2003 explained in details the discussions which had taken place and recorded in the minutes of the meeting dated 30.8.2003. He stated that the thrust of the proposal on behalf of the Indian Medical Trust was to the effect that let there be a fresh consideration of the case of this college for the present academic session itself i.e. 2003-2004, if the same becomes possible. The Secretary also stated that at the hearing before the Hon'ble Court on 27.08.2003 it was observed by the Hon'ble Court that if the confirmation report received by the MCI from the authorities of the State of Rajasthan to the effect that more than 30 declaration forms towards claim of employment of medical teachers are false is correct and further the claim that college has terminated their services and has made fresh appointments leaving no deficiency in that regard, the same cannot be decided by the Court and can only be inspected and verified by the MCI as a competent authority under the Act.

With a view to eliminate any possibility of anyone on behalf of the Indian Medical Trust to attempt to allege any bias against the Council on the basis of the earlier inspections, the members of the Executive Committee of the Council had desired that two members of the Ad-hoc Committee should, with an open mind, conduct an independent inspection of the college. The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court reiterated that two of them had personally inspected this college on 18.01.2003. They had examined the inspection report of the subsequent inspection held on 22nd & 23rd July, 2003. The findings of the inspection reports dated 18.01.2003 and 22 & 23 July, 2003 were looked at again. It was observed that most of the deficiencies that had been observed in the inspection held on 18.01.2003 had not been attended to. Taking this into consideration, the Committee was doubtful if the removal of the deficiencies can now be achieved within two weeks as claimed/promised by the Trust in the meeting of the Advocates held on 28.08.2003.

The members of the Ad-hoc Committee were at pains to reiterate that there was complete objectivity and absence of any kind of bias, both at the time when the inspection was conducted on 18.01.2003 and also when the subsequent inspection report dated 22nd & 23rd July, 2003 had been considered by them on 28.7.2003.

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council reiterated that they are always open for any reasonable and permissible method for a fresh consideration with regard to any medical college but they find it difficult when they read the present proposal on behalf of the Indian Medical Trust that the Trust would be able to remove (besides their claim of removal of deficiencies with regard to number of medical teachers as per the minimum requirements) within a period of two weeks the gross deficiencies in the clinical material i.e. at least 600 patients attending the OPD every day, and 240 patients admitted in the hospital at any given point of time, number of operations/ surgeries, laboratory investigations for that number of patients. They observed that the kind and quantum of clinical material which has been found by the inspection team on 22nd & 23rd July, 2003, the removal of this deficiency within a period of two weeks as suggested in the proposal is doubtful.

The members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council, with due deference to the Hon'ble Court decided that in case the Central Govt. desires further processing of the case of the Trust and forwards the application of the Trust, Council shall take all necessary steps towards its consideration."

The copy of the decision was communicated to the Ld. Advocate for the Indian Medical Trust, Ld. Advocate appearing for the candidates and to Mr. R.N. Trivedi, Ld. Addl. Solicitor General of India.

Thereafter, the MCI received letters dated 17.09.2003 and 29.09.2003 from the Govt. of India forwarding therewith an application on behalf of the NIMS, Jaipur that they are seeking the grant of permission u/s 10A only for 100 admissions annually.

The College had submitted a communication dated 18.09.2003 received in the office of the Council on 19.09.2003 in relation to six doctors for consideration for the post of Principal. By a response communication dated 22.09.2003, the applicant Trust was informed that with a view to expedite the process, it had been decided that Dr. Bhirmanandam, Vice-Chancellor, MGR University of Health Sciences, Chennai and the Secretary of the MCI shall be visiting Jaipur on 25.09.2003 for this purpose.

In accordance with the communication dated 22.09.2003, the report of the above-mentioned two doctors Dr. Bhirmanandam, Vice-Chancellor, MGR University of Health Sciences, Chennai and the Secretary of the MCI with regard to six doctors submitted by the applicant Trust was placed before the members of the Executive Committee and of the Ad-hoc Committee appointed by the Hon'ble Supreme Court in their meeting on 29.09.2003.

By a communication dated 30.09.2003, the College was informed that the members of the Executive Committee and Ad-hoc Committee appointed by the Hon'ble Supreme Court have expressed their concurrence to the name of Dr. S.K. Pathak, former Professor & Head of Department of Forensic Medicine, Govt. Medical College, Jaipur whom the applicant Trust had decided to appoint as the Principal of the proposed Medical College. Thereafter, the applicant Trust by its communication dated 09.10.2003, has informed that they will submit the compliance report towards removal of deficiencies pointed out by the MCI in due course. The same shall be submitted by the Principal of the College, Dr. S.K. Pathak in due course.

Thereafter, on 03.11.2003, a fax letter dated 01.11.2003 was received from NIMS (1st & 2nd November, 2003 being Saturday and Sunday). Secretary of the Council immediately sent a communication to the Acting President at Kerala informing him of the above-mentioned communication of the NIMS dated 01.11.2003 received on 03.11.2003 for constitution of an inspection team.

The Secretary of the Council was required to attend a court hearing on 04.11.2003 at Kolkata. On his coming back to Delhi on 05.11.2003, the availability of inspectors nominated was enquired with the request that the inspection has to be carried out as expeditiously as possible.

In addition to the permanent inspector of the MCI, viz., Dr. (Mrs.) M.C. Pathak, the Secretary of the Council was able to obtain the consent of Dr. Alka Kriplani, Professor of Obst. & Gynae Deptt. of AIIMS and Dr. M.C. Mishra, Professor of Surgery, AIIMS. These doctors had very kindly given their consent for conducting the inspection on 6th & 7th November, 2003. The college authorities were informed by MCI's letter dated 05.11.2003 of the inspection dates.

These three doctors reached Jaipur. However, before they could have left their hotel rooms on 06.11.2003 for proceeding to the college premises, it has been informed to the Council that Dr. B.S. Tomar tried to leave a bag of money before the members of the inspection team. This was seriously protested by the eminent members of the inspection team. Dr. B.S. Tomar tendered a written apology to them and sought their indulgence by requesting that they may ignore his mistake and conduct the inspection of the college.

By a communication dated 06.11.2003, the members of the inspection team informed the Secretary of the Council of the above-mentioned incident and the circumstances and making it impossible for them to carry out the scheduled inspection.

This matter was placed before the members of the Executive Committee and of the Ad-hoc Committee appointed by the Hon'ble Supreme Court on 07.11.2003 and was brought to their notice. The Committee decided to call the Chairman Dr. B.S. Tomar & Dr. S.K. Pathak, Principal of the proposed medical college on 8.11.2003. The Committee also decided to constitute a Sub-Committee consisting of Dr.P.C.Kesavankutty Nayar, President (Acting), Prof. P.N. Tandon, member of the Adhoc Committee, Dr. V.K. Puri & Dr. Nitin S. Vora to seek clarification regarding the report submitted by the team of inspectors namely Dr. Alka Kriplani, Professor of Obst. & Gynae Deptt. of AIIMS; Dr. M.C. Mishra, Professor of Surgery, AIIMS and Dr. (Mrs.) M.C. Pathak, Whole-time Inspector of the Council dated 06.11.2003. It was further decided that on receipt of clarification, the matter be referred to the Central Govt. with all relevant documents for further advice and these facts be also placed before the Hon'ble Supreme Court.

20. To consider the request of Shri Ashok Kumar Harit, Deputy Secretary (Admn.) on deputation for his appointment on regular basis in the Council office.

Read : The request of Shri Ashok Kumar Harit, Deputy Secretary (Admn.) on deputation for his appointment on regular basis in the Council office.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the request of Shri Ashok Kumar Harit, Deputy Secretary (Admn.) who has joined the office on deputation basis and decided to approve his appointment on regular basis in the Council office in the pay scale of Rs.12,000-375-18,000/-.

(Lt. Col.(Retd.) Dr. A.R.N. Setalvad)
Secretary

New Delhi, dated the
7th Nov.,2003.

A P P R O V E D

(Dr. P.C.Kesavankutty Nayar)
President (Acting)

