

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

**MEDICAL COUNCIL OF INDIA**

**EXECUTIVE COMMITTEE**

Minutes of the meeting of the Executive Committee held on Saturday, the 12<sup>th</sup> Nov.,2005 at 3.00 p.m. in the Council office at New Delhi 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
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, Bangalore and ]Member, Adhoc Committee ]appointed by the Hon'ble Supreme ]Court
Dr. D.K. Sharma	]Former Professor & Head, ]Department of Paediatrics, ]L.L.R.M. Medical College, ]Meerut
Dr. P.K. Sur	]Director, ]I.P.G.M.E.R., ]Kolkatta.
Dr. Mukesh Kr. Sharma	]Deptt. of General Surgery, ]S.M.S. Medical College, ]Jaipur
Dr. B.C. Das	]Director, ]State Instt. of Health & ]Family Welfare, ]Govt. of Orissa, Nayapalli, ]Bhubaneshwar
Dr. Nitin S. Vora	]Director, ]ESIC, Govt. of Gujarat
Lt.Col. (Retd.) Dr. A.R.N. Setalvad	- ]Secretary

The apologies for absence were received from Prof. N. Rangabhashyam, Adhoc Committee member and Dr. J.R. Kher and Dr. G.B. Gupta, members of the Executive Committee.

**1. Minutes of the Executive Committee Meetings held on 13<sup>th</sup> August, 1<sup>st</sup> October & 17<sup>th</sup> October, 2005 - Confirmation of.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council confirmed the minutes of the meetings of the Executive Committee held on 13<sup>th</sup> August, 2005 and 1<sup>st</sup> October, 2005. The minutes of the meeting of the Executive Committee dated 17.10.2005 were prepared, approved and confirmed on the same date in the meeting itself.

**2. Minutes of the last meetings 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 by the office on the various items included in the agenda of the Executive Committee meetings held on 13<sup>th</sup> August, 1<sup>st</sup> October and 17<sup>th</sup> October, 2005.

**3. Pending items arising out of the decisions taken by the Executive Committee.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the list of pending items arising out of the decision of the Executive Committee and directed the Secretary to contact the colleges wherein the period requested by them for extension is already over and to arrange the inspection of such colleges at the earliest.

**4. Approval of Shri Vasantarao Naik Govt. Medical College, Yavatmal for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik for the increased number of seats from 50 to 100.**

Read : The Council Inspectors report (24<sup>th</sup> & 25<sup>th</sup> August, 2005) for approval of Shri Vasantarao Naik Govt. Medical College, Yavatmal for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik for the increased number of seats from 50 to 100.

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 (24<sup>th</sup> & 25<sup>th</sup> August, 2005) and decided to recommend that Shri Vasantarao Naik Govt. Medical College, Yavatmal be approved for the award of MBBS degree granted by Maharashtra University of Health Sciences, Nashik for the increased number of seats from 50 to 100.

**5. Recognition of Co-operative Medical College, Kochi for the award of MBBS degree granted by Cochin University of Sciences & Technology.**

Read : The Council Inspectors report (19<sup>th</sup> & 20<sup>th</sup> October, 2005) for recognition of Co-operative Medical College, Kochi for the award of MBBS degree granted by Cochin University of Sciences & Technology.

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 (19<sup>th</sup> & 20<sup>th</sup> October, 2005) and noted the following:-

1. The shortage of teaching staff required at present stage is as under:-
  - (a) The shortage of teaching staff is more than 20% as under:-
    - (i) Professors-5 (Anatomy-1, Biochemistry-1, Pharmacology-1, Community Medicine-1, Radio-Diagnosis-1)
    - (ii) Assoc.Professors-11 (Anatomy-1, Physiology-2, Pharmacology-1, Microbiology-1, Forensic Medicine-1, General medicine-2, Paediatrics-1, TB & Chest-1, Dermatology-1)

- (iii) Asstt.Professors-9 (Anatomy-1, Physiology-2, Biochemistry-1, Pharmacology-1, Pathology-2, Community Medicine-2)
- (iv) Tutor-1 (Pharmacology-1)

(b) The shortage of Residents is more than 10% as under:-

- (i) Sr. Resident-3 (TB & Chest-1, Orthopaedics-1 & Anaesthesia-1)
- (ii) Jr. Residents-8 (Paediatrics-1, Psychiatry-1, General Surgery-2, Ophthalmology-1, OBGY-3)

2. The clinical material is inadequate in terms of OPD attendance, Radiological investigations and Laboratory investigations as under:

	Daily Average	Day of Inspection
OPD attendance	722	742
Radiological Investigations:		
X-Ray	69	62
Laboratory Investigations		
Biochemistry	86	78
Microbiology ]		
Serology ]	21	31
Parasitology ]		
Haematology	91	71
Histopathology]		
Cytopathology ]	7	7
Others ]		

3. Dr. K.M. Thomas shown as Medical Superintendent is not qualified to hold the post as he has only 8 years administrative experience against the requirement of 10 years.
4. The registration counters for OPD and indoor cases are not computerized and not cross linked.
5. The medical record department is also not computerized.
6. There are 9 OTs against the requirement of 10 for the present stage. Casualty OTs are currently non functional.
7. There is no separate Medical & Surgical ICU and ICCU. Paediatric ICU is non-functional.
8. Radiological facilities are not as per Council norms. There is only one static unit of 200 mA against the requirement of 3 static units (300, 500 & 800 mA). There is only 1 mobile unit of 60 mA available against the requirement of 6 mobile units.
9. CSSD facilities are not as per Council norms. Only 2 horizontal autoclaves are present and functional. The construction of CSSD has been completed. The procurement of equipments and other materials is under progress. No bowl sterilizer, no glove inspection machine and no instrument washing machine are available.
10. There is no lecture theatre in the hospital.
11. Hostel accommodation for boys and girls is inadequate for the present stage. Accommodation is available for only 330 students against the requirement of 500.
12. Presently no hospital accommodation is available for Resident doctors & interns.
13. Nurses hostel is under construction. Temporary accommodation is provided for 48 nurses which is inadequate for the present stage.
14. Central library has 5600 books against the requirement of 7000 books for the present stage. There are only 77 journals against the requirement of 100.
15. The availability of para medical laboratory staff is inadequate as no laboratory technician is available.
16. The other deficiencies/remarks in the 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 not to recognize Co-operative Medical College, Kochi for the award of MBBS degree granted by Cochin University of Sciences & Technology.

**6. Approval of the Toothukudi Govt. Medical College, Toothukudi for the award of MBBS degree granted by the Tamilnadu Dr. M.G.R. Medical University, Chennai.**

Read : The Council Inspectors report (17<sup>th</sup> & 18<sup>th</sup> August, 2005) for approval of the Toothukudi Govt. Medical College, Toothukudi for the award of MBBS degree granted by the Tamilnadu Dr. M.G.R. Medical University, Chennai.

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 (17<sup>th</sup> & 18<sup>th</sup> August, 2005) and noted the following:-

1. No Medical Superintendent is available. Dr. Vijay Shekharan, Deputy Medical Superintendent is not qualified to hold the post as he has only 5 years administrative experience.
2. Para medical laboratory staff is inadequate.
3. There is no hostels for residents.
4. Accommodation available for students is only 216 against the requirement of 500 at this stage. Deficiency still remains as it is.
5. Hostel for interns is not yet ready. The male interns hostel and female interns hostel are under construction. The interns are temporarily accommodation in some rooms in hospital campus. Deficiency persists as it is.
6. Nurses' hostel has capacity of 45 only which is grossly inadequate. Deficiency remains as it.
7. 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.
8. ETO sterilizer and glove inspection machines are not yet available in CSSD. Deficiency remains as it is.
9. Other deficiencies/remarks in the 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 not to approve Toothukudi Govt. Medical College, Toothukudi for the award of MBBS degree granted by the Tamilnadu Dr. M.G.R. Medical University, Chennai.

**7. Establishment of new medical college at Kannur, Kerala by Prestige Educational Trust, Kannaur, Kerala.**

Read : The application received through the Central Govt. for establishment of new college at Kannur, Kerala by Prestige Educational Trust, Kannur, Kerala for the academic session 2006-07.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the application received through the Central Govt. for establishment of new college at Kannur, Kerala by Prestige Educational Trust, Kannur, Kerala for the academic session 2006-07 and observed as under:-

*"Essentiality Certificate dated 30.12.2003 issued by the Govt. of Kerala is not in order as per Form-2 prescribed in the Establishment of Medical College Regulations, 1999. It has been mentioned at Point (a) the applicant owns and manages a 300 bedded hospital in Kannur Distt. and at point (d) it is stated that the applicant proposes to make available adequate clinical material as per the MCI norms. This is at variance with the format of the Essentiality Certificate wherein at point (d) it is required to be certified that "adequate clinical material as per MCI norms is available.*

*This certificate is valid for two years from the date of issue - i.e. 30.12.2003 which, interalia, means that this certificate is valid upto only 30.12.2005"*

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 observed that as the validity of Essentiality Certificate would expire on 30.12.2005 i.e. before the completion of the process of granting Letter of Permission and as the Essentiality Certificate is not as per the format prescribed in the Form II for Establishment of Medical College Regulations, 1999, decided to return the application to the Central Govt. for establishment of new college at Kannur, Kerala by Prestige Educational Trust, Kannur, Kerala for the academic session 2006-07.

**8. Establishment of new medical college at Tirupati by Sri Venkateshwara Instt. of Medical Sciences, Tirupati.**

Read : The application received through the Central Govt. for establishment of new college at new medical college at Tirupati by Sri Venkateshwara Instt. of Medical Sciences, Tirupati for the academic session 2006-07.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the application received through the Central Govt. for establishment of new college at Tirupati by Sri Venkateshwara Instt. of Medical Sciences, Tirupati for the academic session 2006-07 and observed that the application is deficient in terms of the following qualifying criteria laid down in the Establishment of Medical College Regulations, 1999:-

*"1. Regarding single plot of land, a certificate from the Executive Officer, T.T. Devasthanam, Tirupati is enclosed certifying that T.T.D. has earmarked land measuring 57.04 acres under Sy.No. 588 A in the premises of S.V. R.R. Hospital exclusively for the development activities of superspeciality hospital (SVIMS) for the purpose of hospital, Medical College and infrastructural facilities. No other land documents are attached with the application except a letter of DME, Govt. of Andhra Pradesh dated 17.04.1985 to the Executive Officer, T.T.D., Tirupati in which it has been stated that the Principal, S.V. Medical College, Tirupati has been requested to hand over the site to the T.T.D. authorities for the purpose of establishment of superspeciality hospital.*

*2. In the 'Essentiality Certificate' dated 20.08.2005 issued by the State Govt. of A.P. at point (d) it is mentioned that "adequate clinical material as per the Medical Council of India norms is said to be available". This is at variance with the format of the Essentiality Certificate wherein at point (d) it is required to be certified that "adequate clinical material as per MCI norms is available".*

*3. The consent of affiliation of the university in Form-3 as prescribed in the Establishment of Medical College Regulations is also not enclosed."*

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 application to the Central Govt. for establishment of new college at Tirupati by Sri Venkateshwara Instt. of Medical Sciences, Tirupati for the academic session 2006-07.

**9. Establishment of new medical college at Muzaffarnagar by Fateh Chand Charitable Trust.**

Read : The application received through the Central Govt. for establishment of new medical college at Muzaffarnagar by Fateh Chand Charitable Trust for the academic session 2006-07.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the application received through the Central Govt. for establishment of new medical college at Muzaffarnagar by Fateh Chand Charitable Trust for the academic session 2006-07 and observed that the

application is deficient in terms of the following qualifying criteria laid down in the Establishment of Medical College Regulations, 1999:-

*“Consent of affiliation in Form – 3 as required under the Regulations is not enclosed. Only a letter dated 16.06.2003 addressed by Chaudhary Charan Singh University, Meerut to Principal-Secretary, Medical Education, U.P. Govt., with copy to Secretary, MCI and Chairman, Medical College, Muzaffarnagar is enclosed wherein it is stated that:*

*“In the reference to your letter No. 314/Seventy – 2-2003-2 (58)/2003, dated 31.03.2003 in which you had requested NOC for the affiliation of the University for MBBS course in Muzaffarnagar Medical College, Muzaffarnagar. There is not any Medical College where is conducting MBBS course within the area of 60 km as per the records submitted by the college and keeping the view of regional requirements, Vice-Chancellor’s recommended it for NOC.*

*Therefore, you are requested, kindly grant the NOC as per provisions of MCI/Government to conduct the Medical Education-MBBS course in the institute from the academic year 2003-04.”*

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 application to the Central Govt. for establishment of new college at Muzaffarnagar by Fateh Chand Charitable Trust for the academic session 2006-07.

**10. Establishment of new medical college at Jadcherla, Mahabubnagar Distt. A.P. by Governing Council of the Conference of the Mennonite Brethern Church of India.**

Read : The application received through the Central Govt. for establishment of new medical college at Jadcherla, Mahabubnagar Distt. A.P. by Governing Council of the Conference of the Mennonite Brethern Church of India for the academic session 2006-07.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the application received through the Central Govt. for establishment of new medical college at Jadcherla, Mahabubnagar Distt. A.P. by Governing Council of the Conference of the Mennonite Brethern Church of India for the academic session 2006-07 and observed that the application is deficient in terms of the following qualifying criteria laid down in the Establishment of Medical College Regulations, 1999:-

*“1. Though the applicant is MB Church of India, the land is in the name of M.B. Property Pvt. Ltd.*

*2. ‘Essentiality Certificate’ dated 09.03.2005 issued by the State Govt. of A.P. is not in order as per Form –2 prescribed in the Regulations. Point (d) i.e. “adequate clinical material as per MCI norms is available” is missing.”*

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 application to the Central Govt. for establishment of new college at Jadcherla, Mahabubnagar Distt. A.P. by Governing Council of the Conference of the Mennonite Brethern Church of India for the academic session 2006-07.

**11. To consider the applications forwarded by the Central Govt. vide letter dated 30/09/2005 but received in this office after the last date prescribed in the schedule for receipt of applications by the Council for establishment of new medical colleges/increase of seats.**

Read : The applications forwarded by the Central Govt. vide letter dated 30/09/2005 but received in this office after the last date prescribed in the schedule for

receipt of applications by the Council for establishment of new medical colleges/increase of seats.

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 30.09.2005 from the Central Govt., received in the office of the Council and decided that the applications be processed.

**12. To consider the applications forwarded vide Central Govt. letter dated 14/10/2005 i.e. after the date prescribed for receipt of application by the Council for establishment of new medical colleges/increase of seats.**

Read : The applications forwarded vide Central Govt. letter dated 14/10/2005 i.e. after the date prescribed for receipt of application by the Council for establishment of new medical colleges/increase of seats.

The members of the Executive Committee of the Council and of the Ad hoc Committee appointed by the Hon'ble Supreme Court, in the light of the statutory regulations of the Council for establishment of new medical colleges and for increase in the sanctioned annual intake capacity of existing recognised medical colleges and the directions of the Hon'ble Supreme Court dated 12.1.2005 in Mridul Dhar's case - considered the issue of further processing by the Council the applications for opening of new medical colleges and for increase in the sanctioned annual intake capacity received after 30.09.2005 and those cases who had applied in August 2004 for opening of new medical college or for increase of seats and the Ministry of Health, Govt. of India has not disapproved their scheme till date and where the compliance has not been received before 30.09.2005.

Now, at this stage, when the statutory time schedule lays down that the applications should reach the Council for its further processing in accordance with law, latest by 30<sup>th</sup> of Sept., i.e. 30.09.2005 for the present year, some of the applications have been received after that date by the Council. The statutory time schedule, as per the judgement of the Hon'ble Supreme Court in Mridul Dhar's case and specifically direction no.14 thereof, strictly enjoins upon the Council and other concerned authorities to adhere to the time schedule.

Under these circumstances, in view of the fact that certain applications have been received after 30.09.2005, the Council sought legal advice in relation to the issue Whether the Council is not prohibited from entertaining and processing it further all such applications for all those new applications u/s 10A for permission to establish a new medical college and increase in the sanctioned annual intake capacity which have been received by the office of the Council and also those cases of colleges who had applied in August 2004 for opening of new medical college or for increase of seats and the Ministry of Health, Govt. of India has not disapproved their scheme till date and where the compliance has not been received by the Council before 30.09.2005. i.e., the last date as prescribed by the statutory regulations and directed to be strictly adhered to by the judgement of the Hon'ble Supreme Court in Mridul Dhar's case?

The Council has been advised as under:-

- a) All the concerned authorities who are required to take action in compliance with the statutory regulations for establishment of new medical colleges and/or for seeking enhancement in the annual sanctioned intake capacity are bound to strictly adhere to the time schedule as laid down by the regulations and approved by the Hon'ble Supreme Court in its judgement dated 12.01.2005 in Mridul Dhar's case - (2005) 2 SCC 65, direction no.14 of which is explicit in this regard.
- b) In this view of the matter, it would not be permissible for the MCI to not to adhere to the statutory time schedule and processing the applications for opening of new medical colleges and for increase in the sanctioned annual intake capacity received after 30.09.2005 and those cases who had applied in August 2004 for opening of new medical college or for increase of seats and the Ministry of

Health, Govt. of India has not disapproved their scheme till date and where the compliance has not been received before 30.09.2005 - would amount to breaching the statutory time schedule by the Council.

- c) Under these circumstances, the Council would be obliged to inform the Ministry of Health, Govt. of India that for all such applications/cases, the Ministry of Health, Govt. of India may file an application in the case of Mridul Dhar which is pending before the Hon'ble Supreme Court for seeking appropriate orders/directions from the Hon'ble Supreme Court enabling the Council to take further action in all such cases.

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 request the Ministry of Health, Govt. of India that for all such applications/cases, the Ministry of Health, Govt. of India may file an application in the case of Mridul Dhar which is pending before the Hon'ble Supreme Court for seeking appropriate orders/directions from the Hon'ble Supreme Court enabling the Council to take further action in all such cases.

**13. Karnataka Institute of Medical Sciences, Hubli – increase of MBBS seats from 100 to 150 – applications received u/s 10(A) of the IMC Act, 1956.**

Read : The application received through the Central Govt. for increase of MBBS seats from 100 to 150 at Karnataka Institute of Medical Sciences, Hubli for the academic session 2006-07.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that Karnataka Institute of Medical Sciences, Hubli is recognized by the Medical Council of India for the award of MBBS degree with an annual intake of 50 students. The Council had received request of the college for increase of MBBS seats from 50 to 100 in the year 2000. Permission for admission of 1<sup>st</sup> batch of 100 students was granted by the Central Govt. vide letter dated 1<sup>st</sup> August, 2001 from the academic year 2001-02. On the recommendation of the Council, the Central Govt. vide letter dated 13.04.2005 had granted permission for admission of 5<sup>th</sup> batch of students against the increased intake i.e. 50 to 100 for the academic session 2005-06. The Central Govt. also advised the college authorities to get the college inspected for recognition u/s 11(2) of the I.M.C. Act, 1956 for enhanced intake. Request u/s 11(2) for recognition of the college for the increased intake i.e. 100 students has not yet been received.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that criteria 1(1) under the heading "Qualifying Criteria" in Part-I of the "Opening of a new or higher course of study or training (including Postgraduate Course of study or Training) and increase of admission capacity in any course of study or training (including a postgraduate course of study or training) Regulations, 2000", reads as under:-

*"1(1) The medical college/institution must be recognised by the Medical Council of India for running Bachelor of Medicine and Bachelor of Surgery/Postgraduate course"*

Since the college is still not recognised for 100 admissions, 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 application to the Central Govt. recommending disapproval of the scheme as per the Qualifying Criteria prescribed under the statutory Regulations of "Opening of a new or higher course of study or training (including Postgraduate Course of study or Training) and increase of admission capacity in any course of study or training (including a postgraduate course of study or training) Regulations, 2000".

#### **14. Establishment of Govt. Medical College at Theni by Govt. of Tamilnadu.**

Read : (1) The Central Govt. letter dated 13<sup>th</sup> Oct., 2005 forwarding therewith compliance submitted by the Govt. of Tamilnadu for consideration of the matter for establishment of New Medical College at Theni for the academic year 2006-07.

(2) The Central Government letter dated 7<sup>th</sup> November, 2005 forwarding therewith the proposals for establishment of new medical college/increase in seats in MBBS course-permission regarding. (where new medical college at Theni is shown at Sl. No. 22 in Annexure I).

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the letters of the Central Government dated 30<sup>th</sup> October, 2004 and 7<sup>th</sup> November, 2005 and observed that in the letter dated 7<sup>th</sup> November, 2005 it has been mentioned that "*the response from some of the institutions were received. However, they could not be considered by MCI for want of time.*" The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council observed that this statement as mentioned in the letter of the Central Government is factually incorrect and all the applications/compliances received in time were inspected, the reports were considered by the Executive Committee and Adhoc Committee and appropriate decisions were communicated to the Central Government within the time limit prescribed by the Central Government.

The members of the Executive Committee of the Council and of the Ad hoc Committee appointed by the Hon'ble Supreme Court, in the light of the statutory regulations of the Council for establishment of new medical colleges and for increase in the sanctioned annual intake capacity of existing recognised medical colleges and the directions of the Hon'ble Supreme Court dated 12.1.2005 in Mridul Dhar's case - considered the issue of further processing by the Council the applications for opening of new medical colleges and for increase in the sanctioned annual intake capacity received after 30.09.2005 and those cases who had applied in August 2004 for opening of new medical college or for increase of seats and the Ministry of Health, Govt. of India has not disapproved their scheme till date and where the compliance has not been received before 30.09.2005.

Now, at this stage, when the statutory time schedule lays down that the applications should reach the Council for its further processing in accordance with law, latest by 30<sup>th</sup> of Sept., i.e. 30.09.2005 for the present year, some of the applications have been received after that date by the Council. The statutory time schedule, as per the judgement of the Hon'ble Supreme Court in Mridul Dhar's case and specifically direction no.14 thereof, strictly enjoins upon the Council and other concerned authorities to adhere to the time schedule.

Under these circumstances, in view of the fact that certain applications have been received after 30.09.2005, the Council sought legal advice in relation to the issue Whether the Council is not prohibited from entertaining and processing it further all such applications for all those new applications u/s 10A for permission to establish a new medical college and increase in the sanctioned annual intake capacity which have been received by the office of the Council and also those cases of colleges who had applied in August 2004 for opening of new medical college or for increase of seats and the Ministry of Health, Govt. of India has not disapproved their scheme till date and where the compliance has not been received by the Council before 30.09.2005. i.e., the last date as prescribed by the statutory regulations and directed to be strictly adhered to by the judgement of the Hon'ble Supreme Court in Mridul Dhar's case.

The Council has been advised as under:-

- a) All the concerned authorities who are required to take action in compliance with the statutory regulations for establishment of new medical colleges and/or for seeking enhancement in the annual sanctioned intake capacity are bound to strictly adhere to the time schedule as laid down by the regulations and approved

by the Hon'ble Supreme Court in its judgement dated 12.01.2005 in Mridul Dhar's case - (2005) 2 SCC 65, direction no.14 of which is explicit in this regard.

- b) In this view of the matter, it would not be permissible for the MCI to not to adhere to the statutory time schedule and processing the applications for opening of new medical colleges and for increase in the sanctioned annual intake capacity received after 30.09.2005 and those cases who had applied in August 2004 for opening of new medical college or for increase of seats and the Ministry of Health, Govt. of India has not disapproved their scheme till date and where the compliance has not been received before 30.09.2005 - would amount to breaching the statutory time schedule by the Council.
- c) Under these circumstances, the Council would be obliged to inform the Ministry of Health, Govt. of India that for all such applications/cases, the Ministry of Health, Govt. of India may file an application in the case of Mridul Dhar which is pending before the Hon'ble Supreme Court for seeking appropriate orders/directions from the Hon'ble Supreme Court enabling the Council to take further action in all such cases.

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 request the Ministry of Health, Govt. of India that for all such applications/cases, the Ministry of Health, Govt. of India may file an application in the case of Mridul Dhar which is pending before the Hon'ble Supreme Court for seeking appropriate orders/directions from the Hon'ble Supreme Court enabling the Council to take further action in all such cases.

It was further decided that all such applications/compliances which are received after 30.9.2005 shall be dealt with similarly.

**15. Establishment of new medical college at Bhubaneswar by Kalinga Institute of Industrial Technology, Bhubaneswar.**

Read : The Central Govt. letter dated 30/09/2005 requesting to consider the proposal for establishment of new medical college at Bhubaneswar by Kalinga Institute of Industrial Technology, Bhubaneswar for the academic year 2006-07.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Central Govt. letter dated 30/09/2005 requesting to consider the proposal for establishment of new medical college at Bhubaneswar by Kalinga Institute of Industrial Technology, Bhubaneswar for the academic year 2006-07 and directed the Secretary to send the reminders to Distt. Magistrate and Chairman and Managing Director, Orissa Industrial Infrastructural Corporation, a Govt. of India Undertaking, Bhubaneswar to obtain the clarification pertaining to owning and possessing of unitary plot of land of 25 acres.

**16. Establishment of new medical college at Thiruvananthapuram by Dr. K.N. Pai Heart Foundation, Trivandrum.**

Read : The Central Govt. letter dated 19/10/2005 forwarding therewith compliance submitted by Dr. K.N. Pai Heart Foundation, Trivandrum with the request to consider the proposal for establishment of new medical college at Thiruvananthapuram for the academic year 2006-07.

This item is covered under item no. 14

**17. Establishment of new medical college at Kalitheerthalkuppam, Pondicherry by Shri Manakula Vinayagar Educational Trust, Pondicherry.**

Read: The Central Govt. letter dated 19/10/2005 forwarding therewith compliance submitted by Shri Manakula Vinayagar Educational Trust, Pondicherry with the request to consider the proposal for establishment of new medical college at Kalitheerthalkuppam, Pondicherry for the academic year 2006-07.

This item is covered under item no. 14

**18. Increase of MBBS seats from 50 to 100 at Shri Guru Ram Das Institute of Medical Sciences & Research, Amritsar – Permission of Central Govt. – Regarding.**

Read : The Central Govt. letter dt. 30/09/2005 enclosing therewith a copy of letter dt. 23/08/2005 received from the Director-Principal, Sri Guru Ram Das Institute of Medical Sciences & Research, Amritsar with the request to consider the proposal for increase of MBBS seats from 50 to 100 for the academic year 2006-07.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 30.09.2005 received from the Central Govt. enclosing therewith a copy of letter dt. 23/08/2005 received from the Director-Principal, Sri Guru Ram Das Institute of Medical Sciences & Research, Amritsar with the request to consider the proposal for increase of MBBS seats from 50 to 100 for the academic year 2006-07 and decided that an inspection of the institute be arranged for grant of Letter of Intent for increase of seats from 50 to 100 in accordance with Regulations.

**19. Continuance of recognition of MBBS degree granted by Ranchi University in respect of students being trained at Rajendra Institute of Medical Sciences, Ranchi.**

Read : The Council Inspectors report (08<sup>th</sup> & 09<sup>th</sup> September, 2005) of Rajendra Institute of Medical Sciences, Ranchi for continuation of recognition of MBBS degree granted by Ranchi University in respect of students being trained at Rajendra Institute of Medical Sciences, Ranchi.

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 (08<sup>th</sup> & 09<sup>th</sup> September, 2005) and decided that "Type of Inspection" on page 1 be corrected as under:-

*"Type of Inspection - Inspection for continuance of recognition of MBBS degree granted by Ranchi University for the Rajendra Institute of Medical Sciences, Ranchi".*

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also noted as under:-

1. (a) The shortage of teaching faculty is 34.5%
  - (i) Professor-Nil
  - (ii) Assoc.Professors-7 (Anatomy-1, Biochemistry-1, Forensic Medicine-1, General Medicine-1, Anaesthesiology-1, Radio-Diagno.1, Dentistry-1)
  - (iii) Asstt.Professor-23 (Anatomy-3, Physiology-2, Biochemistry-3, Pfharmacology-1, Microbiology-1, Forensic Medicine-1, Community Medicine-2, RHTC-1, UHC-1, TB & Chest-1, Psychiatry-1, Orthopaedics-1, Anaesthesiology-3, Radio-Diagnosis-2)
  - (iv) Tutor-18 (Anatomy-5, Physiology-4, Lecturer in Biophysics-1, Biochemistry-2, Pharmacology-2, Microbiology-2, Forensic Medicine-2)
- (b) The shortage of Residents is 5% as under:-
  - (i) Sr. Residents-2
  - (ii) Jr. Residents-12
2. The clinical material is inadequate in terms of OPD attendance, Radiological Investigations and Laboratory investigations as under:-

	Daily Average	Day of inspection
OPD attendance	650	700
Radiological Investigations		
X-ray	60	70

Ultrasonography	10	15
Special Investigations		
CT Scan	10	15
Laboratory Investigations		
Biochemistry	65	80
Microbiology	32	40
Serology	10	15
Parasitology	05	10
Haematology	05	07
Histopathology	06	08
Cytopathology		06
Others		

3. The distribution of units in different departments is not as per MCI norms as given in the Postgraduate Medical Education Regulations,2000.
4. The number of postgraduate students admitted in each department is more than the recognised postgraduate teachers in each respective department. Thus, there is an anomaly in the number of units, faculty and PG students admitted.
5. There are only 2 mobile units in the Radiology department against the recommended 6 for the present stage. The availability of para medical staff in different categories is not as per MCI norms. Out of the sanctioned posts of 57 Laboratory Technicians, only 22 are available.
6. There is no lecture theatre in the hospital.
7. Other deficiencies/remarks in the report.

In view of the above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee decided to initiate action under section 19 of the Indian Medical Council Act, 1956 recommending withdrawal of recognition of Rajendra Institute of Medical Sciences, Ranchi for the award of MBBS degree granted by Ranchi University.

The members further decided to place the matter before the General Body of the Council.

**20. Continuance of recognition of MBBS degree granted by Pt. Ravi Shankar University, Raipur in respect of students being trained at Jawaharlal Nehru Medical College, Raipur.**

Read : The compliance verification inspection report (15<sup>th</sup> & 16<sup>th</sup> September, 2005) for Continuance of recognition of MBBS degree granted by Pt. Ravi Shankar University, Raipur in respect of students being trained at Jawaharlal Nehru Medical College, Raipur.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (15<sup>th</sup> & 16<sup>th</sup> September, 2005) and noted as under:-

1. (a) Shortage of teaching faculty is 36.70% as under:-
  - i) Professor - 2 (Microbiology - 1, Orthopaedics -1)
  - ii) Associate Professors - 16 (Anatomy -1, Physiology -2, Pathology -1, Microbiology -1, Pharmacology -1, Forensic Medicine -1, General Medicine -1, TB & Chest -1, Psychiatry -1, Paediatrics -2, General Surgery -1, Orthopaedics -1, Dentistry - 1, Radio-Diagnosis -1)
  - iii) Assistant Professors - 25 (Anatomy -2, Physiology -1, Bio-chemistry -1, Pathology -2, Pharmacology -2, Forensic Medicine -1, Community Medicine -3, General Medicine -4, TB & Chest, -1, Skin & VD -1, Paediatric-1, General Surgery -4, Orthopaedics -2)
  - iv) Tutors - 10 (Physiology-1, Pathology -3, Microbiology -1, Pharmacology - 2, Community Medicine -3)
- (b) Shortage of residents is 33% as under:-

- i) Senior Residents - 12 (Skin & VD -1, Psychiatry-1, General Surgery -3, Orthopaedics -1, ENT -1, Radio-diagnosis-3, Anaesthesia-2)
- ii) Junior Residents -30 (TB & Chest -3, Skin & VD-1, Psychiatry-3, Paediatrics-6, Orthopaedics-6, ENT -3, Ophthalmology-3, Obst. & Gynae. -5)

2. The clinical material is inadequate in terms of OPD attendance and Surgical workload as under:-

	Daily Average	Day of inspection
OPD attendance	501	541
Operative work		
Number of major surgical operations	9	13
Number of minor surgical operations	2	17
Number of normal deliveries	6	1

3. Deficiency of non-teaching staff viz. Vacant post of Stenographer, Speech-Therapist, Artist, Sweeper, Asstt. Grade III have been advertised but not filled.
4. OPD registration is not computerized.
5. Laundry has not been mechanized.
6. Central Sterilization department is not as per MCI norms.
7. Surgical instruments in department of Surgery have not been procured.
8. Cooling cabinet of Anatomy department is out of order. Tender has been floated for new cooling cabinet.
9. There is no incinerator for bio-medical waste products. Rs. 75 lakhs have been sanctioned for incinerator and the work is in progress.
10. Audiometry room is under rectification. Still not operational.
11. There is no central oxygen, central suction and Central Nitrous Oxide in the hospital.
12. Other deficiencies/remarks in the report.

In view of the above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee decided to issue a show cause notice as to why steps should not be initiated to recommend to the Central Govt. to derecognise the institution for the award of MBBS degree granted by Ravi Shankar Shukla University under section 19 of the Indian Medical Council Act, 1956 and further decided to grant time of 3 months for the college authorities to reply to the show cause notice. It was further decided to send a copy of the Show Cause Notice to Secretary (Health) of the State, Director of Medical Education of the State and Secretary, Govt. of India.

**21. Continuance of recognition of MBBS degree granted by Amravati University, in respect of students being trained at Dr. Panjabrao Alias Bhausaheb Deshmukh Memorial Medical College, Amravati.**

Read : The Compliance Verification Inspection report (15<sup>th</sup> & 16<sup>th</sup> Sept., 2005) for continuance of recognition of MBBS degree granted by Amravati University, in respect of students being trained at Dr. Panjabrao Alias Bhausaheb Deshmukh Memorial Medical College, Amravati.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (15<sup>th</sup> & 16<sup>th</sup> Sept., 2005) and decided that "Type of Inspection" on page 1 and remark no.1 of General Remarks on page 7 of the report be corrected as under:-

*"Type of Inspection -compliance inspection for continuance of recognition of MBBS degree granted by Amravati University in respect of students being trained at Dr. Panjabrao Alias Bhausaheb Deshmukh Memorial Medical College, Amravati, Maharashtra- compliance verification inspection".*

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also noted as under:-

1. (a) Shortage of faculty staff is more than 5% as under:-
  - i) Professor - 2 (Biochemistry -1, Ophthalmology -1)
  - ii) Associate Professors - 4 (Anatomy-2, Biochemistry -1, Dentistry -1)
  - iii) Assistant Professors - 5 (Anatomy -1, Physiology -1, Biochemistry -1, Forensic Medicine -1, Comm. Med.-1)
- (b) Shortage of residents is 4.7% is as under:-
  - (i) Residents - 4 (General Surgery -3, Ophthalmology -1)
2. The clinical material is grossly inadequate in terms of OPD attendance, Bed occupancy, surgical workload and Radiological investigations as under:-

	Daily Average	Day of inspection
OPD attendance	530	396
Bed occupancy	72%	71%
Operative work		
Number of major surgical operations	6	7
Number of minor surgical operations	8	4
Number of normal deliveries	2 per day	5
Number of caesarian sections	1 per day	Nil
Radiological Investigations		
X-ray	45	47
Ultrasonography	25	28

3. There is over crowding in most wards. The female patients of Ortho. & Surgery are sharing the same wards.
4. Although the construction of para clinical department at the new site is complete, this department have not been shifted to the new site and made functional at the new site. The departments of Anatomy, Physiology & Biochemistry are still at the old site and construction at new site is yet to start.
5. The hostel facilities at the primary health centre are in the process of being organised. The college has submitted an undertaking showing time frame of construction.
6. The Urban Health Center of the college has no water supply in its own premises. The available space in the UHC is not as per MCI norms.
7. Medico-legal work is not carried out in the hospital.
8. There are no quarters for Residents & nursing staff. College has provided an undertaking giving time frame of construction.
9. The mechanization of laundry is under process.
10. All faculty in the department of Biochemistry are non-medical and from science faculty except one Tutor.
11. Other deficiencies/remarks in the report.

In view of the above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee decided to initiate action under section 19 of the Indian Medical Council Act, 1956 recommending withdrawal of recognition of Dr. Panjabrao Alias Bhausahab Deshmukh Memorial Medical College, Amravati for the award of MBBS degree granted by Amravati University.

The members further decided to place the matter before the General Body of the Council.

**22. Continuance of recognition of MBBS degree granted by Dibrugarh University, Dibrugarh in respect of students being trained at Assam Medical College, Assam.**

Read : The letter dt. 21/06/2005 received from the Commissioner & Secy., to the Govt. of Assam, Health & Family Welfare Department, Dispur, requesting to postpone the compliance verification inspection of Assam Medical College, Dibrugarh for a period of six months.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the letter dated 21.06.2005 received from the Commissioner & Secretary to the Govt. of Assam, Health & Family Welfare Department, Dispur, stating that a number of schemes are at various stages of its implementation for expansion/development of infrastructural facilities of the college. The construction works of Medical/Surgical complex have been taken up with fund provided by the Govt. under non-lapsable Central pool of Resources. Besides that the State Govt. earmarked a fund of Rs. 4.00 crores as Additional Central Assistance to be utilized during the current financial year for development of the college. Also the proposal for creation of posts for faculty is under process.

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 grant an extension of six months as requested by the Commissioner & Secretary to the Govt. of Assam, Health & Family Welfare Department, Dispur in his letter dated 21.06.2005.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further directed the Secretary to inform the institution that no further extension will be granted thereafter.

**23. Permission of running Govt. Medical College, Nanded in two different campus.**

Read : The request of Principal-Secretary to Govt. of Maharashtra, Medical Education and Drugs Department Mantralaya for permission to run Govt. Medical College, Nanded in two different campus.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the letter dated 21.02.2005 received from the Principal-Secretary to Govt. of Maharashtra and decided to permit the Govt. of Maharashtra to run Govt. Medical College, Nanded in two different campuses during the process of shifting as detailed in the letter of the Principal-Secretary, Health & F.W. Department, Govt. of Maharashtra subject to the condition that the Govt. of Maharashtra would complete the shifting of the college as per Council Regulations in a phased manner indicated in their letter dated 21.2.2005 over a period of 3 years and will get the facilities at the new campus inspected by the Medical Council of India soon thereafter.

**24. Request of Delhi Medical Association for logo of Allopathic or Modern Scientific System of Medicine – Regarding.**

Read : The letter dt. 05/09/2005, received from the Directorate of Health Services, Govt. of N.C.T. seeking opinion/comments of the Council with regard to request of the President, Delhi Medical Association, for consideration of logo as official logo of Allopathic or Modern Scientific System of Medicine.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 05.09.2005 received from the Directorate of Health Services, Govt. of N.C.T. of Delhi, Karkardooma and decided to obtain the views of the Director General of Health Services, Govt. of India and of Indian Medical Association's National Head Quarter, New Delhi and directed the Secretary to place the item before the Executive Committee after such opinions are received.

**25. Recognition of Gandhi Lincoln Hospital, Deesa, Distt. Banaskantha (Gujarat) for Compulsory Rotating Internship Training.**

Read : The Council Inspectors report (30/08/2005) for recognition of Gandhi Lincoln Hospital, Deesa, Distt. Banaskantha (Gujarat) for Compulsory Rotating Internship Training.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspector's report 30/08/2005 and decided to recognize Gandhi Lincoln Hospital, Deesa, Distt. Banaskantha (Gujarat) for Compulsory Rotating Internship Training in the following subjects with number of interns mentioned against each:-

Medicine	-	1
Surgery	-	1

**26. To note the letter of permission/renewal of permission issued by the Central Govt. for the academic session 2005-06.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that this list includes those colleges where the Central Government has granted the Letter of Permission/Renewal of permission in respect of those college where no specific recommendations for grant of Letter of Permission/Renewal of Permission has been made by the Council and also includes those colleges where the renewal of permission has not been recommended by the Council (wherein the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council had decided to recommend to the Central Government to recall such Letters of Permission at the meetings held on 13<sup>th</sup> August, 2005 and 1st October, 2005). The Secretary of the Council was directed to segregate such colleges from this list and place it before the next meeting of the Executive Committee.

**27. Amendment in permanent registration certificate – Reg.**

Read: The amendment in present format used for grant of Permanent Registration Certificate.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the amendment in the permanent registration certificate and decided that the same be placed before the General Body of the Council.

**28. Removal of name of Dr. P.P. Singhal from the Indian Medical Register.**

Read: The letter dt. 20/09/2005 received from the Registrar, Rajasthan Medical Council, Jaipur intimating that Dr. P.P. Singhal bearing Registration No. 3736 dated 22/07/1972 has expired and his name has been removed from the Register of Registered Medical Practitioners.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the letter dated 20.09.2005 received from the Registrar, Rajasthan Medical Council intimating that Dr. P.P. Singhal (Registration No.3736, dated 22.7.1972) has expired and his name has been removed from the Register of Registered Medical Practitioners. The Committee decided to remove the name of above-mentioned doctor from the Indian Medical Register and also give intimation in this regard to all the State Medical Councils in the country and place the same before the General Body of the Council.

**29. Nomination of Selection Committee members for the post of Joint Secretary.**

Read: The matter with regard to nomination of Selection Committee members for the post of Joint Secretary.

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, Dr. P.K. Sur, Director, I.P.G.M.E.R., Kolkatta and Dr. V.N. Jindal, Prof. of Neuro Surgery, Govt. Medical College, Goa on the Selection Committee for the post of Joint Secretary.

**30. Nomination of Selection Committee members for the post of Deputy Secretary (Medical).**

Read: The matter with regard to nomination of Selection Committee members for the post of Deputy Secretary (Medical).

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council nominated Prof. S.C. Mohapatra, Director of Medical Education & Training, Govt. of Orissa and Dr. G.B. Gupta, Prof. & HOD of Medicine, Pt.JNM Medical College, Raipur on the Selection Committee for the post of Deputy Secretary (Medical).

**31. Nomination of Selection Committee members for the post of Whole Time Inspector.**

Read: The matter with regard to nomination of Selection Committee members for the post of Whole Time Inspector.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council nominated Dr. C.V. Bhirmanandam, Vice-Chancellor, Dr. M.G.R. Medical University, Chennai, Dr. Bijoy Mukherjee, Principal, Burdwan Medical College, Burdwan and Dr. Usha Sharma, Principal, LLRM Medical College, Meerut on the Selection Committee for the post of Whole Time Inspector.

**32. Nomination of Selection Committee members for the post of Assistant Secretary.**

Read: The matter with regard to nomination of Selection Committee members for the post of Assistant Secretary.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council nominated Dr. D.K. Sharma, Former Professor & Head, Department of Paediatrics, L.L.R.M. Medical College, Meerut and Dr. V.K. Jain, Prof. & Head, Deptt. of Skin & VD, Pt.BD Sharma Instt. of Medical Sciences, Rohtak on the Selection Committee for the post of Assistant Secretary.

**33. Extension of services of Dr. Malti Mehra & Dr. Vandana Ajay Khanolkar as Whole Time Inspector in the pay scale of Rs. 18,400-500-22,400.**

Read: The matter with regard to extension of services of Dr. Malti Mehra & Dr. Vandana Ajay Khanolkar as Whole Time Inspector in the pay scale of Rs. 18400-500-22400.

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. Malti Mehra and Dr. Vandana Ajay Khanolkar as Whole Time Inspectors for a period of one year i.e. upto 13.11.2006 & 16.11.2006 respectively.

**34. Extension of services of Dr. C.A. Desai, Dr. K. Ananda Kannan and Dr. S.B. Aggarwal as Zonal Inspectors of the council on consolidated salary.**

Read: The matter with regard to extension of services of Dr. C.A. Desai, Dr. K. Ananda Kannan and Dr. S.B. Aggarwal as Zonal Inspectors of the council on consolidated salary.

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, Dr. K. Ananda Kannan and Dr. S.B. Aggarwal on consolidate salary for a period of one year i.e. upto 1.11.2006, 7.11.2006 and 30.11.2006 respectively.

**35. Recommendations of D.P.C. for confirmation of Council Employees.**

Read: The recommendations of D.P.C. for confirmation of Council Employees.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the recommendations of the Departmental Promotion Committee for confirmation of the following employees of the Council in their entry grade with retrospective effect – i.e from the date of completion of their probation period as mentioned against each :-

Sl.No.	Name & Designation	Date of Joining	Date of completion of probationary period
1.	Mrs. Sarabjeet Chopra, LDC	20.5.2002	19.5.2004
2.	Shri Mahender Singh, LDC	16.5.2002	15.5.2004
3.	Shri Manoj Kumar, LDC	16.5.2002	15.5.2004
4.	Ms. Manju Rani, LDC	3.6.2002	2.6.2004
5.	Sh. Satish Kumar, LDC	27.11.2002	26.11.2004
6.	Sh. Sanjay Ujjainwal, LDC	2.12.2002	1.12.2004
7.	Sh. Jayant Kumar Arora, Jr. Stenographer	22.7.2003	21.7.2005
8.	Ms. Puja, Jr. Stenographer	9.7.2003	8.7.2005
9.	Ms. Kiran Bala Pathak, Computer Operator	9.7.2003	8.7.2005
10.	Mrs. Bhawna Sharma, LDC	3.7.2003	2.7.2005
11.	Sh. Vinod Singh Negi, LDC	3.7.2003	2.7.2005
12.	Sh. Rajesh PD. Rathuri, LDC	4.7.2003	3.7.2005
13.	Sh. Lokesh Kumar, Staff Car Driver	14.8.2003	13.8.2005
14.	Sh. Brij Lal Panjla, Staff Car Driver	21.8.2003	20.8.2005
15.	Sh. Devanand, Peon	7.5.2003	6.5.2005
16.	Sh. Man Singh, Peon	9.5.2003	8.5.2005
17.	Sh. Kishan Singh Chauhan, Messenger	9.5.2003	8.5.2005
18.	Sh. Umesh Chandra, Peon	13.5.2003	12.5.2005

**36. Finalisation of contract for Security agency in the Council Office.**

Read: The matter with regard to finalisation of Security agency 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 decided to award the contract to the lowest bidder i.e. M/s. Safety Fort Services, Pappan Kalan, Palam Colony, New Delhi for Security Supervisor, Guard, Gunmen, subject to the verification of their credentials from the reputed/Government/Semi-Government/Autonomous Bodies/PSUs organisations who have employed their services.

**Office Note:**

The Secretary was also directed to obtain the credentials from the reputed/Government/Semi-Government/Autonomous Bodies/PSUs organisations who have employed the services of 2<sup>nd</sup> and 3<sup>rd</sup> lowest bidders as indicated in the comparative chart.

**37. Annual Report of the Medical Council of India for the year 2004-05.**

Read: The annual report of the Medical Council of India for the year 2004-05.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the annual report of the Medical Council of India for the year 2004-05.

38. **Draft Bill – “The Protection against Sexual Harassment of Women Bill, 2005”.**

Read: The Draft Bill – “The Protection against Sexual Harassment of Women Bill, 2005”.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council accepted the following recommendations of the Ethics Committee and decided that the same be placed before the General Body of the Council for approval:-

**"Observations on “The Protection Against Sexual Harassment of Women Bill, 2005”**

1. **The draft bill is a highly comprehensive document which has covered almost all the aspects imaginable on conferring a women the right to protection against sexual harassment, and to implement this right, the measures for the prevention and redressal of sexual harassment of women.**
2. The Ethics Committee feels after perusal of draft bill, that this draft is possibly one of the most progressive, comprehensive and humane piece of legislation in the world that is contemplated for enactment in our country.
3. In the Preliminary part of the Bill, in para 2, where definitions have been given; in part (b) **“Apex Internal Complaints Committee”** has been defined, the Ethics Committee feels that the following lines may be included.
  - (b) **“Apex Internal Complaints Committee”** setup at the Head office of any Public establishment/University either at the State/Central level **including Medical Colleges.**
  - In (g) wherein **“Contractual Services”** has been defined. The Ethics Committee feels that in section where illustration of contractual services have been made, a point may be added as under:- **Service of a doctor/nurse/medical trained personnel in any home/nursing home/hospital/medical establishment for patients care or other medical services.**
  - In (m) where educational institutions has been defined; it is felt that specific mention of medical college would be suitable and therefore the Ethics Committee feels this may be stated as under: (m) The educational institutions means a school, college including **Medical colleges.**

(q) Establishment – in the section (q) where establishment has been defined and in the illustration part where in sub-section (ix) list of hospital, nursing homes has been included, the Ethics Committee feels that the word **“hospital be replaced by “Medical Colleges and Hospitals.”**

  - In sub-section (ab) – where **“misconduct”** has been defined, the Indian Medical Council Act, 1956 has been mentioned. The Ethics Committee feels that alongwith this Act, Indian Medical Council (Professional Conduct, Etiquette and Ethics Regulations, 2002 should also be mentioned.
  - In the chapter II where the right to be free from sexual harassment has been placed, there mention has been made of different categories of personnel/officers who shall not indulge in the sexual harassment. The Ethics Committee feels that after sub-section 12 of this lists another point may be added as under:- **No doctor/nurse/medical workers shall sexually harass a women in any health establishment/hospital/medial educational institutions who has entered such premises as a patients seeking medical advise or help, or as a attendant, as a visitors or student or for any other legitimate purposes.**
4. In chapter 3 wherein the **“Authorities Under This Act”** has been stated in para 27 mention of the duty of the Medical Council of India under Indian Medical Council Act, 1956 has been laid down in the draft. The Ethics Committee feels that following inclusions/omissions are required in this para as under:-
  - (e) In sub-section(e) of the para 27 where the Chairman of the Medical Council of India has been empowered to designate for each State and Union Territory one member of Medical Council of India, it has been stated that such members should be elected from the State Medical Register of such State/Union Territory. This signify that only the RMG member from each state can only be designated as members responsible to address sexual harassment in connection with the Members of Medical Council of India.

The Ethics Committee feels that

- (a) The line “**should be elected from the State Medical Register from State and Union territory** may be omitted so that the Chairman of the Medical Council of India shall be free to designate the most suitable member from a particular State or union territory as member responsible to address the complaints of the sexual harassment.
- (b) The Ethics Committee has observed that many of the doctors in a state may not be registered directly under Medical Council of India and they may be registered with individual State Medical Councils. Such members who are registered with Medical Council of India are automatically included in the Indian Medical Register. The Indian Medical Council Act, 1956, does not allow direct intervention by Medical Council of India in case of doctors registered in the State Medical Councils. Therefore, this draft bill must give authority to MCI to intervene in cases of all doctors whose name are included in the Indian Medical Register (IMR).

**5. Other observations – The Ethics Committee observed that :-**

It has been mentioned in chapter 5 “**Procedure for lodging a complaint**” in para 43 (2), that “**the consent given under sub-section (1) herein may be withdrawn at any stage of the proceedings by the aggrieved women or her legal heir/representative**”.

Again in para 63 the provision of withdrawal of complaint at any stage after filing a complaint is included.

The Ethics Committee feels that the withdrawal of complaint should be allowed only after a judicial review in order to avoid corruption, coercion, application of force etc. to the women who is victim of sexual harassment.

- 6. In Schedule - I of draft act, In para – 6, it has been stated that the following item shall be added as explanation to section 7.4 of Indian Medical Council (Professional Conduct, Etiquette and Ethics Regulations, 2002, “any form of sexual harassment shall be an improper conduct”. The Ethics Committee feels that it can be changed as under:-  
**“7.4. Adultery and improper conduct:** Abuse of professional position by committing adultery or including any form of sexual harassment with a patient, **attendant, visitors, students or/** by maintaining improper association with a patient, attendant will render a physician liable for disciplinary action **including permanent erasure of his name** as provided by the IMC Act, 1956 or the concerned State Medical Council Act.”
- 7. In Para 13(j) where shops and establishment are included in (j) mention had been made of “Health Service”.

**39. Clarification regarding entitlement to be partner in a drug/manufacturing/distribution firm as requested by Dr. Santhosh John Abraham.**

Read: The matter with regard to entitlement to be partner in a drug/manufacturing/distribution firm as requested by Dr. Santhosh John Abraham.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 23<sup>rd</sup> and 24<sup>th</sup> June, 2005:-

The Ethics Committee noted the clarification sought by Dr. Santhosh John Abraham as follows :-

*“I am a registered medical practitioner practicing surgery in the State of Kerala. I am registered with Travencore Cochin Medical Council with number 13707.*

*I would like to know whether I am entitled to be partner in a drug manufacturing /distribution firm”*

After detailed deliberation, the Ethics Committee was of the opinion that the reply of the said query would be as follows :-

“It appears that there is no bar to be a partner in a drug manufacturing/distribution firm. However, your attention is being drawn to Section 6.1, 6.3 and 7.22 of the IMC Professional Conduct (Etiquette and Ethics) Regulations, 2002 as amended from time to time, which are as follows :-

6.1 Advertising:

6.1.1 Soliciting of patients directly or indirectly, by a physician, by a group of physicians or by institutions or organisations is unethical. A physician shall not make use of him / her (or his / her name) as subject of any form or manner of advertising or publicity through any mode either alone or in conjunction with others which is of such a character as to invite attention to him or to his professional position, skill, qualification, achievements, attainments, specialities, appointments, associations, affiliations or honours and/or of such character as would ordinarily result in his self aggrandisement. A physician shall not give to any person, whether for compensation or otherwise, any approval, recommendation, endorsement, certificate, report or statement with respect of any drug, medicine, nostrum remedy, surgical, or therapeutic article, apparatus or appliance or any commercial product or article with respect of any property, quality or use thereof or any test, demonstration or trial thereof, for use in connection with his name, signature, or photograph in any form or manner of advertising through any mode nor shall he boast of cases, operations, cures or remedies or permit the publication of report thereof through any mode. A medical practitioner is however permitted to make a formal announcement in press regarding the following:

- (1) On starting practice.
- (2) On change of type of practice.
- (3) On changing address.
- (4) On temporary absence from duty.
- (5) On resumption of another practice.
- (6) On succeeding to another practice.
- (7) Public declaration of charges.

6.3 Running an open shop (Dispensing of Drugs and Appliances by Physicians): - A physician should not run an open shop for sale of medicine for dispensing prescriptions prescribed by doctors other than himself or for sale of medical or surgical appliances. It is not unethical for a physician to prescribe or supply drugs, remedies or appliances as long as there is no exploitation of the patient. Drugs prescribed by a physician or brought from the market for a patient should explicitly state the proprietary formulae as well as generic name of the drug.

7.22 Research: Clinical drug trials or other research involving patients or volunteers as per the guidelines of ICMR can be undertaken, provided ethical considerations are borne in mind. Violation of existing ICMR guidelines in this regard shall constitute misconduct. Consent taken from the patient for trial of drug or therapy which is not as per the guidelines shall also be construed as misconduct."

**40. Request for permission to increase 08 seats for MBBS Course ( Session 2005-06) to Chhattisgarh Instt. of Medical Sciences ( CIMS), Guru Ghasidas University, Bilaspur in compliance of High Court order- regarding.**

Read: The request of the Registrar, Guru Ghasidas University, Bilaspur (Chhattisgarh) for permission to increase 08 seats for MBBS Course (Session 2005-06) to Chhattisgarh Instt. of Medical Sciences (CIMS) in compliance of the High Court order.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council ratified the communication dated 31.10.2005 sent by the office of the Council to Guru Ghasidas University, Bilaspur and also decided that the matter be placed before the Council Advocate for further necessary action in the matter.

**41. Undertaking given by Dr. R. Anuradha for working in more than one medical college – Action to be taken in view wof Code of Medical Ethics.**

Read: The undertaking given by Dr. R. Anuradha for working in more than one medical college and action to be taken in view of Code of Medical Ethics.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 11<sup>th</sup> & 12<sup>th</sup> August, 2005:-

"The Ethics Committee heard Dr. R. Anuradha who appeared before the Ethics Committee at its meeting held on 11<sup>th</sup> & 12<sup>th</sup> August, 2005. Written statements was also taken from him which are as under: -

Statement of Dr. R. Anuradha

*I Dr. R. Anuradha did my MBBS from Gandhi Medical College, Hyderabad in the year 1986 and I did my MD (Biochemistry) from the same institute in 2000. My date of birth is 07.12.1961. My registration no. is 12050 of A.P. Medical Council.*

*I joined in Govt. Health Service of A.P on 7.11.1994 and I was transferred to Govt. Medical College, Anantpur since 17.07.2000, till date I am a Govt. servant under the A.P. State Govt. I was physically present during the MCI inspection at Govt. Medical College, Anantpur on 15.04.2004.*

*On 08.09.2003, I was physically present during the MCI inspection at Chalmeda Instt. of Medical Sciences, Karimnagar which I should not have done. I will assure that it will not be repeated in future.*

*I have submitted my resignation letter to Director of Medical Education, Hyderabad, A.P. on 18.08.2003 and I have withdrawn the resignation in a letter dated 15.10.2003*

Sd/-  
(Dr. R. Anuradha)  
12.07.2005

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. She had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by her are correct and true to her knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by her to the effect and to the result that she has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon her to explain why appropriate action be not taken against her for submitting more than one Declaration Forms signed and submitted by her claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which she had submitted to the inspection team of the Council were also sent to her.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to her, has submitted her written response giving her clarifications and explanations for the submission of more than one Declaration Form by her.

Upon consideration of the case of Dr. R. Anuradha, the Ethics Committee noted that explanation /clarification has not been found to be satisfactory and the misconduct of making mis-declaration/misstatement in Declaration Form having been found to be established.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

"Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon'ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law."

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

*“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.*

*Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.*

*The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.*

*Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.*

*Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.*

*This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.*

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of Dr. R. Anuradha along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that she has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

*Section 1.1.1.*

*A Physician shall uphold the dignity and honour of his profession.*

*Section 1.1.2.*

*The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the*

*sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.*

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr. R. Anuradha constitutes PROFESSIONAL MISCONDUCT, which render her liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that her name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

*“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION*

*“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”*

The Ethics Committee of MCI also recommends that as Dr. R. Anuradha has been found working in Govt. Institution & simultaneously in another private medical college, this case is also to be sent to the respective Dean/Principal of the Medical College and Health Secretary of the concerned State for necessary action at their end."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further decided as under:

- (a) The names of Dr. R. Anuradha be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July, 2008.
- (b) She will not be eligible to be counted as a teacher at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.
- (c) The name of Dr. R. Anuradha be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also noted that Dr. R. Anuradha has been found working in Govt. Institution & simultaneously in another private medical college, her case is also to be sent to the respective Dean/Principal of the Medical College and Health Secretary of the concerned State for necessary action at their end.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided that the matter be placed before the General Body of the Council.

**42. Undertaking given by Dr. Sunil Singhvi for working in more than one medical college – Action to be taken in view of Code of Medical Ethics.**

Read: The undertaking given by Dr. Sunil Singhvi for working in more than one medical college and action to be taken in view of Code of Medical Ethics.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 11<sup>th</sup> & 12<sup>th</sup> August, 2005:-

The Ethics Committee heard Dr. Sunil Singhvi who appeared before the Ethics Committee at its meeting held on 11<sup>th</sup> & 12<sup>th</sup> August, 2005. Written statements was also taken from him which are as under: -

Statement of Dr. Sunil Singhvi

*I Dr. Sunil Singhvi did my MBBS from Jawaharlal Medical College, Wardha in the year 1998 and I did my MD (Pharmacology) from the Madras Medical College in 2003. My date of birth is 01.07.1974. My registration no. is 63688 of Tamilnadu Medical Council.*

*I joined at GSL Medical College, Rajamundari on 10.09.2003 and till date I am working there and was physically present during the MCI inspection on 09.03.2004.*

*Meanwhile, Prathima Instt. of Medical Sciences, Karimnagar approached me to appear for MCI inspection on 17.09.2003 not knowing that it is an unethical as well as its consequences, I appeared for the MCI inspection at Prathima Instt. of Medical Sciences on 17.09.2003. I took leave from GSL Medical College, Rajamundari during that period. It was done due to ignorance. I assure that it will not be repeated in future.*

Sd/-  
(Dr. Sunil Singhvi)  
12.07.2005

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of Dr. Sunil Singhvi, the Ethics Committee noted that explanation /clarification has not been found to be satisfactory and the misconduct of making mis-declaration/misstatement in Declaration Form having been found to be established.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

*"Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon'ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law."*

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

*"Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time."*

*Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.*

*The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.*

*Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.*

*Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.*

*This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.*

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of Dr. Sunil Singhvi along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

*Section 1.1.1.*

*A Physician shall uphold the dignity and honour of his profession.*

*Section 1.1.2.*

*The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.*

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr. Sunil Singhvi. constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

*“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION*

*“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”*

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council further decided as under:

- (a) The names of Dr. Sunil Singhvi be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July, 2008.
- (b) He will not be eligible to be counted as a teacher at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.
- (c) The name of Dr. Sunil Singhvi be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided that the matter be placed before the General Body of the Council

**43. Undertaking given by Dr. B. Anand Rajan for working in more than one medical college – Action to be taken in view of Code of Medical Ethics.**

Read: The undertaking given by Dr. B. Anand Rajan for working in more than one medical college and action to be taken in view of Code of Medical Ethics.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 11<sup>th</sup> & 12<sup>th</sup> August, 2005:-

"The Ethics Committee heard Dr. B. Anand Rajan who appeared before the Ethics Committee at its meeting held on 11<sup>th</sup> & 12<sup>th</sup> August, 2005. Written statements was also taken from him which are as under: -

Statement of Dr. B. Anand Rajan

*I Dr. B. Anand Rajan I did my MBBS from Govt. Kilpauk Medical College, in the year 1984 and I did my MD (Physiology) from the same institute in 1991. My date of birth is 02.08.1953. My registration no. is 39443 of Tamilnadu Medical Council.*

*I joined at Chengalpatu Medical College on 10.07.2002 and continuously working there and I was physically present during the MCI inspection on 09.01.2004 voluntary retirement from Govt. Service on 18.06.2004*

*On 13.09.2003 I requested by the authorities of MES Medical College to be present in their institute during the MCI inspection going to be held on that day. I did it because I got a good offer from that institute in future. I know that I should not have done this and I assure that it will not be repeated in future. Kindly excuse me for the same.*

*I have never worked at Pinaminani Instt. of Medical Sciences, Chinnoutpali, the photograph and the signature are not of mine in the declaration form of that institute.*

Sd/-  
(Dr. B. Anand Rajan)  
12.07.2005

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had

also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of Dr. B. Anand Rajan, the Ethics Committee noted that explanation /clarification has not been found to be satisfactory and the misconduct of making mis-declaration/misstatement in Declaration Form having been found to be established.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

"Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon'ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law."

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

*"Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.*

*Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.*

*The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.*

*Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.*

*Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.*

*This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.*

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of Dr. B. Anand Rajan along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

*Section 1.1.1.*

*A Physician shall uphold the dignity and honour of his profession.*

*Section 1.1.2.*

*The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.*

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr. B. Anand Rajan constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

*“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION*

*“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”*

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council further decided as under:

- (a) The names of Dr. B. Anand Rajan be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July, 2008.
- (b) He will not be eligible to be counted as a teacher at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.

- (c) The name of Dr. B. Anand Rajan be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided that the matter be placed before the General Body of the Council.

**44. Undertaking given by Dr. S.N. Mohanty for working in more than one medical college – Action to be taken in view of Code of Medical Ethics.**

Read: The undertaking given by Dr. S.N. Mohanty for working in more than one medical college and action to be taken in view of Code of Medical Ethics.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 11<sup>th</sup> & 12<sup>th</sup> August, 2005:-

"The Ethics Committee heard Dr. S.N. Mohanty who appeared before the Ethics Committee at its meeting held on 11<sup>th</sup> & 12<sup>th</sup> August, 2005. Written statements was also taken from him which are as under: -

Statement of Dr. S.N. Mohanty

*I Dr. S.N. Mohanty did my MBBS from MKCJ Medical College, Brahampur in the year 1986 and I did my MD (Forensic Medicine) from the same institute in 1996. My date of birth is 18.05.1961. My registration no. is 9562 of Orissa Medical Council.*

*I joined in the Orissa Health Services in the year 1987 and was posted in the MKCJ Medical College on 23.05.1997 and till date I am working as a Govt. servant in the Orissa Govt. and was physically present during the MCI inspection on 12.02.2004 at MKCJ Medical College. I was physically present during the MCI inspection at K.S. Hegde Medical Academy on 28.01.2003, which I should not have done. I am enclosed herewith my detailed explanation for perusal. Although I submitted one letter of information to State Govt. regarding queting my job before my joining at KHESMA, however, as I came back because of illness of my wife from KHESMA I did not persue the same at State Govt. and continued as such.*

*I may kindly be permitted to conclude with the aforesaid explanation and would undertake that such type of mistake whether knowingly or unknowingly will not be committed in the rest of my service carrier being a bonafide Gvot. Servant for which I beg excuse before the Hon'ble Committee. Further, I undertake that I will not repeat such conduct in future.*

*I sincerely pray before the Hon'ble Committee to be gracious enough to consider my aforesaid explanation sympathetically and exonerate from the charges and for this act of generosity I shall be ever grateful to the Hon'ble Committee.*

Sd/-  
(Dr. S.N. Mohanty)  
12.07.2005

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of Dr. S. N. Mohanti, the Ethics Committee noted that explanation /clarification has not been found to be satisfactory and the misconduct of making mis-declaration/misstatement in Declaration Form having been found to be established.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law.”

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

*“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.*

*Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.*

*The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.*

*Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.*

*Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.*

*This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.*

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get

away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of Dr. S. N. Mohanti along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

*Section 1.1.1.*

*A Physician shall uphold the dignity and honour of his profession.*

*Section 1.1.2.*

*The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.*

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr. S. N. Mohanti constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

*“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION*

*“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”*

The Ethics Committee of MCI also recommends that as Dr.S.N. Mohanty has been found working in Govt. Institution & simultaneously in another private medical college, this case is also to be sent to the respective Dean/Principal of the Medical College and Health Secretary of the concerned State for necessary action at their end."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further decided as under:

- (a) The names of Dr.S.N. Mohanty be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July, 2008.
- (b) He will not be eligible to be counted as a teacher at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.
- (c) The name of Dr. S.N. Mohanty be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also noted that Dr. S.N. Mohanty has been found working in Govt. Institution & simultaneously in another private medical college, his case is also to be sent to the respective Dean/Principal of the Medical College and Health Secretary of the concerned State for necessary action at their end.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided that the matter be placed before the General Body of the Council.

**45. Undertaking given by Dr. Balamurali for working in more than one medical college – Action to be taken in view of Code of Medical Ethics.**

Read: The undertaking given by Dr. Balamurali for working in more than one medical college and action to be taken in view of Code of Medical Ethics.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 11<sup>th</sup> & 12<sup>th</sup> August, 2005:-

"The Ethics Committee heard Dr. Balamurali who appeared before the Ethics Committee at its meeting held on 11<sup>th</sup> & 12<sup>th</sup> August, 2005. Written statements was also taken from him which are as under: -

Statement of Dr. S.T. Balamurali

*I Dr. S.T. Balamurali did my MBBS from Madurai Medical College in the year 1999 and I did my MD (Pharmacology) from the Madras Medical College in 2003. My date of birth is 27.06.1976. My registration no. is 62862 of Tamilnadu Medical Council.*

*At present I am working as Lecturer at Mahatma Gandhi Medical College, Pondicherry where I joined on 15.12.2003 and was physically present during the MCI inspection held there on 16.03.2004.*

*On 31.03.2004 I was physically present at PES Instt. of Medical Sciences, Kuppam when MCI Inspection was being held. Actually, I was mis-guided by the authorities of PES instt. of Medical Sciences they assured me of a higher pay which did not reach me ultimately. While appeared before the MCI inspection on 31.03.2004 at PES Instt. of Medical Sciences, I did not take any permission from my parent institute i.e. Mahatma Gandhi Medical College but I appeared there after availing casual leave from my parent institute. I accept that I have done wrong thing and I assured that it would not be repeated in future.*

Sd/-  
(Dr. S.T. Balamurali)  
12.07.2005

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of Dr. S. T. Balamurli, the Ethics Committee noted that explanation /clarification has not been found to be satisfactory and the misconduct of making mis-declaration/misstatement in Declaration Form having been found to be established.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

"Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon'ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the

prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law.”

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

*“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.*

*Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.*

*The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.*

*Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.*

*Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.*

*This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.*

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of Dr. Balamurli along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

*Section 1.1.1.*

*A Physician shall uphold the dignity and honour of his profession.*

*Section 1.1.2.*

*The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.*

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr. Raghupati P. constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

*“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION*

*“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”*

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council further decided as under:

- (a) The names of Dr. Balamurali be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July, 2008.
- (b) He will not be eligible to be counted as a teacher at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.
- (c) The name of Dr. Balamurali be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided that the matter be placed before the General Body of the Council.

**46. Undertaking given by Dr. Raghupati P. for working in more than one medical college – Action to be taken in vvw of Code of Medical Ethics.**

Read: The undertaking given by Dr. Raghupati P. for working in more than one medical college and action to be taken in view of Code of Medical Ethics.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 11<sup>th</sup> & 12<sup>th</sup> August, 2005:-

The Ethics Committee heard Dr. Raghupati. P who appeared before the Ethics Committee at its meeting held on 11<sup>th</sup> & 12<sup>th</sup> August, 2005. Written statements was also taken from him which are as under: -

Statement of Dr. Raghupati P

*I Dr. Raghupati P did my MBBS from Mysore Medical College in the year 1973 and I did my MS (Anatomy) from the same Instt. in 1995. My date of birth is 24.04.1942. My registration no. is 12237 of Karnatka Medical Council.*

*I joined at MVJ Medical College as Associate Professor on 16.11.2001 and till date I am continuing their in the same capacity and appear before the MCI inspection team during its inspection held on 25.05.2004 in the same institute. On June, 2003 I was physically present*

*during the MCI inspection held at Amla Instt. of Medical Sciences, Amlanagar. But I did not take any salary / remuneration from that institute for being present there. I was physically present at Amla Instt. of Medical Sciences because an assurance was given to me by the authorities of that institute that I will paid Rs. 45000/- per months as salary if I want to join there. However, after the inspection was over they offered me only Rs. 35000/- per month as salary hence, I did not join there.*

Sd/-  
(Dr. Raghupati P)  
12.07.2005

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of Dr. Raghupati P., the Ethics Committee noted that explanation /clarification has not been found to be satisfactory and the misconduct of making mis-declaration/misstatement in Declaration Form having been found to be established.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

*"Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon'ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law."*

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

*"Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.*

*Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.*

*The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.*

*Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.*

*Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.*

*This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.*

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of Dr. Raghupati P along with the opinion of Advocate of this Council. Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

*Section 1.1.1.*

*A Physician shall uphold the dignity and honour of his profession.*

*Section 1.1.2.*

*The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.*

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr. Raghupati P. constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

*“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION*

*“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the*

*Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”*

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council further decided as under:

- (a) The names of Dr. Raghupati P. be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July, 2008.
- (b) He will not be eligible to be counted as a teacher at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.
- (c) The name of Dr. Raghupati P. be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided that the matter be placed before the General Body of the Council.

#### **47. Creation of Post of Chief Vigilance Officer in the Council Office.**

Read: The matter with regard to creation of post of Chief Vigilance 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 noted para 10 of the observations/recommendations of the 8<sup>th</sup> Report of the Estimate Committee on the subject of MCI which was presented to Lok Sabha on 29.4.2005 which reads as under:-

“It is pertinent to note that there is no vigilance section or post of Chief Vigilance Officer in an organization like MCI that is engaged in granting of approval of courses in medical colleges and monitoring of medical education in the country where there are ample opportunities of red tapism, corruption and favouritism. It is astonishing to note that even a Public Grievances Redressal Cell does not exist in MCI. A person who has a grievance has no proper channel to get it redressed. Moreover, there is no mechanism for an ongoing surveillance on the functioning of official of MCI. The Committee, therefore, recommend that a post of Chief Vigilance Officer should be created in MCI who will report directly to the President of the Council and the post be filled up expeditiously. A Public Grievances Redressal Cell should also be set up in MCI which should function under the Chief Vigilance Officer, who should be a person belonging to an organized service, like the Indian Police Service. The Committee would like to be apprised of the action taken for implementation of these recommendations.”

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council also noted the letter of Central Government wherein the Council has been asked to forward the action taken report to the Central Government by 14<sup>th</sup> November, 2005.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided to create the post of Chief Vigilance Officer in the Council Office and also directed office to obtain details of Recruitment Rules/Pay Scales/any other relevant information from other Govt/Semi-Govt./Autonomous Institutions wherever such post is existing and place the same before the Executive Committee.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council in view of the recommendations of the Estimate Committee to fill up the post expeditiously perused the Bio-Data of Lt. Gen. Kapil Vij (AVSM) who was commissioned on February 9, 1964 into the Indian Armed Forces and retired as Director General Rashtriya Rifles in the rank of Lt. Gen. and who has also held the command appointments including Command of Tank Regiment and brigade and Infantry Division and strike corps during mobilization of operation Parakram. The Committee further observed that he has been Military, Naval and Air

attache at Indian Embassy in Belgrade, Yugoslavia for three years and has held important assignments from time to time.

In view of the recommendations of the Estimate Committee to fill up the post expeditiously, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to appoint Lt. Gen. Kapil Vij on purely adhoc basis for a period of one year or till the creation of post and the recruitment rules are approved by the Central Government and the post is filled up on regular basis, whichever is earlier, on the same terms & conditions by which the retired Central Government officers are re-employed.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council took cognizance of the recommendations contained in the Eight Report of the Estimate Committee on the subject of MCI recommending that the post of Chief Vigilance Officer be filled expeditiously and directed the Secretary of the Council to issue the appointment order to Lt. Gen. Kapil Vij (AVSM) immediately and place the matter before the General Body of the Council.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further decided that Public Grievance Redressal Cell will work directly under the Chief Vigilance Officer.

**48. Approval of the Minutes of the meetings of the Building Committee held on 26/07/2005 and 03/08/2005.**

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 Building Committee meetings held on 26/07/2005 and 03/08/2005.

**49. Alleged misconduct of Dr. K.K. Arora, Deputy Secretary.**

Read: The matter with regard to alleged misconduct of Dr. K.K. Arora, Deputy Secretary.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the following:-

"The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council with regard to the alleged misconduct of Dr. K.K. Arora, Deputy Secretary of the Council in its meeting held on 30.12.2004 had considered the report of the Sub-Committee and decided as under:-

"The report has been perused. The members also perused the legal opinion received by the Council from the Council Advocate and also from the Id. Addl. Solicitor General of India. The members found themselves in complete agreement with the conclusions in the legal opinion, inter-alia to the effect that the alleged misconduct is serious and gross. In the facts and circumstances as explained, it is decided that orders be issued -

- (i) For placing Dr. K.K. Arora, Deputy Secretary under suspension with immediate effect; &
- (ii) to initiate and conclude disciplinary action for the alleged misconduct against Dr. K.K. Arora in accordance with the rules."

Dr. K.K. Arora was placed under suspension w.e.f. 31.12.2004 and DGHS, Govt. of India was requested vide the Council letter dated 11.01.2005 to spare an officer of the DGHS for the purpose of conducting disciplinary enquiry against Dr. K.K. Arora in the reported incident. DGHS vide its letter dated 18.01.2005 had conveyed the nomination of Prof. Sanjay Srivastav, Assistant Director General (Medical Education) for conducting the disciplinary enquiry against Dr. K.K. Arora. Vide its letter dated 12.04.2005 the office of the Council had supplied the requisite necessary papers for conducting the disciplinary enquiry. However, before the enquiry could be completed Dr. Sanjay Srivastav has been repatriated to his parent cadre and is now no longer employed as Assistant Director

General (Medical Education) in the office of DGHS. Vide his letter dt. 30.08.2005, Dr. Srivastav has returned the original papers received by him from the Council.

In the meanwhile Dr. K.K. Arora had filed Writ Petition (C) No.7281 of 2005 in the Hon'ble High court of Delhi wherein the Id. Single Judge has held as under:-

.....“For all these manifold reasons the impugned suspension order dated 31.12.2004 is quashed.

The second prayer viz. to restore the services of the petitioner as on 31.12.2004 is too vague. What the petitioner perhaps wants is the cancellation of the order dated 15.03.2005 whereby an inquiry has been initiated. It has been repeatedly held by the Hon'ble Supreme Court that jurial interference in such matters is to be abjured. I had the occasion to consider this very question in Danvir Verma Vs. Punjab National Bank, 2005 II AD (DELHI) 237. Inquiries must run their course unless on a plain reading of the charges no offence is made out. This situation does not present itself in the present case. The prayer, therefore, to interdict the inquiry which has commenced by means of Memorandum dated 15.03.2005 is rejected.”

It is further stated that the Council has preferred an appeal in the Hon'ble Delhi High Court in the matter before the Division Bench. The matter is reserved for judgement.

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 appoint Mr. P.C. Rawal, as the Enquiry Officer in the matter who is a former Indian Administrative Service Officer of 1969 batch. He has superannuated as Secretary, Coordination, Cabinet Secretariat, Govt. of India on 30<sup>th</sup> June, 2005 and had also functioned on the Board of Directors of various Public Sector Undertakings such as IPCL, IDPL and others as well as nominee Director on the board of Central and State Financial Institutions.

It was further decided that Mr. P.C. Rawal, IAS may be requested to complete the enquiry and submit his report within three months from the date of his acceptance as an Enquiry Officer. It was further decided that total emoluments payable to Mr. P.C. Rawal, IAS shall be Rs. 1,00,000/- *in-toto*. He will be provided with transport facility and secretarial assistance as and when required.

**50. Request for permission of IIIrd MBBS semester VIIIth student to carry out the one of the clinical terms i.e. Medicine, Surgery, Obst. & Gynae. & Pediatrics at University of Massachusetts Medical School, Woreester, Massachusetts, USA – letter received from Dean, Seth G.S. Medical College, Mumbai.**

Read: The letter received from the Dean, Seth G.S. Medical College, Mumbai for permission of IIIrd MBBS semester VIIIth student to carry out the one of the clinical terms i.e. Medicine, Surgery, Obst. & Gynae. & Pediatrics at University of Massachusetts Medical School, Woreester, Massachusetts, USA.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the contents of the letters received from the Dean, Seth G.S. Medical College, Mumbai and Dr. Avinash Patwardhan, Massachusetts, USA and further noted as under:

"The college has requested the Council to give No Objection to permit the following:-

1. To permit the IIIrd MBBS semester VIIIth student to carry out the one of the clinical terms i.e. Medicine, Surgery, Obst. & Gynae. & Pediatrics at University of Massachusetts Medical School, Worcester, Massachusetts, USA.
2. To treat this term as a part of requirement for completion of terms to be eligible for appearing for the final MBBS examination."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided that the matter may be placed before the General Body of the Council.

**51. Minutes of the Registration & Equivalence Committee held on 26/05/2005 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 Registration & Equivalence Committee held on 26.5.2005 subject to the following:

1. Item No. 4: **The FIRs lodged by the Council against the doctors whose verifications were received fake/forged-Investigation reports received from the Investigating Agency in respect of Mr. Rakesh Kumar**

Item No. 5: **The FIRs lodged by the Council against the doctors whose verifications were received fake/forged-Investigation reports received from the Investigating Agency in respect of Mr. Tarun Kumar Mittal**

- (1) The Registration Section should scrutinize each such case which has been brought before the Registration & Equivalence Committee and each such file should be put up before the Chairman, Registration & Equivalence Committee for further action in the matter.
- (2) In respect of item no.4: The FIRs lodged by the Council against the doctors whose verifications were received fake/forged-Investigation reports received from the Investigating Agency in respect of Mr. Rakesh Kumar, the Secretary of the Council was directed to take consequential action for the cancellation of permanent registration granted to Mr. Rakesh Kumar on 15.1.2003 and re-submit the file to the Chairman, Registration & Equivalence Committee for further action. Office was directed to find out as to why the process of cancellation of registration was not initiated at the time of filing the FIR.
- (3) In respect of item no. 8, Sh. Ashok Kumar, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the affidavit reply filed by the Council in respect of Writ Petition and directed to send both the certificates issued by the Principal of Shiv Prasad Singheshwari Mahavidyalaya issued on 11.2.2002 and 20.2.2003 and the two mark sheets issued by Bihar Intermediate Education Council, Patna bearing enlistment number 5180, dated 7.12.2000 and enlistment number 6180, dated 11.1.2003 to the Chief Secretary, Government of Bihar for further verification in the matter.
- (4) The Office was further directed to place each such file wherein the compliant has been lodged and wherein the report has been received from the Police Authorities before the Chairman, Registration & Equivalence Committee for further appropriate action in the matter.

**52. Establishment of new medical college at Azamgarh by All India Children Care & Educational Development Society, Azamgarh.**

Read: The matter with regard to Establishment of new medical college at Azamgarh by All India Children Care & Educational Development Society, Azamgarh along with the legal opinion obtained from the Council Advocate.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the legal opinion received by the Council Office on 7<sup>th</sup> October, 2005 and the operative part of which reads as under:-

“...One of the relevant facts in relation to the application u/s 10A of this applicant is that reliance has been placed by the applicant on a lease deed dated 29.3.1996 pertaining to 22 acres of land for satisfying the statutory requirement of ownership and possession of 25 acres of land for establishing a new medical college. In addition to the claim for the above mentioned lease deed for land ad-measuring 22.493 acres, the applicant has claimed ownership of further land ad-measuring 6.454 acres.

The lease deed for the substantial portion of the land constituting 22.493 acres dated 29.3.1996 is stated to have been executed in favour of the applicant by Shri Durgaji Mandir Trust, Chandesar, Azamgarh.

With reference to the above-mentioned lease deed dated 29.3.1996, the Council, inter-alia, had been earlier advised that there is a judgement of the Id. Additional District Judge dated 24.5.1997 wherein a finding has been given by the Id. ADJ that lease deed dated 29.3.1996 is void. Some of the relevant observations made in the judgement of the Id. ADJ are as under:-

- “(a) That there was a clear admission on the part of the respondents therein that the lease deed dated 29.3.1996 is null and void ab initio, even though it was the respondent’s contention that the appellant Sh. Ram Patal Chaturvedi could not have challenged the same.
- (b) That the lease deed dated 29.3.1996 was in violation of the Zamindari Abolition and Land Reforms Act.
- (c) That the lease deed dated 29.3.1996 is void for want of prior permission of the Directorate of Education in terms of the relevant laws applicable to the State of U.P. in this respect.
- (d) That the facts clearly indicate that there was insufficient consideration for the transfer/execution of lease deed dated 29.3.1996 and the transfer has not taken place for the purpose of establishment of a medical college...”

It is also significant to notice that the said Shri Durgaji Mandir Trust, from whom the applicant is claiming to have a lease deed for more than 22 acres of land, has addressed a letter to the MCI received in the office of the Council on 11.11.2004, copy whereof is enclosed herewith for ready reference. Through this communication, Shri Durgaji Mandir Trust has informed the council that the land in question belongs to Shri Durgaji Mandir Trust, Chandesar, Azamgarh. Shri Bajrang Tripathy of All India Children Medicare & Educational Development Society, Azamgarh by concealing the fact that the lease deed dated 29.3.1996 has been declared to be null and void by the Id. ADJ, has fraudulently obtained a letter from the District Officer, Azamgarh and for nullification whereof Shri Durgaji Mandir Trust has already submitted an application with the District Officer, Azamgarh. The said Trust has accordingly requested the MCI to initiate legal proceedings against Shri Bajrang Tripathy.

It is further to be seen that even earlier, this college had applied for permission u/s 10A of the Act. It admitted students without obtaining the permission of the Central Govt. u/s 10A of the Act, on the recommendations of the MCI. It claimed the benefit of deemed permission. Students were admitted. Subsequently, the Hon’ble Supreme Court set aside the judgement of the Hon’ble High Court.(UOI & Ors. Vs. All India Children Care & Educational Development society, Azamgarh & Anr.. – (2002) 3 SCC 649). The students who were admitted pursuant to the orders of the Hon’ble Supreme Court were then required to be adjusted in other medical colleges(Asheesh Pratap Sing & Ors. Vs. UOI & Ors. – (2002) 4 SCC 216).

As such, in my opinion, with such disputed documents on ownership of the land in question, it would not be permissible for the querist Council to entertain this application u/s 10A of the Act till documents establishing clear title/ownership and possession with regard to 25 acres of contiguous piece of land are furnished by the applicant, as required by the statutory regulations of the Council.

Under these circumstances, I am of the opinion that in the light of the above-mentioned communication of Shri Durgaji Mandir Trust received by the office of Council on 11.11.2004, the applicant cannot claim the ownership and possession of this 22 acres of land. In my view the applicant therefore, does not fulfil the statutory pre-condition of ownership of 25 acres of unitary piece of land. The querist Council is advised to take appropriate steps for return of the application of the applicant, to the Central Govt.”

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 reiterate its earlier decision taken at its meeting held on 14<sup>th</sup> and 15<sup>th</sup> June, 2005 disapproving the scheme for establishment of medical college at Azamgarh u/s 10A of the IMC Act, 1956 and to return the file to the Central Government.

**53. Selection for the post of Law Officer in the Office of the Medical Council of India.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the recommendations of the Selection Committee and decided to appoint Shri Annam Tirupati Rao, Sl. No. 16 on the post of Law Officer.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council took cognizance of the recommendations contained in the Eight Report of the Estimate Committee on the subject of MCI on this matter which reads as under:-

"The Committee therefore desires that the post should be advertised and fill up within a period of 3 months and the Committee be apprised of the same."

In view of above, the Secretary of the Council was directed to issue the appointment order for the selected candidate Shri Annam Tirupati Rao immediately in the pay scale of Rs. 12000-375-16500.

**54. Implementation of "Right to Information Act,2005".**

Read: Letter No. Z-17025/15/2005-Coordn., dated 24<sup>th</sup> August, 2005 received from the Central Government, Ministry of Health & F.W., New Delhi regarding implementation of "Right to Information Act,2005".

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the letter received from Govt. of India dated 24<sup>th</sup> August, 2005 and decided that Lt. Gen. (Retd.) Kapil Vij (AVSM) who is being appointed as Chief Vigilance Officer to also act as Public Information Officer of the Council and directed the Secretary to make interim arrangements for the intervening period till Lt. Gen. (Retd.) Kapil Vij assumes charge, as per the instructions of the President (Acting) in the matter.

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

New Delhi, Dated the  
12<sup>th</sup> November, 2005

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

(DR. P. C. KESAVANKUTTY NAYAR)  
PRESIDENT (ACTING)

At this point, the Secretary and other staff members were asked to leave the meeting. The item no. 55 was discussed in camera and the minutes are being prepared and submitted by the President (Acting) separately.