

**No.MCI-5(3)/2005-Med./**

**MEDICAL COUNCIL OF INDIA**

**EXECUTIVE COMMITTEE**

Minutes of the joint meeting of the Executive Committee, Postgraduate Committee and Chairmen of the Sub-Committees of the Council held on Saturday, the 1<sup>st</sup> October,2005 at 11 a.m. 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, along with Special Invitees, were also present.

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**Present:**

Dr.P.C. Kesavankutty Nayar	]President (Acting) ]Former Dean, ]Govt. Medical College, ]Trivandrum
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. P.K. Sur	]Director, ]I.P.G.M.E.R., ]Kolkatta.
Dr. D.K. Sharma	]Former Prof. & Head, ]Deptt. of Paediatrics ]LLRM Medical College, ]Meerut.
Dr. Mukesh Kr. Sharma	]Deptt. of General Surgery, ]S.M.S. Medical College, ]Jaipur
Dr. Nitin S. Vora	]Director, Health Services(ESIS), ]Govt. of Gujarat.
Dr. B.C. Das	]Director, State Institute of Health ]& F.W., Govt. of Orissa.
Dr. G. B. Gupta	]Prof. of Medicine, Pt.JNM ]Medical College, Raipur.

**Special Invitees**

Dr. Ved Prakash Mishra	]Dean, Faculty of Medicine, ]Nagpur University and ]Chairman,Postgraduate ]Medical ]Education Committee,MCI
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Dr. Indrajit Ray	]Dean, B.S. Govt. Medical ]College, Bankura, West Bengal, ]Member, PG Committee and ]Chairman, Ethics Committee, ]MCI
Dr. Ng. Bijoy Singh	]Vice-Chancellor, ]Manipur University, ]Canchipur, Imphal-795003, ]Manipur, Member, Post- ]graduate Committee and ]Chairman, Migration Committee.
Dr. C. Bhirmanandam	]Vice Chancellor, ]Dr. MGR Medical University, ]Chennai and Chairman, ]Teachers Eligibility Committee, ]MCI
Dr. (Mrs.) Usha Sharma	]Principal, ]L.L.R.M. Medical College, ]Meerut; Member, Post- ]graduate Committee, MCI
Dr. S.K. Sinha	]House No. B/2, ]Sector D/1, Kankarbagh, ]Patna – 800 020; Member Post- ]graduate Committee, MCI.
Dr. V.Kanagaraj	]No.5,V, Cross Street, ]Indira Nagar, Adyer, ]Chennai–600020; Member Post- ]graduate Committee, MCI
Dr. A. Rajasekaran	]70, First Avenue, ]Indra Nagar, ]Madras-600020; Member, Post- ]graduate Committee, MCI.
Lt. Col. (Retd.) Dr. A.R.N. Setalvad	]Secretary

Apology for absence was received from Prof. Sneh Bhargava, Special Invitee and Dr. J.R. Kher, Member, Executive Committee.

1. **News published in the English daily Times of India dated 28.09.2005 titled “MCI in the grip of Mafia says Ramadoss” and in the daily Tribune dated 28.09.2005 titled “Ramadoss for cleansing of MCI/DCI”.**

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At the commencement of the meeting, the President (Acting) expressed his deep pain and anguish in bringing to the notice of all present in the meeting of a News Items appearing in the English daily Times of India dated 28.09.2005 titled “MCI in the grip of Mafia says Ramadoss” and in the daily Tribune dated 28.09.2005 titled “Ramadoss for cleansing of MCI/DCI”. He further stated as

under:-

- *Persistent unilateral public statements by the Hon'ble Union Minister for Health and Family Welfare, Govt. of India have been causing definite prejudice to the Council. The said statements seem to be pre-determined. As such they have resulted in lowering the prestige, credibility and functioning of the Council and have also resulted in marginalizing of the Council resulting in an anarch situation wherein opportunistic vested interests seem to be taking advantage.*
- *It is reported through the media with reference to e.mailing by the Secretary of the Council of the documents of his custody and the reference of the same to the CBI by the Hon'ble Minister, reflects the non-observance of routine administrative procedure to the extent that no information/explanation was sought from the Secretary of the Council in this regard by the Govt. Likewise a reference is made to some 200 odd representations of the Members of Parliament made to the Hon'ble Minister as regards the functioning of the Council but till date none of them have been sent to the Council for its comments and or observations.*
- *It is pertinent to note that Council is functioning since Nov.,2001 under the over all supervision of nominees of the Hon'ble Courts, to begin with a full time Administrator nominated by the Hon'ble Delhi High Court from Nov.,2001-Nov.,2002 and the Adhoc Committee constituted by the Hon'ble Supreme Court from Nov.,2002 till this date. The Adhoc Committee upon its critical evaluation of the functioning of the Council has submitted its detailed reports to the Hon'ble Supreme Court and the copy of the same have been furnished to the Medical Council of India by the direction of the Hon'ble Supreme Court, wherein functioning of the Council has been found to be "Objective, Efficient and Transparent" as well.*
- *In order to uphold the statutory mandate that the Council is vested with several tough decisions have been taken in terms of rejection of several applications pertaining to opening of private medical colleges, annual renewals, augmentation of intake capacity and starting of postgraduate courses as well on the criteria of non-fulfillment of desired and prescribed standards by the Council. As against these tough decisions the suggestions/recommendations made by the Ministry of Health & F.W. in larger interests have always been upheld especially in regard to relaxation of percentage of deficiency of teachers in Govt. medical colleges, permission for grant of colleges in north east region like Sikkim and Tripura etc.*
- *It has been the ardent belief of the Council that close harmony between the Medical Council of India and the Ministry of Health & F.W. is a minimum must for the settlement of the cause and interests of medical education and profession in the country, and this aspect should not be lost sight of by both of them because indifference on this count may cause irreparable damage to the legitimate interests of medical education and profession of the country. However, the public statements made by the Hon'ble Minister have caused a definite dent in this otherwise much desired harmonious understanding and relationship between the Council and the Ministry.*

All the members of the Executive Committee and the Special Invitees present in the meeting expressed their concern and shared his feelings.

Dr. A. Rajasekaran raised the point of order that whether this meeting which has been called is a legal valid meeting. The President (Acting) ruled on the point of order raised by the member that this is a valid legal meeting as per the rules of the Council convened in an emergency in the exigency of the situation.

The President (Acting) then requested the Secretary to present the factual record and the substantial data on various issues pertaining to the functioning of the Council. The Secretary then presented as under:-

*Medical Council of India is an expert body created by an act of Parliament titled Indian Council Act 1956, in discharge of its Statutory obligations, it is required to function under the umbrella of Ministry of Health & Family Welfare, Govt. of India. The accountability of the Medical*

*Council of India to the Govt. of India is in-built in terms of speaking provisions incorporated in the Act itself. As a matter of fact, the Council is required to be constituted by the Government of India in terms of Section 3 of the IMC Act. Further Government of India has the exclusive authority of prescribing governing rules for the Council in terms of Section 32 of the Act and the Regulations on various matters included under Section 33 of the said Act can be effected only with the prior approval of the Govt. of India.*

*The control of Government of India in regard to the functioning of the Council can be gauged from Section 30 included in the Act whereby it has the authority to conduct such Inquiry as it may deem necessary as and when it is of the opinion that the functioning of the Council is not commensurate with fulfillment of statutory objectives.*

*It is in this background that the functioning of the Council over a period of time is required to be evaluated in context of factual situations which are a matter of record.*

### **AWARD OF PERMANENT REGISTRATIONS UNDER SECTION 13(3) OF THE ACT**

*A total number of 1038 permanent registration certificates have been awarded to the Indians / foreign applicants from 1.1.2005 to 26.9.2005 upon fulfillment of the stipulated eligibility. Year -wise break up from the year 1997 as seen from the records is as under:-*

<i>Year</i>	<i>No. of permanent certificates</i>
1997	1244
1998	1343
1999	1581
2000	1546
2001	1360
2002	1380
2003	1167
2004	918
2005 (upto 26.9.2005)	1038

*Whenever it has been revealed that the applicants have adopted dubious means including forgery of documents for procuring permanent registrations, the same has been adequately dealt by filing FIRs with the police authorities. As of now 235 FIRs have been filed by the Council against the erring applicants for various reasons and 10 FIRs have been filed against the applicants seeking Eligibility Certificate.*

### **REGULARISATION BY THE GOVT. OF INDIA OF ILLEGAL EXCESS ADMISSIONS**

*In the case of one Santosh Medical College, Ghaziabad which had made excess admissions, over and above its annual intake capacity and the MCI had initiated action requesting the concerned University to not to permit such students to appear in the examination, the Govt. of India had passed an order dated 19.7.2000 accepting the request of the college for regularisation of the excess admissions on the condition that this college shall not make admission in the NRI/Management quota till such time these 40 admissions are adjusted. Serious opposition was made by the Medical Council of India. The MCI had subsequently, through a resolution dated 24.7.2000 of the Executive Committee of the Council in its meeting*

held on 24.7.2000 appealed to the Central Govt. to review its order/decision dated 19.7.2000 taken in favour of the Santosh Medical College, Ghaziabad and accordingly, may kindly annul the said decision in the larger public interest and for maintenance of the highest standards of medical education.

### **2001 AMENDMENT TO THE IMC ACT FOR PRESCRIBING SCREENING TEST**

By an amendment to the IMC Act, 1956 in the year 2001 a Screening Test is required to be conducted by the National Board of Examinations for the applicants who have procured foreign qualifications and are desirous of practicing in India.

The necessity of the said Screening Test was pressed for by the Medical Council of India which is testified from the fact that in a meeting taken by the Principal Secretary to the Hon'ble Prime Minister in the Prime Minister's office on 16.8.1998 the need for post Screening Test suggested by the Medical Council of India was agreed to and it was decided that the necessary amendments to the Act be incorporated for the same which resulted in the said amendment. The basis on which this suggestion was moved by the Council was streamlining the procedure in this regard in an objective and transparent manner.

A break up of candidates appearing at the Screening Test and qualifying thereof is as under:-

<u>Year</u>	<u>Candidates Appeared</u>	<u>Candidates Passed</u>	<u>Applied for Registration</u>
2002(Dec)	390	97	95
2003 (Mar)	1155	81	78
2003(Jul)	101	03	03
2003(Oct)	1748	193	190
2004(Mar)	-	317	314
2005(Mar)	-	907	845

However, the affidavited positions of the Govt. of India and the Medical Council of India in this regard if analysed could reveal that in the writ petition being No.WP(C) No.604/2004 filed by Dr. Sanjeev Gupta & Ors. before the Hon'ble Supreme Court, counter affidavit had been filed on behalf of the Ministry of Health & F.W. in January 2003. In the said affidavit, the Ministry of Health opposed the writ petition by stating that the date of bringing the Screening Test Regulations into force was decided by the Govt. of India and not by the MCI, as was alleged on behalf of the writ petitioners.

Further, when the said writ petition was still pending, the Ministry of Health changed its stand by filing another affidavit dated 20.02.2004 now contending that the Ministry of Health had taken a legal opinion to the effect that the Screening Test cannot be insisted upon in the absence of a notification by the Govt. of India and if the Govt. of India has to issue a notification at that stage, the Screening Test Regulations would have to specify a prospective date for their applicability and operation.

That the Hon'ble Supreme Court on observing the change of stand by the Ministry of Health, in the hearing on 24.02.2004, required the

*General Body of the Council to place its views on the subsequent affidavit of the Ministry of Health dated 20.02.2004.*

*The General Body in its meeting dated 29.03.2004, found that the subsequent affidavit of the Govt. of India dated 29.02.2004 is contrary to its earlier affidavit filed in January 2003, it was decided to submit before the Hon'ble Supreme Court that the earlier affidavit of the Govt. of India should be accepted and the validity of the Screening Test Regulations brought into existence by the MCI should be accepted.*

*That the Hon'ble Supreme Court pronounced its judgement dated 16.11.2004 by accepting the pleas raised on behalf of the MCI and the stand taken by the Ministry of health in its affidavit dated January 2003. The validity of the Screening Test Regulations had been upheld and the contrary submissions on behalf of the Ministry of Health in its subsequent affidavit dated 20.02.2004 were disregarded.*

### **DERECOGNITION OF MEDICAL INSTITUTIONS**

*Section 19 of the IMC Act empowers Medical Council for withdrawal of recognition when upon report by the Committee or the visitor it appears to the Council that the courses of study and examination to be undergone in, or the proficiency required from the candidates at any examination, held by any University or Medical Institutions or that the staff, equipment, accommodation, training and other facilities for instruction and training provided in such University or Medical Institution or in any college or other institution affiliated to that University, do not conform to the standards prescribed by the Council, the Council shall make a representation to that effect to the Central Government.*

*The sub-sections at seriatum 2, 3 and 4 to Section 19 prescribe for the modalities whereby the Central Government is to effect the recommendations of the Council in respect of withdrawal of recognition.*

*The recommendations of the Council vide Section 19 which are pending with the Central Government for want of necessary action for quite some time are as under:-*

- 1. BRD Medical College, Gorakhpur, Uttar Pradesh - for the award of MBBS degree granted by Gorakhpur University.*
- 2. Guntur Medical College, Guntur, Andhra Pradesh - for the award of MBBS degree granted by NTR University of Health Sciences.*
- 3. Kasturba Medical College, Manipal, Karnataka - for the award of MBBS degree granted by Manipal Academy of Higher Education.*
- 4. Kasturba Medical College, Mangalore, Karnataka - for the award of MBBS degree granted by Manipal Academy of Higher Education.*
- 5. College of Physicians and Surgeons, Mumbai, Maharashtra - for the award of Post-graduate degree / Diploma Courses.*

## **DERECOGNITION OF MEDICAL QUALIFICATIONS (M.D.- PHYSICIAN) GRANTED BY INSTITUTIONS IN RUSSIA AND OTHER CIS COUNTRIES**

*The Executive Committee of the Council in its meeting held on 26.7.1994 considered matter regarding recognition status of the medical degrees of erstwhile USSR included in the schedule to the IMC Act, 1956 and decided that in view of the changed status of the institutions and also different criteria being followed by institutions for imparting the training / internship etc., and also keeping in view the letter dated 9.2.1994 from the Director, Ministry of External Affairs forwarded therewith a letter from the Ambassador of India in Almaty on the issue of re-evaluation of status of medical degrees in CIS countries, the medical degrees of erstwhile USSR included in the schedule to the MCI Act, 1956 be de-recognised.*

*The decision of the Council was forwarded to the Central Govt. on 1.11.1994. A number of meetings were held between the Council and the Ministry of Health resulting in a delegation of the Ministry of Human Resource Development alongwith office bearers of MCI visited certain institutions in Russia in June 1995 and brought out that*

- (i) Wide variations exist in teaching curricula amongst these institutes which were not in accordance with the MCI norms;*
- (ii) The duration of the course had also been considerably varied by many institutes including lacunae in the period and system followed for internship;*
- (iii) Students with less than 50% marks in the qualifying examination were admitted;*
- (iv) Students who had not even studied science in the qualifying examination had secured admission;*
- (v) Many private agencies had mushroomed which were duping Indian students into obtaining admissions in these institutions and were charging exorbitant fees.*

*The MCI also issued an advertisement in the leading National Newspapers in August 1997 that as the matter of recognition of medical degrees in the erstwhile USSR institutions was under consideration students seeking admissions in such institutions should await a final decision in the matter. Those seeking admissions through private agencies would be doing so at their own risk and the Medical Council of India shall not be responsible for any consequences arising out of such an action. The Council would not be granting registration to students to obtain admissions on their own/through private agencies without awaiting the announcement of its decisions in this regard and consequently would not be eligible to practice medicine in India.*

*Upon the approval by the Govt. of India, a team of MCI visited 12 institutions in Soviet Russia and 9 in Ukraine and vide their reports brought out several lacunae in the said institutions which were not conducive to desire academic teaching and training. As such, it was unanimously re-affirmed by the Executive Committee in its meeting dated 2.7.1998 on consideration of the reports that the earlier decision of the Executive Committee of 25<sup>th</sup> August, 1994 de-recognizing the medical qualifications granted by the institutions in the erstwhile USSR be implemented with immediate effect in the larger interest of the people of our country who should not be exposed for treatment purpose for such doctors coming out of these institutions who are not fully trained to independently handle them.*

*The decision by the Council in larger national interests has antagonised the organised vested interests against the Council as they view the Council as the villain that has caused an impediment in their otherwise smooth sailing in the issue.*

### **DELAY IN ISSUING NOTIFICATION FOR RECOGNITION OF POST-GRADUATE DEGREES**

*In terms of Section 11(2) of the Act the Central Govt. after consulting the Council is required to issue a notification in the official Gazette, amending the 1<sup>st</sup> Schedule appended to the Act so as to include the recognised qualification granted by a University or a medical institution.*

*The Secretary of the Council vide a reminder dated 14.9.05 to the Secretary (Health) has brought out that recognition of as many as 62 post-graduate degrees is pending notification by the Govt. of which well over 12 cases are pending for a period more than 2 years.*

### **PENDENCY OF DRAFT REGULATIONS WITH THE GOVT. OF INDIA**

*In terms of Section 33 of the Act, the Council may, with the previous sanction of the Central Govt. make regulations generally to carry out the purposes of this Act on the various areas catalogued thereunder especially listed at (j), (k), (l) which pertain to the courses and period of study and of practical training to be undertaken, the subjects of examination and the standards of proficiency therein to be obtained, in universities or medical institutions for grant of recognised medical qualifications, standards of staff, equipment, accommodation, training and other facilities for medical education, the conduct of professional examinations, qualification of examiners and the conditions of admissions to such examinations etc.*

*Regulations on these areas are already in vogue and are continuously updated by the Council so as to ensure that challenges generated by contemporary changes are dealt with appropriately. The regulations on Graduate Medical Education, Postgraduate Medical Education, Minimum Standard Requirements for the Medical Colleges, Teachers' Eligibility Qualification, alongwith update of required syllabi were worked-out in all their details through 3 regional workshops culminating in a national workshop in 2003 and the recommendations crystallised therein have been incorporated under the said regulations which were approved by the General Body of the Council in its meeting held on 29.03.2004 and had been sent to the Govt. of India for approval. However, till date no approval has been received, much less a communication thereon.*

*As such, hue and cry pertaining to the update of syllabi at the cost of sitting tight over the recommended amendments to regulations viz. Graduate Medical Education, Postgraduate Medical Education, Minimum Standard Requirements for the Medical Colleges, Teachers' Eligibility Qualification, for well over a period of one year is unfortunate and ill-conceived.*

### **AMENDMENT IN PG REGULATIONS TO PROVIDE FOR STARTING OF PG COURSES IN PRIVATE HOSPITALS**

*Govt. of India through its communication of 15.03.2000 to the Secretary, Medical Council of India was categorical and firm that*



*Regulation on Postgraduate Medical Education must be amended to provide for granting permission to private hospitals/ specialised institutions for starting Postgraduate medical courses.*

*The Council out of its collective wisdom and concern for the standards of medical education including Postgraduate medical education resisted it firmly and stoutly as a result of which only those non-teaching institutions which are owned and managed by Govt. of India or the State Governments alone have been brought into the ambit of being eligible to start postgraduate courses vide a proviso to Section 8(1) of the Regulation on Postgraduate Medical Education. It is a sure indicator of the commitment that the Council has towards maintenance of standards of medical education in the country and its courage to resist onslaught from any agency thereon.*

### **ENFORCEMENT OF EQUIVALENCE OF DNB QUALIFICATIONS WITH THAT OF MD/MS & DM/MCH ETC.**

*Medical Council of India is an autonomous body of experts, the expertise of which is believed to be non-substitutable and hence is vested with the regulatory authority. Autonomy is sine quo non for its objective and transparent functioning and hence should not be interfered with. However, a communication dated 20.12.2004 from the Govt. of India directing Medical Council of India to issue a notification within 7 days from the date of receipt of their communication, granting equivalence to DNB qualifications with that of MD/MS and DM/MCh for the purposes of appointment of teachers speaks volumes about the infringement of its autonomy. So is the situation in regard to a communication dated 17.08.2004 addressed to the President, National Board of Examinations and Medical Council of India regards conducting of DNB courses in Govt. Medical Colleges running regular postgraduate courses by utilising the surplus capacity available vis-à-vis MCI norms.*

*The Council has resisted the same out of its basic consideration that the standards generated and set in full-time teaching medical institutions should not get diluted by virtue of undesired infringements thereon under any cost.*

### **INSPECTIONS BY THE GOVT. OF INDIA**

*As per the provisions of the Act and the regulations made thereunder, the inspections are to be carried out by the Medical Council of India. The recommendations are then made to the Govt. of India for passing orders for permission/renewal u/s 10A by the Govt. of India. As per the order of the Hon'ble supreme Court dated 20.11.2002, the inspection team constituted by the medical professionals whose names are approved by the Committee appointed by the Hon'ble Supreme Court. Thereafter the members of the said Committee appointed by the Hon'ble Supreme Court also participates in the Executive Committee meeting for evaluation of the report for making suitable recommendations to the Govt. of India.*

*The Govt. of India, for its own reasons, started undertaking inspections of certain medical colleges/institutions where the recommendations had been made by the Council. In the year 2004-0 they conducted inspections, only to realise that the inspection reports and the recommendations by the Council were more than correct immaculate.*

The same recommendations which had been sent by the Council in relation to all these colleges had been eventually accepted as it is and the orders were passed.

### **OVERRULING THE RECOMMENDATIONS OF MCI BY THE GOVT. OF INDIA**

In terms of the scheme included under Section 10A of the IMC Act and governing regulations thereon, the recommendations by the MCI is a pre-condition for the Govt. of India to act on. There have been several cases where the recommendations of the Medical Council of India in regard to establishment of new medical college, renewals thereof and increase in the intake capacity which have been overruled by the Govt. of India without citing any reason and communication thereon to the Council. The cases on this count which are a matter of record are as under :-

<b>Sl. No.</b>	<b>Name of the College</b>	<b>Date of Permission granted by Central Govt.</b>
1.	Establishment of Govt. Medical College, Bhavnagar - Renewal of permission for admission of 6 <sup>th</sup> batch of students during 2000-01	04.09.2000
2.	Establishment of MVJ Medical College & Research Hospital, Bangalore - Grant Letter of Permission	30.10.2001 LOP for 2001-02
3.	Establishment of R.D. Gardi Medical College, Ujjain - Renewal of permission for admission of 2 <sup>nd</sup> batch of students during 2001-02 - Renewal of permission for admission of 3 <sup>rd</sup> batch of students during 2003-04	15.03.2002 26.08.2003
4.	Establishment of Sikkim Gardi Medical College at Gangtok, Sikkim - Renewal of permission for admission of 2 <sup>nd</sup> batch of students during 2002-03 - Renewal of permission for admission of 3 <sup>rd</sup> batch of students during 2003-04	21.11.2002 05.09.2003
5.	Establishment of Dr. Rajender Prasad Govt. Medical College, Tanda - Renewal of permission for admission of 5 <sup>th</sup> batch of students during 2003-04	03.09.2003
6.	Establishment of Govt. Medical College, Anantapur - Renewal of permission for admission of 3 <sup>rd</sup> batch of students during 2003-04	16.08.2003
7.	Increase of MBBS seats from 100 to 150 at Rangaraya Medical College, Kakinada - Renewal of permission for admission of students during 2003-04	16.08.2003
8.	Increase of MBBS seats from 100 to 150 at Kakatiya Medical College, Warangal - Renewal of permission for admission of students during 2003-04	16.08.2003
9.	Increase of MBBS seats from 100 to 150 at S.V. Medical College, Tirupati - Renewal of permission for admission of students during 2003-04	16.08.2003
10.	Increase of MBBS seats from 130 to 150 at Kurnool Medical College, Kurnool	

	- <i>Renewal of permission for admission of students during 2003-04</i>	16.08.2003
11.	<i>Increase of MBBS seats from 60 to 100 at Indira Gandhi Medical College, Nagpur</i> - <i>Renewal of permission for admission of 5<sup>th</sup> batch of students during 2003-04</i>	03.09.2003
12.	<i>Increase of MBBS seats from 100 to 150 at Govt. Medical College, Aurangabad</i> - <i>Renewal of permission for admission of 6<sup>th</sup> batch of students during 2003-04</i>	03.09.2003
13.	<i>Govt. Medical College, Toothukudi</i> - <i>Renewal of permission for admission of 6<sup>th</sup> batch of students during 2005-06</i>	15.07.2004
14.	<i>Chhattisgarh Institute of Medical Sciences, Bilaspur</i> - <i>Renewal of permission for admission of 5<sup>th</sup> batch of students during 2005-06</i>	15.07.2004
15.	<i>Uttranchal Forest Hospital Trust Medical College, Haldwani</i> - <i>Renewal of permission for admission of 2<sup>nd</sup> batch of students during 2005-06</i>	15.07.2004
16.	<i>Increase of MBBS seats from 100 to 150 at Govt. Medical College, Tirunelveli</i> - <i>Renewal of permission for admission of 3<sup>rd</sup> batch of students during 2005-06</i>	15.07.2004
17.	<i>Coimbatore Medical College, Coimbatore</i> - <i>Renewal of permission for admission of 3<sup>rd</sup> batch of students during 2005-06</i>	15.07.2004

### ***DIRECTION FROM THE GOVT. OF INDIA TO RELAX MINIMUM PRESCRIBED REQUIREMENTS***

*Govt. of India through its letter dated 15.07.2004 under the signature of Joint Secretary, Govt. of India, Ministry of Health & F.W., New Delhi directed that Council should recommend for grant of Letter of Permission/renewal for establishment of new medical colleges/increase of seats by relaxing upto 5% of the shortage of the teaching staff in them.*

*As a result of this, in the year 2004-05 1 college was recommended Letter of Permission and 6 others were recommended renewal of permission. Likewise, in the year 2005-06, 2 were recommended Letter of Permission and 11 were granted annual renewals.*

### ***NEGATIVE RECOMMENDATIONS IN RESPECT OF PRIVATE MEDICAL INSTITUTIONS BY MEDICAL COUNCIL OF INDIA***

*The Council, out of its commitment to objective and transparent functioning beyond the purview of fear and favour, has turned down several applications by the private medical institutions for want of fulfilment of minimum prescribed binding norms.*

*In the year 2003-04, 10 applications for opening of new private medical colleges were turned down and 11 were not granted annual renewals. Likewise, in the year 2004-05, applications of 18 private medical colleges were turned down and 4 were not recommended annual renewals. In the year 2005-06, 20 applications made by private medical colleges were rejected and 8 were not recommended renewals.*

*In the year 2004-05, 4 private medical colleges were recommended renewal with reduced intake capacity.*

### **PENALTY INVOKED ON MEDICAL TEACHERS FOR SIMULTANEOUS DUAL EMPLOYMENT**

*The Council having come-across vide the inspection reports that medical teachers were resorting to simultaneous employment in various medical colleges at the same time and thereby resorting to an unethical conduct unbecoming of them, referred the said matters to the Ethical Committee in the Council and 65 teachers have been penalised in terms of suspension of their medical registration with the appropriate Councils for a period 2 years. Further, the said medical teachers during this period could not be eligible to be counted as teachers at the inspections to be carried out by MCI and that their names would be published on the website of the Council with the circular being issued to the said effect for the information of all concerned including DMEs of all States, Registrars of all the universities and all the medical colleges and institutions.*

### **VIOLATION OF THE PRESCRIBED TIME SCHEDULE BY THE GOVT. OF INDIA**

*On 12.01.2005, the Hon'ble Supreme Court pronounced its judgement in the case of Mridul Dhar Vs. UOI. It has been laid down in the said judgement that it is of utmost importance that the admission process in the medical courses should be held in a proper manner, as per the time schedule fixed for it. The teaching and training in the medical courses should start from the scheduled dates in all medical colleges/institutions all over the country and after the prescribed last date of admissions, no medical college/institution shall be entitled to make any admission in any medical course.*

*The Hon'ble Supreme Court also laid down that for achieving the above-mentioned purposes, it would also be necessary that the process and procedure for obtaining the prior permission from the Central Govt. u/s 10A of the IMC Act 1956 and the regulations made thereunder for establishing new medical colleges in accordance with the time schedule. Time schedule has been prescribed for receiving applications for opening new medical colleges, inspections to be conducted by the MCI, recommendations to be made by the MCI to the Central Govt. and for the Central Govt. to pass orders in accordance with law.*

*That as per the said time schedule for opening up of new medical colleges for starting the MBBS course, it has been laid down that the last date for making the recommendations by the MCI is 15<sup>th</sup> of June of any given year and the Central Govt. is obliged to pass orders on the recommendations of the MCI on or before 15<sup>th</sup> of July of any given year.*

*Both the MCI and the Central Govt. are bound by the directions of the Hon'ble Supreme Court for strictly complying with this time schedule. In compliance with the above-mentioned judgement of the Hon'ble supreme Court in Mridul Dhar's case, the Govt. of India issued a letter to the MCI dated 15.03.2005 and while referring to the judgement of the Hon'ble Supreme Court dated 12.01.2005 required the MCI to forward its recommendations as per the time schedule.*

*That however, contrary to the judgement of the Hon'ble Supreme Court dated 12.01.2005, the Ministry of Health vide its letter dated 30.06.2005 required the MCI to send its recommendations to the Ministry of health in relation to certain colleges by 11.07.2005.*

*Upon the receipt of the said letter dated 30.06.2005 from the Govt. of India, the Executive Committee of the MCI and the members of the Committee appointed by the Hon'ble Supreme Court resolved to request the Central Govt. to kindly examine its communication dated 30.06.2005 in the light of the directions of the Hon'ble Supreme Court dated 12.01.2005 and when para 28 of the said judgement of the Hon'ble Supreme Court dated 12.01.2005 does not permit any concerned authority to not to strictly follow the time schedule.*

*The Govt. of India vide its letter dated 02.07.2005, however, necessitated that the MCI to send its recommendations in relation to certain medical colleges by 11.07.2005. That in view of this insistence by the Ministry of Health, a meeting of the Executive Committee of the Council scheduled for 11.07.2005 and this fact was communicated to the Govt. of India by the MCI vide its letter dated 05.07.2005. By another letter dated 06.07.2005, the Ministry of Health informed the Council that its recommendation be sent to the Ministry of Health by lunch time of 11.07.2005 positively. Accordingly, the cases of the medical colleges which were required by the Govt. of India to be considered by the MCI, were considered on 11.07.2005 and the recommendations were sent to the Govt. of India on 11.07.2005.*

*Some of those colleges who were not granted recommendations by the MCI for grant of renewal/permission for making admissions in the MBBS course for the academic year 2004-05 filed writ petitions before the Hon'ble Supreme Court under Article 32 of the Constitution. In these writ petitions, on 01.08.2005, the Hon'ble Supreme Court, in-er-alia, passed the following order :-*

*".....Mr. K.K. Venugopal, learned senior counsel appearing for the Medical Council of India, has taken us through various judgements and orders passed by this Court, and the last date(s) for competition of various stages as per the Schedule from the date of receipt of the application by the Central Government for establishment of new medical Colleges and renewal up to the issue of the letter of permission by the Central Government. There are various intervening stages for taking of steps from 1<sup>st</sup> August up to 15<sup>th</sup> July of the succeeding year. The submission is that non-adherence of the time schedule has a chain reaction including the heart-burning amongst the students on account of non-availability of the seats at the commencement of the course and/or counseling. On the other hand, learned Solicitor General puts across the viewpoint of the Government and submits that as a special case, without it being treated as a precedent, the MCI be directed to re-inspect 9 Medical Colleges wherein the question is about renewal of permission. The particulars of 9 Colleges have been provided which, according to the learned counsel, are on the basis of examination of their respective merits. It is contended*

*that, if necessary, further efforts will be made to synchronise the time-schedule in consultation with the MCI . Though reluctantly and without it being treated as a precedent since such late inspections and permissions have a chain reaction, we permit inspection of the nine Medical Colleges and direct the MCI to inspect the said Colleges and send its report and recommendations in respect of request of renewal of their permissions to the Central Government by 13<sup>th</sup> August, 2005. The Central Government shall pass orders by 17<sup>th</sup> August, 2005. The Central Government shall pass orders by 17<sup>th</sup> August, 2005. The following writ petitions, in relation to the Colleges where re-inspection has been directed, are disposed of in terms of the above order....."*

*Thus, by this order the Hon'ble Supreme Court did not grant any relief in the above-mentioned terms for any new medical colleges who were seeking to make admissions for the first time for the present academic year 2005-06.*

*The cases of the new medical colleges who were not granted any indulgence by the Hon'ble Supreme Court on 01.08.2005, the Ministry of Health filed an affidavit dated 12.08.2005 before the Hon'ble Supreme Court contending that it is still of the view that the MCI should make recommendations by 22.08.2005 and the Govt. of India will pass orders by 25.08.2005. Since this proposal on behalf of the Ministry of Health was contrary to the statutory time schedule and the judgement of the Hon'ble Supreme Court dated 12.01.2005, the Hon'ble Supreme Court declined to pass any order when the cases of the new medical colleges were listed before the Hon'ble Supreme Court on 16.08.2005.*

*These orders became the boiling point in the functional relationship between the MCI and the Ministry of health.*

*In a similar violation of the prescribed time schedule in regard to starting to postgraduate courses, through communication dated 17.03.2005, Govt. of India had forwarded applications for starting of postgraduate courses at Vinayaka Missions Medical College, Salem and Vinayaka Missions Medical College at Karaikal, Pondicherry.*

### **NON-ISSUANCE OF NOTIFICATION GOVERNING SCHEDULE OF PG AND SUPERSPECIALITY ADMISSIONS**

*In terms of the directions issued in Madhu Singh's case by the Hon'ble Supreme Court and communication from the Govt. of India dated 14.5.2003, Medical Council of India through its letters dated 19.6.2003, 22.6.2004, 12.1.2005 and 19.9.2005 has requested the Govt. of India that the time schedule for admissions in relation to PG and superspeciality courses which although has been enforced from 14.5.2003 and from the academic year 2004 the Council has been awaiting the formal communication from the Govt. of India so that the Council can proceed to publish the approved time schedule for the PG and superspeciality medicine courses admissions in the official gazette with similar provisions for discharge of students having been admitted in these PG and superspeciality courses after the respective last date of admissions.*

*After detailed deliberations, it was opined that all these issues categorically bring out that things are not wanting at the end of the Council. However, the public outbursts against the Council by a person none else than the Union Minister of Health & F.W., Govt. of India unilaterally not only undermines the autonomy of the Council but also tarnishes its fair image and lowers its credibility in the public eye causing an irreparable damage to a premier institution which is required to work statutorily under the umbrella of Ministry of Health & F.W.*

At this point Dr. P.N. Tandon, member of the Adhoc Committee informed the members that the Adhoc Committee has been appointed by the Hon'ble Supreme Court and as per the order of the Court they have to present the report of the functioning of the Council to the Hon'ble Supreme Court only and therefore, he would like to abstain from further proceedings of this item and he left the meeting at this point.

Having taken note of the detailed discussion and deliberations, the members of the Committee resolved as under-

1. The Hon'ble Adhoc Committee appointed by the Hon'ble Supreme Court be requested to take stock of the happenings brought out here in above and undertake all such measures at their level for the purposes of restoration of the fair name and credibility of the MCI which has been prejudiced by virtue of persistent media publications of the prejudicial statements made by the Hon'ble Minister of Health and Family Welfare, Govt. of India.
2. The President (Acting) and Secretary of the Council are authorized to apprise the Hon'ble Prime Minister of India as the Head of Union of Council of Ministers to intervene in the matter through a detailed communication addressed to his goodself cataloguing the relevant facts so as to ensure that the Council is not marginalised and demoralized by virtue of unilaterally published prejudicial press statements made by the Hon'ble Minister of Health and Family Welfare, Govt. of India, as his intervention would be genuinely in the larger interests of medical education, profession, fair name and credibility of the premier statutory body of medical experts.
3. A copy of the communication so made to the Hon'ble Prime Minister be also marked for the purposes of information of the Hon'ble Speaker of Lok Sabha and Hon'ble Chairman of Rajya Sabha respectively.
4. The President Acting of the Council is hereby authorized to take all such appropriate and necessary steps in the matter as may be warranted and necessary in consultation with the senior Counsel of Medical Council of India Mr. K.K. Venugopal, so as to uphold the honour and dignity of the Council, its office bearers and the members which has come under severe stress by virtue of the unilaterally made press statements, published in the media made by the Hon'ble Minister of Health and Family Welfare, Govt. of India.

The resolution was read out and confirmed in the meeting. Dr. A. Rajasekaran and Dr. V. Kanagraj did not agree.

The President (Acting) ruled that the members other than the President (Acting) and the members of the Executive Committee would not have the right of voting at this meeting as per the rules and regulations of the Council, resultantly the resolutions stand approved unanimously.

**2. Chhatisgarh Institute of Medical Sciences, Bilaspur – Renewal of permission for admission of 5<sup>th</sup> batch of MBBS students for the academic year 2005-06.**

Read : The Council Inspectors report (29<sup>th</sup> & 30<sup>th</sup> Sept.,2005) of Chhatisgarh Institute of Medical Sciences, Bilaspur for renewal of permission for admission of 5<sup>th</sup> batch of MBBS students for the academic year 2005-06.

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 on 29<sup>th</sup> – 30<sup>th</sup> September, 2005 along with the letter issued by the Central Govt. dt. 15.07.2005 granting renewal of permission for admission of 5<sup>th</sup> batch of 100 students for the academic session 2005-06 in respect of Chhatisgarh Institute of Medical Sciences, Bilaspur which also stated as under:-

*“...The Chief Secretary, Government of Chhattisgarh has given a commitment that the deficiencies would be completed before the closure of admission for the current academic session ...  
The Government in exercise of the powers under Section 10 A(4) of the Indian Medical Council Act, 1956 and having regard to all the factors mentioned above have decided to grant renewal of permission to Chhattisgarh Institute of Medical Sciences, Bilaspur for admission of 5<sup>th</sup> batch of 100 students for the academic session 2005-06 subject to further verification of the facilities available in the college vis-à-vis the commitment made by the State Government before the closure of admission for the academic session 2005-06....”*

The members of the Adhoc Committee and of the Executive Committee also noted that the date of commencement of classes is 1<sup>st</sup> August, 2005 and the last date prescribed for admission to fill vacancies arising due to any reason is 30<sup>th</sup> September, 2005 for the Academic Session 2005-06 as per the Regulations and also noted that perusal of the inspection report of the inspection carried out on 29<sup>th</sup> – 30<sup>th</sup> September, 2005 revealed the following:-

1. The shortage of teaching staff required at present stage is as under:-
  - (a) The shortage of teaching staff is 18 % as under:-
 

Professor –	2	(1 Pharmacology, 1 Microbiology)
Associate Professor –	14	( 2 Anatomy, 1 Physiology, 1 Pharmacology, 1 Pathology, 1 Gen. Surgery, 1 Ortho., 1 Obg. Gyn, 1 Radio Diagnosis, 1 FMT, 1 Gen. Medicine, 1 Paed, 1 TB & Chest, 1 Psychiatry)
Asst. Professor –	7	(2 Anatomy, 1 Phys., 1 Pharm., 1 FMT, 2 Comm. Med.)
  - b) The shortage of Resident is more than 9 % as under:-
 

Senior Resident –	3	(1 Gen. Surgery, 1 TB Chest, 1 Psychiatry)
Junior Resident –	4	(1 Gen Surgery, 1 Ortho., 1 Ophthal., 1 Paed.,)
2. Clinical material in terms of X-ray investigations is still inadequate as under:-

	Daily Average	Day of Inspection 29.09.2005
Radiological Investigations		
X-ray	65	80
Ultrasonography	20-28	30
Special Investigations	2-3	2
C.T. Scan	10-16	12

Deficiency still persists.



3. The status of residential quarters located at 5 km distance from the college within the University campus, as physically verified on the day of inspection is as follows:-  
 Type-I - Quarters – 2 under construction.  
 Type-II – 48 (3 bed room Sr. Faculty) yet to be occupied.  
 Type-III – Quarters – : 24 completed, remaining 24 under construction.  
 Type-IV –15 completed, remaining 57 under construction.

The residential complex is located at 5 km distance from the college within the University Campus. The deficiency of accommodation within the college campus remains as it is.

4. Central oxygen supply and central suction are not yet available in the Central Casualty. Hence, the deficiency still persists.
5. Central suction and oxygen line is not available in any of the intensive care units. Deficiency still persists.
6. ICCU should have central monitoring system. Deficiency still persists.
7. Other observations/remarks as in the inspection report.

In view of the above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. to reiterate its earlier decision dated 13.08.2005 to recall the letter dated 15-07-05 issued by the Govt. of India regarding renewal of permission for admission of 5<sup>th</sup> batch of 100 students for the academic session 2005-06 issued by it on 15-07-05 in respect of Chhattisgarh Institute of Medical Sciences, Bilaspur since commitment made by the Chief Secretary, Government of Chhatisgarh that the deficiencies would be completed before the closing date of admission for the current academic session has not been fulfilled and since the precondition imposed by it vide its letter dated 15-07-2005 making it obligatory for the college authorities for compliance of all the requirements under the MCI regulations and to provide all the facilities within the stipulated time so that the college is in a position to make admission within the stipulated time, have not been filled.

**3. Uttaranchal Foresh Hospital Trust Medical College, Haldwani – Renewal of permission for admission of 2<sup>nd</sup> batch of MBBS students for the academic year 2005-06.**

Read : The Council Inspectors report (28<sup>th</sup> & 29<sup>th</sup> Sept.,2005) of Uttaranchal Forest Hospital Trust Medical College, Haldwani for renewal of permission for admission of 2<sup>nd</sup> batch of MBBS students for the academic year 2005-06.

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 on 28<sup>th</sup> – 29<sup>th</sup> September, 2005 alongwith the letter issued by the Central Govt. dt. 15.07.2005 granting renewal of permission for admission of 2<sup>nd</sup> batch of 100 which also stated as under:-

*“...The State Government has given a commitment to fulfill that various deficiencies pointed out by the MCI before the closing date of admission .....*

*... The Government in exercise of the powers under Section 10 A(4) of the Indian Medical Council Act, 1956 and having regard to all the factors mentioned above have decided to grant renewal of permission to Uttranchal Forest Hospital Trust Medical College, Haldwani for admission of 2<sup>nd</sup> batch of 100 student for the academic session 2005-06 subject to further verification of the facilities available in the college vis-à-vis the commitment made by the State Government.....”*

The members of the Adhoc Committee and of the Executive Committee also noted that vide letter No.2684/X-1-20058(9)/2004, dt. 08.09.2005, the Secretary, Forest & Environment Department, Govt. of Uttaranchal had stated that in consultation with the Ministry of Health & F.W., Govt. of India, and as per the recommendation of Ministry of Health & F.W., Govt. of India, the Uttaranchal Forest Hospital Trust Medical College should immediately defer admission of MBBS students for the academic year 2005-06, and thus, no further admissions besides 57 which have already been made by UFHT for the academic year 2005-06 should be made and admission for remaining 43 seats should be deferred till further orders, and these orders have been issued with the prior consent of the Department of Medical Education.

The members of the Adhoc Committee and of the Executive Committee also noted that the date of commencement of classes is 1<sup>st</sup> August, 2005 and the last date prescribed for admission to fill vacancies arising due to any reason is 30<sup>th</sup> September, 2005 for the Academic Session 2005-06 as per the Regulations and also noted that perusal of the inspection report of the inspection carried out on 28<sup>th</sup> - 29<sup>th</sup> September, 2005 revealed the following:-

1. The shortage of teaching staff is as under:- a)

a) The following teaching faculty is available

i) Professor - 4 (1 – Gen. Med., 1 – Gen. Surg., 1 – Ortho., 1- Anaesth.)

ii) Associate Prof. - 13 (2 – Anatomy, 1 – Physiology, 3 – Pathology, 1 – Microbiology, 1 – Forensic Med., 1 – Gen. Med., 1 – Paediatric, 1 – Gen. Surg., 1- Anaesth., 1 – Radio diagnosis)

iii) Assistant Prof. - 1 (1 Lect. Bio.Physics)

iv) Tutor - 2 (1 – Pharmacology, 1 – Microbiology)

(b) The following faculty cannot be considered as they have presented at other medical colleges at the time of inspection for the academic year 2005-06.

S.No.	Name	Designation	Department	Remarks
1.	Ram Shankar Jha	Prof & Head	Pathology	He has also presented at Prathima Instt. of Medical Sciences, Karimnagar at the inspection on 19.01.2005.

(c) In view of above shortage of teaching faculty is more than 20 %.

(d) The shortage of Residents is more than 10%

i) Sr. Resident - 3 (1 - Gen. Surg., 1 – Obst. & Gynae., 1 – Radio-Diagnosis)

ii) Jr. Resident - 3 (1 – Paed. 2 – Obst. & Gynae.)

2. The clinical material is inadequate in terms of OPD attendance, bed occupancy, number of deliveries, radiological and laboratory investigations as under:-

Clinical Material: Dr. S.T.M.Hospital affiliated to College.

	Daily Average	Day of Inspection
OPD Attendance	402	433
Bed occupancy%	35.32%	39.5%
Operative work		
Number of major surgical operations	3	5
Number of minor surgical operations	7	5
Number of normal deliveries	1	-
Number of caesarian Sections	1	2
Radiological Investigations		

X-ray	58	36
Ultrasonography	6	5
Special Investigations	4	-
C.T. Scan	-	-
Laboratory Investigations		
Biochemistry	134	127
Microbiology, } Serology	21	22
Parasitology } Hematology		132
Histopathology } Cytopathology	14	04
Others		

Clinical Material of Base Hospital and Female Hospital associated with UFHT Medical College.

	Daily Average		Day of Inspection	
	Base Hospital	Female Hospital	Base Hospital	Female Hospital
OPD Attendance	614	141	680	178
Operative work				
Number of major surgical operations	6	1	5	3
Number of minor surgical operations	9	1	11	-
Number of normal deliveries	-	4	-	-
Number of caesarian Sections	-	1	-	2
Radiological Investigations				
X-ray	73	-	49	-
Ultrasonography	10	-	11	-
Special Investigations	-	-	-	-
C.T. Scan	-	-	-	-
Laboratory Investigations				
Biochemistry	45	-	51	-
Microbiology } Serology	10	-	11	-
Parasitology } Hematology		-		-
Histopathology } Cytopathology	177	-	151	-
Others		-		-

Note:

- (i) Considering the total number of beds in all the 3 hospitals (STM – 298, Base – 187 & Mahila Hospital – 30) and the bed occupancy provided by the college, the combined bed occupancy for all the 3 hospitals is approx. 55 % which is not as per MCI norms.
  - (ii) Separate data for different investigations have not been provided by the hospital.
3. Teaching beds are deficient to the following extent:
- (i) The Orthopaedic ward is presently non-existent. The Ortho. ward earlier was located in the basement of the hospital which was flooded during rains and as such 6 Ortho. patients have been located in Medicine Ward.
  - (ii) The Paediatric Ward has been demolished because of construction work. Part of the Casualty has been converted into Paediatric ward, which has 18 beds.
  - (iii) Casualty has only 9 beds against the requirement of 20 beds.

4. 12 single seater rooms and 24 double seater rooms are available. Thus, accommodation for 60 nurses is available. Position is status quo since last inspection.
5. All the OPDs are in main hospital have one examination room and only 3 major departments have small teaching area with 10-15 seats, which is inadequate.
6. Medical Record Department is not computerized.
7. Other observations/remarks as in the inspection report.

In view of the above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Government to reiterate its earlier decision dated 13.08.2005 to recall the letter dated 15-07-05 issued by the Govt. of India regarding renewal of permission for admission of 2<sup>nd</sup> batch of students for the academic session 2005-06 issued by it on 15-07-05 in respect of Uttranchal Forest Hospital Trust Medical College, Haldwani since commitment made by the State Government to fulfill the various deficiencies pointed out by the MCI before the closing date of admission has not been fulfilled and the condition imposed by the Central Govt. it vide its letter dated 15-07-05 making it obligatory for the college authorities for compliance of all the requirements under the MCI regulations and to provide all the facilities within the stipulated time so that the college is in a position to make admission within the stipulated time has not been fulfilled.

**4. Govt. Medical College, Toothkudi – Renewal of permission for admission of 6<sup>th</sup> batch of students for the academic year 2005-06.**

Read : The Council Inspectors report (29<sup>th</sup> & 30<sup>th</sup> Sept.,2005) of Govt. Medical College, Toothkudi for renewal of permission for admission of 6<sup>th</sup> batch of MBBS students for the academic year 2005-06.

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 on 29<sup>th</sup> – 30<sup>th</sup> September, 2005 alongwith the letter issued by the Central Govt. dt. 15.07.2005 granting renewal of permission for admission of 6<sup>th</sup> batch of 100 students for the academic session 2005-06 in respect of Govt. Medical College, Toothukudi which also stated as under:-

*“...The State Government also furnished an undertaking to the effect that the deficiencies in terms of infrastructure are already in the process of being completed and would be ready before the closure of admission for the academic session 2005-2006...”*

*.... The Government in exercise of the powers under Section 10 A(4) of the Indian Medical Council Act, 1956 and having regard to all the factors mentioned above have decided to grant renewal of permission to Government Medical College, Toothukudi for admission of 6<sup>th</sup> batch of students for the academic session 2005-06 subject to further verification of the facilities available in the college vis-à-vis the commitment made by the State Government before the closure of admission for the academic session 2005-06....”*

The members of the Adhoc Committee and of the Executive Committee also noted that the date of commencement of classes is 1<sup>st</sup> August, 2005 and the last date prescribed for admission to fill vacancies arising due to any reason is 30<sup>th</sup> September, 2005 for the Academic Session 2005-06 as per the Regulations and also noted that perusal of the inspection report of the inspection carried out on 29<sup>th</sup> – 30<sup>th</sup> September, 2005 revealed the following:-

1. Accommodation available for students is only 216 against the requirement of 500 at this stage. Deficiency still remains as it is.
2. Hostel for interns is not yet ready. The male interns hostel and female interns hostel are under construction. The interns are temporarily accommodated in some rooms in hospital campus. Deficiency persists as it is.
3. Nurses' hostel has capacity of 45 only which is grossly inadequate. Deficiency remains as it.
4. No quarters are available for any staff within the college campus. Only 28 staff quarters are available in the hospital campus for paramedical and administrative staff. Deficiency still remains as it is.
5. ETO sterilizer and glove inspection machine are not yet available in CSSD. Deficiency remains as it is.
6. Other observations/remarks as in the inspection report.

In view of the above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Government to reiterate its earlier decision dated 13.08.2005 to recall the letter dated 15-07-05 issued by the Govt. of India regarding renewal of permission for admission of 6<sup>th</sup> batch of 100 students for the academic session 2005-06 issued by it on 15-07-05 in respect of Govt. Medical College, Toothukudi since commitment made by the State Government to fulfill the various deficiencies pointed out by the MCI before the closing date of admission has not been fulfilled and since the precondition imposed by it vide its letter dated 15-07-05 making it obligatory for the college authorities for compliance of all the requirements under the MCI regulations and to provide all the facilities within the stipulated time so that the college is in a position to make admission within the stipulated time, have not been fulfilled.

**5. Tirunelveli Medical College, Tirunelveli – Renewal of permission for admission of 3<sup>rd</sup> batch of MBBS students for the academic year 2005-06 against the increased intake i.e. 100 to 150.**

Read : The Council Inspectors report (29<sup>th</sup> & 30<sup>th</sup> Sept.,2005) of Tirunelveli Medical College, Tirunelveli – Renewal of permission for admission of 3<sup>rd</sup> batch of MBBS students for the academic year 2005-06 against the increased intake i.e. 100 to 150.

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 on 29<sup>th</sup> – 30<sup>th</sup> September, 2005 alongwith the letter issued by the Central Govt. dt. 15.07.2005 granting renewal of permission for admission of 3<sup>rd</sup> batch of students against the increased intake from 100 to 150 for the academic session 2005-06 in respect of Govt. Medical College Tiruvelveli which also stated as under:-

*“...The State Government also furnished an undertaking to the effect that the deficiencies in terms of infrastructure are already in the process of being completed and would be ready before the closure of admission for the academic session 2005-2006...”*

*... The Government in exercise of the powers under Section 10 A(4) of the Indian Medical Council Act, 1956 and having regard to all the factors mentioned above have decided to grant renewal of permission to Government Medical College, Tiruvelveli for admission of 3<sup>rd</sup> batch of students against the increased intake i.e. from 100 to 150 for the academic session 2005-06 subject to further verification of the facilities available in the college vis-à-vis the commitment made by the State*

*Government before the closure of admission for the academic session 2005-06...”*

The members of the Adhoc Committee and of the Executive Committee also noted that the date of commencement of classes is 1<sup>st</sup> August, 2005 and the last date prescribed for admission to fill vacancies arising due to any reason is 30<sup>th</sup> September, 2005 for the Academic Session 2005-06 as per the Regulations and also noted that perusal of the inspection report of the inspection carried out on 29<sup>th</sup> – 30<sup>th</sup> September, 2005 revealed the following:-

1. The shortage of teaching staff is as under:-
  - (a) The shortage of teaching faculty is more than 5% as under:-
    - i) Professor 1 (Anatomy)
    - ii) Associate Professor 5 (3 – Anatomy, 1 – Physiology, 1 – PSM)
    - iii) Assistant Professor 6 (1 – Anatomy, 1 – FM, 1 – PSM, 1 – PSM Epidemiology, 1- PSM RHTC, 1 - PSM UHTC)
  - (b) The shortage of Residents is more than 13 % as under :-
    - i) Sr. Resident 4( 3 – Pediatrics, 1 - ENT)
    - ii) Jr. Resident 10 (2 – Medicine, 1 – Pediatrics, 1 – TB, 3 – Ophthal, 3 - OBG)
2. The capacity of examination hall is only 100 seats against 250 as per Council norms. Deficiency remains as it is.
3. In the Central Library the college had not yet received any journals so far. Hence, the deficiency remains as it is.
4. No Lecturer-cum-Medical Officer with M.D. (PSM) is available at RHTC, Pathamadai. Only Measures have been taken by TNPSC for recruiting suitable candidates in the near future for the lecturer cum Medical Officer M.D (PSM) for RHTC. Deficiency remains as it is.
5. Installation and interconnection of the IBM server system with computers with indoor registration and medical records is in progress. On the day of inspection it was non functional. Deficiency remains as it is.
6. Hostel accommodation for resident doctors is still not available. Deficiency remains as it is.
7. Only 16 quarters has been provided in the college campus. In addition to this the Dean has given a certificate stating that 62 quarters have been provided in the Tamil Nadu Housing Board, Tirunelveli for the faculty. These quarters are about ½ Kms away from the Hospital. Deficiency of accommodation in the college hospital campus remains as it is.
8. Other observations/remarks as in the inspection report.

In view of the above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Government to reiterate its earlier decision dated 13.08.2005 to recall the letter dated 15-07-05 issued by the Govt. of India regarding renewal of permission for admission of 3<sup>rd</sup> batch of students against the increased intake from 100 to 150 for the academic session 2005-06 issued by it on 15-07-05 in respect of Govt. Medical College, Tirunelveli, since commitment made by the State Government to fulfill the various deficiencies pointed out by the MCI before the closing date of admission has not been fulfilled and since the precondition imposed by it vide its letter dated 15-07-05 making it obligatory for the college authorities for compliance of all the requirements under the MCI regulations and to provide all the facilities within the stipulated time so

that the college is in a position to make admission within the stipulated time, have not been fulfilled.

**6. Accreditation/Recognition of institutions for imparting training to doctors in Ultrasonography/Image Scanning.**

Read : The matter with regard to Accreditation/Recognition of institutions for imparting training to doctors in Ultrasonography/Image Scanning.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council deliberated upon the matter and decided to approve the syllabus for Ultrasound Training for MBBS doctors under PNDT Act with the condition that such MBBS doctors who received training would not call themselves as Sonologist or specialist in Ultrasonography/Image Scanning.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also approved the suggestion of the expert group under the chairmanship of DGHS that only MCI recognized institutes/hospitals with bed strength of 500 or more should be permitted to impart the training.

**7. PMO reference regarding Anti Quackery Bill.**

Read : The request received from Directorate General of Health Sciences, Nirman Bhavan, New Delhi regarding proposed Anti Quackery Bill.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council deliberated upon the matter and decided to form a Sub-Committee comprising of Dr. Ved Prakash Mishra, Chairman, Postgraduate Committee; Dr. Indrajit Ray, Chairman, Ethics Committee and Dr. K.P. Mathur, Member, MCI to go through the matter in detail and to present its report at the earliest.

**8. Proposal for enactment of legislation entitled the Recognition of New System of Medicines Bill,2005.**

Read : The draft Cabinet note on the proposal for enactment of legislation entitled the Recognition of New System of Medicines Bill,2005.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the draft Cabinet note on the proposal for enactment of legislation entitled the recognition of new system of Medicines Bill,2005 and decided to form a Sub-Committee comprising of Dr. D.K. Sharma, Chairman, Registration & Equivalence Committee and Dr. Indrajit Ray, Chairman, Ethics Committee to go through the matter in detail and to present its report at the earliest.

**9. Action taken by Government on the recommendation contained in the Eighth Report of Estimates Committee (Fourteenth Lok Sabha ) on the Ministry of Health and Family Welfare (Department of Health) - Medical Council of India.**

Read : The Eighth Report of Estimates Committee on the Medical Council of India sent by the Govt. of India, Ministry of Health and Family Welfare vide letter dated 26<sup>th</sup> Sept.,2005.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the Eighth Report of the Estimates Committee (2004-05) of the Fourteenth Lok Sabha on the subject of Medical Council of India was presented to Lok Sabha on 29.04.2005 and which was sent to the Ministry of Health and F.W., Govt. of India

by Lok Sabha Secretariat vide O.M. No.21/2/EC/2005, dated 29.04.2005. This report is sent by the Govt. of India to the Council vide its letter dated 26.09.2005 – i.e. after a period of five months.

After due deliberations and discussions, the members of the Executive Committee and of the Adhoc Committee decided to appoint a sub-Committee of two members to go into the report and suggest the measures for implementation of the recommendations of the Estimates Committee and authorized the President (Acting) to nominate the members on the said Sub-Committee. The members of the Executive Committee and of the Adhoc Committee on perusal of the recommendations of the Estimates Committee further came to the conclusion that the recommendations of the Estimates Committee are exhaustive and implementation of the recommendations of the Estimates Committee would require a period of at least 3 months for the implementation process to be completed.

In view of above, the members of the Executive Committee and of the Adhoc Committee decided to request the Central Govt. to grant extension of not less than 3 months for submission of the action taken report by the Council on the recommendations of the Estimates Committee.

**10. WP [C] No. 13221-2005- Dr. Devindra Gupta Vs. – Union of India & Others – Payment of Bills of Senior Advocates.**

Read : The WP [C] No. 13221-2005- Dr. Devindra Gupta Vs. – Union of India & Others with regard to payment of Bills of Senior Advocates.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the WP[C] No. 13221-2005 filed by Dr. Devindra Gupta Vs. – Union of India & Others pertains to restrain the respondent No. 3(Lt. Col. (Retd.) Dr. A.R.N. Setalvad) from acting as Secretary/Treasurer/Registrar of Respondent No. 2 (MCI) and from participating in all the activities of Respondent No. 2 including appointment of Inspectors, scrutiny of inspection reports and recognition and de-recognition of medical colleges. It further noted that prayer of the petitioner is to direct the Respondent No.1 (UOI) to seek and initiate a CBI enquiry and prosecution against the Respondent No. 3 and other unknown members of the Executive Committee or any other officers of the Respondent No.2 under the provisions of the Prevention of Corruption Act, 1988 and other offences under Indian Penal Code.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided that it is very important for the Council to defend this case as the basic rights of the Council are under challenge pertaining to the appointment of the Secretary of the Council and allegations & aspersions have been cast on the office bearers of the Council and members of the Executive Committee of the Council and officers of the Council based on false and fabricated documents. and further decided to pay the bills of Shri K.K. Venugopal, Sr. Advocate and Shri Soli J. Sorabjee, Sr. Advocate. It was further decided that the bills of Senior Advocates for future hearings of this case may also be paid from time to time as and when such hearings take place and the bills are presented.

**11. Nomination of two members of the Executive Committee on the Selection Committee for the post of Law Officer in the Council office.**

Read : The matter regarding appointment of Selection Committee for the post of Law Officer 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 nominated Dr. B.C. Das, Director, State Institute of Health & F.W., Govt. of Orissa and Dr. Nitin S. Vora, Director, Health Services (ESIS), Govt. of Gujarat on the Selection Committee for the post of Law Officer.

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

New Delhi, dated the  
1<sup>st</sup> October, 2005.

**A P P R O V E D**

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