

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

Medical Council of India

120th Session

Minutes of the meeting held on 3rd/4th June,2002

The Council met in the Council Office, Aiwan-E-Galib Marg, Kotla Road, New Delhi-110 002 on 3rd & 4th June,2002 at 11.00 a.m. with Maj Gen (Retd) SP Jhington, Kirti Chakra, VSM, Administrator, Medical Council of India in the Chair.

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Present :

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

Dr. (Mrs.) M. Sachdeva – Secretary

Apologies for absence were received from the following members:-

1. Dr. B.C. Chhapparwal
2. Dr. G. Sham Sunder
3. Dr. B.C. Das
4. Dr. L.S. Chawla
5. Dr. Ketan Desai
6. Dr. S.K. Sharma
7. Dr. A. Rajasekaran
8. Dr. T.R. Gyatso
9. Dr. M.K. Bhowmik
10. Dr. R.C. Arora

At the outset the Administrator informed the House that a writ petition No. 3578/2002 was filed by one Dr. K.P. Aggarwal Vs. Union of India & Anr. on 29.05.2002 before the Hon'ble Delhi High Court regarding elections which was dismissed by the order of the Hon'ble Delhi High Court dated 30.05.2002.

The opinion of the Ld. Solicitor General of India as an enclosure to communication dated 15.5.2002 received from the Central Govt. which was obtained regarding holding the elections for the Executive Committee, Postgraduate Committee and Representation of the Council on other bodies (Item Nos. 4,5,6,) were read out to the Council. The operative part of the same is reproduced here in below:-

“.....Therefore, in my opinion, it is not only legally permissible but imperative and in public interest that this exercise be completed as soon as possible. It would be advisable for the Union of India to communicate its views in the matter to the Medical Council of India and request them to take appropriate steps forthwith so as to obviate the need for moving the Supreme Court for orders.”

The members were further informed that a LPA No.470/2002 was filed by Dr. K.P. Aggarwal before the Division Bench of Delhi High Court which came up for hearing on 03.06.2002. The Division Bench of Hon'ble Delhi High Court vide its order dated 03.06.2002 stayed the elections to be

held for the posts of Executive Committee and the Postgraduate Medical Education Committee and the Hon'ble Division Bench had directed the Administrator to appear on 05.06.2002 before the Hon'ble court to which date the matter was adjourned. This message of interim stay was also submitted in writing from Dr. A.K. Gupta for the Administrator through his P.S. submitted in writing which was read out by the Administrator to the House.

The General Body felt that the Council has not been represented/defended properly by the Advocates particularly in the recent past before the Hon'ble courts for which reason the Council has been losing cases of late. The members also felt that the Advocates engaged to defend the MCI have not been appearing before the Hon'ble Courts as required.

Administrator informed the members that according to existing procedure when the cases were being defended earlier by Mr. Maninder Singh, Advocate/Ld. Additional Solicitor General or Ld. Solicitor General, there was no practice to hand over any brief to them. However, the procedure for handing over proper brief to the Advocates has been started by him now, hence, it is not correct to say that the cases are not being defended properly by the Council now.

After much deliberations, an unanimous resolution was then passed by the House by constituting itself into a Committee and resolved to prefer an appeal before the Hon'ble Supreme Court (Appellate jurisdiction) against the interim orders passed by the Ld. Division Bench of Delhi High Court and also against subsequent orders passed if any and authorised the Administrator to appoint an appropriate Counsel to defend the same forthwith in the interest of protecting and upholding the unanimous position adopted by the Council. The Council further resolved to nominate Dr. Ved Prakash Mishra and Dr. D.K. Sharma, members of the Council to monitor the legal matters on behalf of the Council, including the one before the Hon'ble Delhi High Court preferred by one Dr. K.P. Aggarwal, in co-ordination with the Secretary, MCI henceforth and in view of the explicit

opinion expressed by the Administrator that his stand being different he will not be able to discharge the obligation, the resolution was then modified to the effect that Secretary of the Council in place of the Administrator in consultation with the Committee constituted by the Council will appoint appropriate Counsel to defend the legal cases and the Monitoring Committee shall remain present on behalf of the Council before the Hon'ble Delhi High Court on 5th June, 2002 wherein the Administrator has been directed to remain present in person.

Members also desired to know from the Administrator the efforts made by him for filling up the vacancies in the various constituencies u/s 3 to see that the elections in the Council are held at the earliest. The Administrator read out the latest status of the vacancies in the Council. He further informed about the letters sent to the Central Govt. for filling up the vacant positions and stated that it is the Central Govt. who is assigned with the job of filling up the vacancies in the Council as per the provisions of the Act. Members desired that the complete details about the vacancy position as well as the letters sent to the Central Govt. to fill up the vacancies and the replies received from the Central Govt. in this regard be forwarded to them for their information and perusal. The Chair agreed for the same. It was noted in the General Body that the membership has come down from 77 members to 71 members, after the Administrator had taken over.

The members also desired that the Administrator may inform about the areas where he has found corruption in the Council during the period of last 6 months to which the Administrator replied that he is convinced that there are cases where corruption is there and to this effect he has submitted a confidential report to the Hon'ble Supreme Court, hence, he has nothing more to share with the Council.

After discussions, Dr. Ved Prakash Mishra categorically desired to know the following from the Administrator. Replies of the Administrator to the queries are recorded in front of the queries:-

1. As of now does the Chair has anything pin pointed about any member(s) of the Executive Committee to have created any impediments whatsoever, in the entire functioning of the Council to which Administrator said that he has filed a confidential report to the Hon'ble Supreme Court which cannot be disclosed to the Council to which Dr. Mishra proposed that notwithstanding what is included in the said report does he have anything pin pointed in regard to Executive Committee members to have created impediments in the functioning of the Council to which he replied – No.
2. Has the Administrator anything pin pointed to bring to the notice of the Council in regard to any event of corruption in the MCI with relevant details to which he replied he has few general observations in regard to issue of registration to Russian students and no other specific details.
3. To a specific query that as to whether the Chair has anything pin pointed about any member of the General Body to have created any impediments whatsoever in the entire functioning of the Council. Administrator replied an emphatic – No.

The minutes to this extent were read out to the House and were confirmed.

The Administrator informed the members that he had met the Health Secretary where the Health Secretary expressed his concern about pending cases of undergraduate and postgraduate courses and the pressures Ministry is receiving for the matters pertaining to starting of new medical colleges u/s 10A, recognition/renewal of permission for undergraduate and postgraduate courses. To this effect, he read out the contents of letter dated 03.06.2002 received from the Central Govt. with regard to pending proposals for establishment of new medical colleges/renewal of permissions/increase of seating capacity where the Central Govt. has informed that all these pending

cases be considered by the General Body in its meeting being held on 3rd & 4th June,2002 as it is necessary to send the recommendations by the Council to the Central Govt. before 15.06.2002. Administrator informed that he does not want to deviate from the normal procedure and desired the members to decide the best recourse for taking decisions on these matters. It was then decided that an emergent meeting of the Executive Committee be called before 15.06.2002.

In view of the alarming piling up of the postgraduate matters pending consideration by the Postgraduate Committee Dr. Ved Prakash Mishra drew the attention of the House to the affidavit filed by the Central Govt. in IA No. 13-14 in CA Nos. 605-606/2002 Union of India Vs. Dr. Harish Bhalla and Ors. before the Hon'ble Supreme Court where the Central Govt. has clearly stated as under:-

“.....that as per the amended Notification dated 27.10.2000 amending the Postgraduate Education Committee Rules 1961, the quorum for the PG Committee has been prescribed as 5 members. The Central Govt. has already constituted the PG Committee with 6 members in accordance with the provisions of Section 20 of the Act. The Central Govt. is also clearly of the opinion that the non-filling up of the 3 members of the PG Committee is on account of failure to convene the meeting of the General Body of the Council. In any case, it is respectfully submitted that the Central Government has not restrained the PG Committee constituted in accordance with law by the Central Govt. vide notification dated 22.11.2001 with 6 members, from holding its meetings for taking decisions in a number of cases which are pending consideration before it and when the quorum prescribed by law is 5 members. The Central Government vide letter dated 12.02.2002 had only urged the Council to fill-up the 3 memberships of PG Committee to be elected by the General Body without delay.....”

In light of these facts, it was decided that the Postgraduate Committee meeting be also held before 15.06.2002.

Rest of the agenda was then taken up as under:-

1. Notification of new members.

Secretary read out the notification of the following new member elected/nominated as members of the Council since the last meeting of the Council held on 30th April/1st May,2002:-

<u>Sl.No.</u>	<u>Name of Member</u>	<u>u/s</u>	<u>Constituency</u>
1.	Dr.(Mrs.) Joba Helen Soren	3(1)(a)	Govt. of Jharkhand

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

The Council received a letter dated 27.5.2002 from Dr. A.Rajasekaran as his observations on the minutes of the General Body meeting held on 30th April/1st May,2002.

Points raised by Dr. A. Rajasekaran in his letter were read out to the House and Council noted that the contents of the letter did not call for any corrections in the minutes as per the provisions of Regulation 29. Moreover, the objections/dissents which have now been sent against various matters should have been raised/pointed out during the meeting itself.

Regarding the observation of Dr. A. Rajasekaran for the Secretary that “It would further reconfirm the observation of the Delhi High Court that it is the vested interest group that is controlling the affairs of the MCI – Does the Secretary want herself to be identified with such a group?”

As the above observation made by Dr. A. Rajasekaran was said to be uncalled for, hence, the Council decided that it cannot become part of the minutes. The Secretary was given liberty to deal the matter independently in terms of the observation in the said letter pertaining to her as she may deem necessary.

A letter dated 22.05.2002 was also received from Dr. Ved Prakash Mishra where he had observed that in his considered opinion the recording of minutes were not in consonance with the proceedings that actually took place in the meeting and similarly at places what had been included in the minutes had never taken place as it could be revealed from the audio tapes in which the proceedings are Ad-verbatim recorded.

The members authorised Dr. Ved Prakash Mishra along with the Secretary to make appropriate changes/corrections in the minutes of the meeting of the Council held on 30th April/1st May,2002 in terms of the recorded proceedings and the corrected minutes be placed before the General Body on 04.06.2002.

3. Minutes of the last meeting of the Council – Action taken thereon.

Regarding the action taken report, it was decided that the same will be discussed tomorrow on 04.06.2002. Hence, the action taken report is recorded on pages No. 48 & 49.

4. Executive Committee – Election of members.

(i) University Group:

To elect four members of the Executive Committee representing University Group vice (i) Dr. P.M. Jadhav, (ii) Dr. (Mrs.) Usha Sharma, (iii) Dr. Prakash M. Shah & (iv) Dr. K. Ananda Kannan whose term expired on 30.3.2002 as members of the Executive Committee.

(ii) Nominated Group :

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

(iii) R.M.G. Group :

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

5. Postgraduate Medical Education Committee – Election of member.

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

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

(i) Drugs Technical Advisory Board.

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

(ii) **Indian Parliamentary Scientific Committee.**

To elect a member of the Council as its representative on Indian Parliamentary Scientific Committee for a full term of three years in place of Dr. C. Das who ceased to be a member of the said Committee on 21.3.2002.

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

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

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

To elect two members of the Council as its representative on Dr. B.C. Roy National Award Fund for a full term of five years in place of (i) Dr. V.K. Puri and (ii) Dr. W.K. Belokar who ceased to be members of the Committee.

The above items i.e. 4,5 & 6 were not taken up in light of the order of the Division Bench of the Hon'ble Delhi Court dated 03.06.2002 in LPA No. 470/2002 Dr. K.P. Aggarwal Vs. Union of India & Anrs. as communicated by the Advocate appearing on behalf of the Council.

Deferred items of the General Body of the Council held on 30th April & 1st May, 2002:-

24. **Eligibility qualification for admission to DM (Pulmonary Medicine & Critical Care Medicine) qualification for inclusion in the regulations of Council on Postgraduate Medical Education – regarding.**

Read : matter with regard to eligibility qualification for admission to DM (Pulmonary Medicine & Critical Care Medicine) qualification for inclusion in the regulations of Council on Postgraduate Medical Education.

The Council considered the matter with regard to eligibility qualification for admission to DM(Pulmonary Medicine & Critical Care Medicine) qualification for inclusion in the regulations of Council on Postgraduate Medical Education and noted the following recommendations of the Postgraduate Committee:-

“The Postgraduate Committee considered the matter and decided to recommend that the eligibility qualification for admission to DM (Pulmonary & Critical Care Medicine) be as under :-

- i) M.D. (Gen. Medicine) or its equivalent qualification.
- ii) M.D. (Paediatrics) or its equivalent qualification.”

The Council deliberated in the matter and noted the views expressed by the members to review the nomenclature of DM qualification as Critical Care, has nothing to do with Pulmonary Medicine, it being a different speciality.

It was also discussed to include M.D.(Respiratory Diseases) and M.D.(Anaesthesia) as eligible qualifications for admission to DM(Pulmonary Medicine & Critical Care Medicine) along with M.D.(Paediatrics) and M.D.(Medicine).

In light of the above discussions, the Council decided to refer the matter back to the Postgraduate Committee for (1) reviewing the nomenclature of the speciality and (2) consider inclusion of M.D.(Respiratory Diseases) and M.D.(Anaesthesia) as eligible qualifications for admission to DM(Pulmonary Medicine & Critical Care Medicine) in addition to M.D.(General Medicine) and M.D.(Paediatrics).

26. Andhra University, Andhra Pradesh University of Health Sciences, Vijayawada and N.T.R. University of Health Sciences, Vijayawada - Approval of Rangaraya Medical College, Kakinada for the award of M.D.(General Medicine) qualification.

Read : the Council Inspector’s report (May, 2001) on the standard of examination and other teaching facilities available at Rangaraya Medical College, Kakinada for approval of the college for the award of M.D.(General Medicine) qualifications granted by Andhra University, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada.

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

“The Postgraduate Committee considered the Council Inspector’s report (May, 2001) and decided to recommend that Rangaraya Medical College, Kakinada be approved for the award of M.D. (General Medicine) qualification earlier granted by Andhra University, Andhra Pradesh University of Health Sciences, Vijayawada & now by NTR University of Health Sciences, Vijayawada restricting the number of admissions to 4(four) students per year. The attention of the authorities concerned be drawn towards the implementation of various observations especially with regards to casualty department and ICU made in the inspection report.”

27. i) **Andhra University, Andhra Pradesh University of Health Sciences, Vijayawada & N.T.R. University of Health Sciences, Vijayawada- Approval of Guntur Medical College, Guntur for the award of M.D.(Biochemistry) qualification.**

ii) **Nagarjuna University – Recognition of M.D. (Biochemistry) qualification in respect of students being trained at Guntur Medical College, Guntur.**

Read : the Council Inspector's report (May, 2001) on the standard of examination and other teaching facilities available at Guntur Medical College, Guntur for purpose of i) approval of the college for the award of M.D.(Biochemistry) qualification granted by Andhra University, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada and ii) recognition of M.D.(Biochemistry) qualification granted by Nagarjuna University.

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

“The Postgraduate Committee considered the Council Inspector's report (May, 2001) and decided to recommend that –

- i) M.D. (Biochemistry) qualification earlier granted by Nagarjuna University in respect of students being trained at Guntur Medical College, Guntur be recognised and included in the 1st Schedule to the IMC Act, 1956 restricting the number of admissions to 2(two) students per year.
- ii) Guntur Medical College, Guntur be approved for the award of M.D. (Biochemistry) qualification earlier granted by Andhra University, Andhra Pradesh University of Health Sciences, Vijayawada & now by NTR University of Health Sciences, Vijayawada. Restricting the number of admissions to 2(two) students per year.

The attention of the authorities of the institution be drawn towards the implementation of the various observations especially regarding Molecular Biology and Immunology diagnostic laboratory, made by the Council Inspector in the inspection report within a period of six months.”

28. i) **Andhra University, Andhra Pradesh University of Health Sciences, Vijayawada & N.T.R. University of Health Sciences, Vijayawada – Recognition of M.D.(T.B. & Chest Dise./ T.B. & Resp. Dise.) qualification in respect of students being trained at Guntur Medical College, Guntur and also approval of the college for the award of DTCD qualification.**

ii) Nagarjuna University – Recognition of MD (T.B. & Chest Dise./ T.B. & Resp. Dise.) and DTCD qualification in respect of Guntur Medical College, Guntur.

Read : the Council Inspector’s report (May, 2001) on the standard of examination and other teaching facilities available at Guntur Medical College, Guntur for purpose of i) recognition of MD (T.B. & Chest Dise./T.B. & Resp. Dise.) qualification granted by Andhra University, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada and approval of the college for the award of DTCD qualification and also (ii) recognition of MD (T.B. & Chest Dise./ T.B. & Resp. Dise.) and DTCD qualifications granted by Nagarjuna University.

The Council considered the following recommendations of the Postgraduate Committee taken with regard to recognition/approval of M.D.(T.B.&Chest Diseases/T.B. & Respiratory Diseases) and DTCD qualifications:-

“The Postgraduate Committee considered the Council Inspector’s report (May,2001) and decided to recommend that –

- i) M.D.(T.B. & Chest Diseases/T.B. & Respiratory Diseases) qualification earlier granted by Andhra University, Nagarjuna University, Andhra Pradesh University of Health Sciences, Vijayawada & now by NTR University of Health Sciences, Vijayawada in respect of students being trained at Guntur Medical College be recognised and included in the first Schedule to the IMC Act,1956 restricting the number of admission to 1(one) student per year.
- ii) DTCD qualification earlier granted by Nagarjuna University in respect of students being trained at Guntur Medical College, Guntur be recognised and included in the first Schedule to the IMC Act, 1956 restricting the number of admission to 1(one) student per year.
- iii) Guntur Medical College, Guntur be approved for the award of DTCD qualification earlier granted by Andhra University, Nagarjuna University, Andhra Pradesh University of Health Sciences, Vijayawada & now by NTR University of Health Sciences, Vijayawada restricting the number of admission to 1(one) student per year.”

The Council noted that the M.D. degree in T.B. & Chest Diseases/T.B. & Respiratory Diseases) has been awarded to the students being trained at Guntur Medical College, Guntur in this speciality by Nagarjuna University, Andhra University, Andhra Pradesh University of Health Sciences and NTR University of Health Sciences, Vijayawada.

The Council further observed that different nomenclatures have been prescribed by the Universities to which Guntur Medical College, Guntur had been affiliated from time to time for this subject. The Council also observed that the Universities did not apply for recognition of these degrees whereas the courses were being conducted at Guntur Medical College, Guntur since long.

It was decided that as the University has not been following the nomenclature prescribed by the Council, hence, the matter be referred back to the Postgraduate Committee for its reconsideration.

The Council further considered the matter with regard to approval of Guntur Medical College, Guntur for the award of DTCD qualification and approved the recommendations of the Postgraduate Committee in this regard as quoted in para (ii) & para (iii) of the decision above.

29. Osmania University, Hyderabad, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada – Recognition of M.Ch.(Cardio Thoracic Surgery) qualification in respect of students being trained at Osmania Medical College, Hyderabad.

Read : the Council Inspector's report (June, 2001) on the standard of examination and other teaching facilities available at Osmania Medical College, Hyderabad for purpose of recognition of M.Ch.(Cardio Thoracic Surgery) qualification granted by Osmania University, Hyderabad, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada.

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

“The Postgraduate Committee considered the Council Inspector's report (June, 2001) and decided to recommend that M.Ch. (Cardio Thoracic Surgery) qualification earlier granted by Osmania University, Hyderabad, Andhra Pradesh University of Health Sciences, Vijayawada & now by NTR University of Health Sciences, Vijayawada in respect of students being trained at Osmania Medical College, Hyderabad be recognised and included in the first Schedule to the IMC Act, 1956 restricting the number of admission to 1(one) student per year. “

30. i) Andhra University – Recognition of MD (Microbiology) qualification in respect of students being trained at Andhra Medical College, Visakhapatnam.

ii) Andhra Pradesh University of Health Sciences, Vijayawada and N.T.R. University of Health Sciences, Vijayawada - Approval of Andhra Medical College, Visakhapatnam for the award of M.D.(Microbiology) qualification.

Read : the Council Inspector's report (May, 2001) on the standard of examination and other teaching facilities available at Andhra Medical College, Visakhapatnam for i) recognition of MD(Microbiology) qualification granted by Andhra University and ii) approval of the college for the award of M.D.(Microbiology) qualification granted by Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada.

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

“The Postgraduate Committee considered the Council Inspector's report (May, 2001) and decided to recommend that –

- i) M.D. (Microbiology) qualification earlier granted by Andhra University in respect of students being trained at Andhra Medical College, Visakhapatnam be recognised and included in the first Schedule to the IMC Act, 1956 restricting the number of admissions to 2(two) students per year.
- ii) Andhra Medical College, Visakhapatnam be approved for the award of M.D. (Microbiology) qualification earlier granted by Andhra Pradesh University of Health Sciences, Vijayawada & now by NTR University of Health Sciences, Vijayawada restricting the number of admissions to 2(two) students per year.”

31. i) Andhra University – Recognition of MD (Anaesthesia) qualification in respect of students being trained at Andhra Medical College, Visakhapatnam.

ii) Andhra Pradesh University of Health Sciences, Vijayawada and N.T.R. University of Health Sciences, Vijayawada - Approval Andhra Medical College, Visakhapatnam for the award of M.D.(Anaesthesia) qualification.

Read : the Council Inspector's report (May, 2001) on the standard of examination and other teaching facilities available at Andhra Medical College, Visakhapatnam for i) recognition of MD(Anaesthesia) qualification granted by Andhra University and ii) approval of the college for the award of M.D.(Anaesthesia) qualification granted by Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada.

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

“The Postgraduate Committee considered the Council Inspector’s report (May, 2001) and decided to recommend that –

- i) M.D. (Anaesthesia) qualification earlier granted by Andhra University in respect of students being trained at Andhra Medical College, Visakhapatnam be recognised and included in the first Schedule to the IMC Act, 1956 restricting the number of admissions to 4(four) students per year.
- ii) The Committee further decided that Andhra Medical College, Visakhapatnam be approved for the award of M.D. (Anaesthesia) qualification earlier granted by Andhra Pradesh University of Health Sciences, Vijayawada & now by NTR University of Health Sciences, Vijayawada restricting the number of admissions to 4(four) students per year.

The attention of the authorities be drawn towards the implementation of various observations made by the Council Inspector in the inspection report.”

32. Andhra University, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada – Recognition of MD (T.B. & Chest Dise./ T.B. & Resp. Dise.) qualification in respect of students being trained at Andhra Medical College, Visakhapatnam.

Read : the Council Inspector’s report (May, 2001) on the standard of examination and other teaching facilities available at Andhra Medical College, Visakhapatnam for purpose of recognition of MD (T.B. & Chest Dise./ T.B. & Resp. Dise.) qualification granted by Andhra University, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada.

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

“The Postgraduate Committee considered the Council Inspector’s report (May, 2001) and decided to recommend that M.D. (T.B. & Chest Diseases / T.B. & Respiratory Diseases) qualification earlier granted by Andhra University, Andhra Pradesh University of Health Sciences & now by NTR University Health Sciences, Vijayawada, in respect of students being trained at Andhra Medical College, Visakhapatnam be recognised and included in the first Schedule to the IMC Act, 1956 restricting the number of admissions to 2 (two) students per year.

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

33. Poona University – Recognition of DM(Cardiology) qualification in respect of Students being trained at Armed Forces Medical College, Pune.

Read : the Council Inspector’s report (July, 2001) on the standard of examination and other teaching facilities available at Armed Forces Medical College, Pune for purpose of recognition of DM (Cardiology) qualification granted by Poona University.

The Council considered the matter with regard to recognition of D.M.(Cardiology) qualification granted by Poona University in respect of students being trained at Armed Forces Medical College, Pune along with the following recommendations of the Postgraduate Committee :-

“The Postgraduate Committee considered the Council Inspector’s report (July, 2001) and decided to recommend that D.M. (Cardiology) qualification granted by Poona University in respect of students being trained at Armed Forces Medical College, Pune be recognised and included in the first Schedule to the IMC Act, 1956 restricting the number of admission to 1(one) student per year.”

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

34. i) Osmania University, Andhra Pradesh University of Health Sciences, Vijayawada & N.T.R. University of Health Sciences, Vijayawada – Approval of Kakatiya Medical College, Warangal for the award of MD(Obst. & Gynae.) qualification.

ii) Kakatiya University – Recognition of MD(Obst. & Gynae.) qualification in respect of Kakatiya Medical College, Warangal.

Read : the Council Inspector’s report (May, 2001) on the standard of examination and other teaching facilities available at Kakatiya Medical College, Warangal for purpose of i) approval of the college for the award of MD (Obst. & Gynae.) qualification granted by Osmania University, Andhra Pradesh University of Health Sciences, Vijayawada & N.T.R. University of Health Sciences, Vijayawada and ii) recognition of M.D.(Obst. & Gynae.) qualification granted by Kakatiya University.

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

“The Postgraduate Committee considered the Council Inspector’s report (May, 2001) and decided to recommend that –

- i) M.D. (Obst. & Gynae.) qualification earlier granted by Kakatiya University in respect of students being trained at Kakatiya Medical College, Warangal be recognised and included in the first Schedule to the IMC Act, 1956 restricting the number of admissions to 4(four) students per year.
- ii) Kakatiya Medical College, Warangal be approved for the award of M.D. (Obst. & Gynae.) qualification earlier granted by by Osmania University, Andhra Pradesh University of Health Sciences, Vijayawada & now by N.T.R. University of Health Sciences, Vijayawada. Restricting the number of admissions to 4(four) students per year.

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

35. Burdwan University - Recognition of D.G.O. qualification in respect of students being trained at Burdwan Medical College, Burdwan.

Read : the Council Inspector’s report (June, 2001) on the standard of examination and other teaching facilities available at Burdwan Medical College, Burdwan for purpose recognition of DGO qualification granted by Burdwan University.

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

“The Postgraduate Committee considered the Council Inspector’s report (June, 2001) and decided to recommend that D.G.O. qualification granted by Burdwan University in respect of students being trained at Burdwan Medical College, Burdwan be recognised and included in the first Schedule to the IMC Act, 1956 restricting the number of admissions to 2(two) students per year. “

36. Sanjay Gandhi Postgraduate Instt. of Medical Sciences (Deemed University) Lucknow - Recognition of MD (Anaesthesia) qualification in respect of students being trained at Sanjay Gandhi Postgraduate Instt. Medical Sciences, Lucknow.

Read : the Council Inspector’s report (April, 2001) on the standard of examination and other teaching facilities available at Sanjay Gandhi

Postgraduate Instt. of Medical Sciences , Lucknow for purpose of recognition of MD (Anaesthesia) qualification granted by Sanjay Gandhi Postgraduate Instt. Medical Sciences, Lucknow (Deemed University).

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

“The Postgraduate Committee considered the Council Inspector’s report (April, 2001) and decided to recommend that M.D. (Anaesthesia) qualification granted by Sanjay Gandhi Postgraduate Instt. Medical Sciences, Lucknow (Deemed University), Lucknow in respect of students being trained at Sanjay Gandhi Postgraduate Instt. Medical Sciences, Lucknow be recognised and included in the first Schedule to the IMC Act, 1956 restricting the number of admissions to 2(two) students per year.

37. Mysore University and Rajiv Gandhi University of Health Sciences, Bangalore – Approval of J.S.S. Medical College, Mysore for the award of M.D.(Biochemistry) qualification – compliance regarding.

Read : the Council Inspector’s report (March, 99) on the standard of examination and other teaching facilities available at J.S.S. Medical College, Mysore together with compliance for the award of M.D.(Biochemistry) qualification granted by Mysore University and Rajiv Gandhi University of Health Sciences, Bangalore.

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

“The Postgraduate Committee considered the Council Inspector’s report (March, 99) together with the compliance and decided to recommend that J.S.S. Medical College, Mysore be approved for the award of M.D. (Biochemistry) qualification earlier granted by Mysore University and now by Rajiv Gandhi University of Health Sciences, Bangalore restricting the number of admissions to 2(two) students per year.”

38. Bangalore University – Continuance of recognition of M.S. (Ophthalmology) & D.O. qualifications in respect of students being trained at Bangalore Medical College, Bangalore – compliance verification regarding.

Read : the Council Inspector’s report (March, 2000) on the standard of examination and other teaching facilities available at Bangalore Medical College, Bangalore for together with compliance and compliance verification report (Feb.,2001) for purpose of continuance of recognition of M.S.(Ophthalmology) & D.O. qualifications granted by Bangalore University.

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

“The Postgraduate Committee considered the Council Inspector’s report (March, 2000) together with compliance verification report (Feb. 2001) and decided that the recognition of M.S. (Ophthalmology) & D.O. qualifications granted by Bangalore University in respect of students being trained at Bangalore Medical College, Bangalore be continued. However, the authorities of the institution are directed to prospectively restrict the annual intake, as per the Council Regulations on Postgraduate Medical Education, 2000, to 6(six) students in M.S. (Ophthalmology) and 7(seven) students in DO courses from the ensuing academic session and send the compliance to that effect.”

39. Bangalore University – Recognition of M.Ch.(Plastic Surgery) qualification in respect of students being trained at Bangalore Medical College, Bangalore – Compliance verification regarding.

Read : the Council Inspector’s report (Oct., 97) on the standard of examination and other teaching facilities available at Bangalore Medical College, Bangalore together with compliance and compliance verification report (April, 2001) for purpose of recognition of M.Ch.(Plastic Surgery) qualification granted by Bangalore University.

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

“The Postgraduate Committee considered the Council Inspector’s report (Oct. 97) together with compliance verification report (April, 2001) and decided to recommend that M.Ch. (Plastic Surgery) qualification granted by Bangalore University in respect of students being trained at Bangalore Medical College, Bangalore be recognised and included in the first Schedule to the IMC Act, 1956 restricting the number of admissions to 2(two) students per year. “

40. Bangalore University – Recognition of M.Ch.(Urology) qualification in respect of students being trained at Bangalore Medical College, Bangalore - compliance regarding permitting the intake capacity.

Read : the Council Inspector report (Oct.,97) on the standard of examination and other teaching facilities available at Bangalore Medical College, Bangalore togetherwith compliance and compliance verification report (June, 2001) for purpose of recognition of M.Ch.(Urology) qualification granted by Bangalore University.

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

“The Postgraduate Committee considered the Council Inspector’s report (Oct. 97) together with compliance verification report (June, 2001) and decided to recommend that M.Ch. (Urology) qualification granted by Bangalore University in respect of students being trained at Bangalore University be recognised and included in the first Schedule to the IMC Act, 1956 restricting the number of admissions to 2(two) students per year. “

41. Recognition of D.A. qualification in respect of Medical College, Jabalpur – affiliation with Jabalpur University regarding.

Read : the letter dated 18.6.2001 from the Registrar, Madhya Pradesh Medical Council with regard to necessary amendments for recognition of D.A. qualification in respect of Medical College, Jabalpur under Jabalpur University from 1966 to 83 and under Rani Durgawati Vishwavidyalaya from 1983 onwards.

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

“The Postgraduate Committee considered the letter dated 18-6-2001 from the Registrar, Madhya Pradesh Medical Council and decided to recommend to the Central Govt. to amend the Government’s notification dated 9-6-2000 so as to mention the period of recognition of DA qualification as under :-

“Under Jabalpur University - 1966-1983
Under Rani Durgavati Vishwavidyalaya - 1983 onwards”.

42. University of Bombay/Mumbai – Recognition of M.Ch.(Urology) qualification in respect of students being trained at T.N. Medical College, Mumbai.

Read : the Council Inspector’s report (March, 2001) on the standard of examination and other teaching facilities available at T.N. Medical College, Mumbai for purpose of recognition of M.Ch.(Urology) qualification granted by University of Bombay/Mumbai.

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

“The Postgraduate Committee considered the Council Inspector’s report (May, 2001) and decided to recommend that M.Ch. (Urology) qualification granted by University of Bombay / Mumbai in respect of students being trained at T.N. Medical College, Mumbai be recognised and included in the first Schedule to the IMC Act, 1956. However, the authorities of the institution be directed to prospectively restrict the annual intake in M.Ch.(Urology) to 1 (one) student in view of the available teaching faculty.”

43. Approval of the J.J.M.Medical College, Davangere for the award of M.S.(Orthopaedics) & D.Ortho. qualifications - affiliation with Mysore University – regarding.

Read : the letter dated 4.7.2001 from the Principal, J.J.M.Medical College, Davangere for necessary amendments regarding approval of the J.J.M. Medical College, Davangere for the award of M.S.(Orthopaedics) & D.Ortho. qualifications under Mysore University.

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

“The Postgraduate Committee considered the letter dated 4-7-2001 from the Principal, JJM Medical College, Davangere and noted that –

- i) the qualifications of M.S. (Ortho.) and D . Ortho. earlier granted by Kuvempu University in respect of JJM Medical College, Davangere were recognised and included in the first Schedule to the IMC Act, 1956;
- ii) prior to affiliation with Kuvempu University, the said institution was affiliated to Mysore University (1965-87) under which M.S. (Ortho.) and D. Ortho qualifications are recognised in respect of other institutions and not in respect of JJM Medical College Davangere;
- iii) the request for consideration of JJM Medical College, Davangere for approval of the institution for the award of the said qualifications under Mysore University.

The Committee, in view of the above, decided to recommend approval of JJM Medical College, Davangere for the award of M.S. (Ortho.) and D. Ortho. qualifications under Mysore University.”

44. Recognition of M.D.(Radiology/Radio-Diagnosis) qualification in respect of Govt. Medical College, Amritsar - affiliation with Panjab University & Guru Nanak University – regarding.

Read : the letter dated 11.6.2001 from the Principal, Govt. Medical College, Amritsar for necessary amendments regarding recognition of M.D.(Radiology/Radio-Diagnosis) qualification in respect of Govt. Medical College, Amritsar under Panjab University & Guru Nanak University.

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

“The Postgraduate Committee considered the letter dated 11-6-2001 from the Principal, Govt. Medical College, Amritsar and noted that –

- i) Govt. Medical College, Amritsar has been affiliated to Punjab University, Guru Nanak University, Guru Nanak Dev

University and now to Baba Farid University of Health Sciences, in that order.

- ii) Qualification of M.D. (Radio-diagnosis) in respect of Govt. Medical College, Amritsar, stands notified recognised under Guru Nanak Dev University, with the proviso that “this will be a recognised medical qualification when granted on or after 1976”.

The Postgraduate Committee, noting the above, and considering the fact that the recognition of the said qualification in respect of the said institution prior to 1976 when the institution was earlier affiliated to Panjab University and then to Guru Nanak University, does not stand notified in respect of these universities, decided to recommend to the Central Govt. to amend the notification so as to mention the period of recognition of the qualification in respect of Govt. Medical College, Amritsar with the nomenclature mentioned against each as under :-

“Under Punjab University	MD (Radiology) on or before 1970
Under Guru Nanak University	MD (Radiology) from 1970 to July, 1975
Under Guru Nanak Dev Univ.	MD (Radio-diag.) from July, 1975 to Nov. 99
Under Baba Farid University of Health Sciences, Faridkot.	MD (Radio-diag.) from Nov., 99 to onwards

45. Osmania University, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada – Approval of Gandhi Medical College, Hyderabad for the award of MD (Biochemistry) qualification.

Read : the Council Inspector’s report (May,2001) on the standard of examination and other teaching facilities available at Gandhi Medical College, Hyderabad for purpose of approval of the college for the award of MD (Biochemistry) qualification granted by Osmania University, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada.

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

“The Postgraduate Committee considered the Council Inspector’s report (May, 2001) and decided to recommend that Gandhi Medical College, Hyderabad be approved for the award of M.D. (Biochemistry) qualification earlier granted by Osmania University, Andhra Pradesh University of Health Sciences, Vijayawada & now by NTR University of Health Sciences, Vijayawada restricting the number of admissions to 2(two) students per year. “

46. i) **University of Poona - Recognition of D.Ortho. qualification in respect of students being trained at Rural Medical College, Loni and also approval of the College for the award of M.S.(Orthopaedics).**
- ii) **Maharashtra University of Health Sciences, Nasik – Recognition of D.Ortho. qualification in respect of students being trained at Rural Medical College, Loni.**

Read : the Council Inspector's report (July, 2001) on the standard of examination and other teaching facilities available at Rural Medical College, Loni for purpose of i) recognition of D.Ortho. qualification granted by University of Poona and also approval of the college for the award of M.S.(Orthopaedics) and ii) recognition of D.Ortho. qualification granted by Maharashtra University of Health Sciences, Nasik.

The Council noted that diploma courses which were notified by the Central Govt. under Maharashtra University of Health Sciences, Nashik have again been reverted back to the respective universities, in the present case to Pune University by a G.O. order issued by the Govt. of Maharashtra vide Maharashtra University of Health Sciences (Amendment) Ordinance,2001 (Mah.Ord. XIV of 2001) dated 16th May,2001.

Council also noted that only one batch of students admitted to the diploma courses i.e. the students admitted in the academic year 1998-99 were granted diploma qualification by MUHS, Nashik and the students admitted from the academic session 1999-2000 have been reverted back to the original universities to which the medical colleges were earlier affiliated. Hence, the notification issued by the Central Govt. for recognition of diploma courses under MUHS, Nashik is limited to only one batch of students i.e. students admitted to the various diploma courses in the State Medical Colleges under MUHS, Nashik under academic year 1998-99.

The Council approved the following recommendations of the Postgraduate Committee with the above observation:-

“The Postgraduate Committee considered the Council Inspector's report (July, 2001) and decided to recommend that –

- i) Rural Medical College, Loni be approved for the award of M.S. (Ortho.) qualification granted by University of Poona restricting the number of admissions to 2(two) students per year.
- ii) D.Ortho. qualification earlier granted by University of Poona and now by Maharashtra University of Health Sciences, Nasik in respect of students being trained at Rural Medical College, Loni be recognised and included in the first Schedule to the IMC Act, 1956. However, the authorities of the institution are

advised to prospectively restrict the annual intake, as per the Council Regulations on Postgraduate Medical Education, 2000, to 2(two) students in D.Ortho. course.

47. Inclusion of M.D.(Psychological Medicine) in the Schedule to the IMC Act, 1956 – request from Director, Central Institute of Psychiatry, Kanke, Ranchi- regarding.

Read : the matter with regard to recognition of M.D. (Psychological Medicine) qualification w.e.f. from 1971 to Dec., 1992 and inclusion in the Schedule to the IMC Act, 1956.

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

“The Postgraduate Committee considered the letter dated 8.5.2001 from the Director, Central Institute of Psychiatry, Kanke, Ranchi and decided to recommend to the Central Govt. to amend the Govt. notification No. V11015/56/92-ME(UG),dated 29.4.93 wherein qualification of M.D.(Psychiatry) granted by Ranchi University stands recognised so as to mention the period of recognition with nomenclature of the qualifications as under:-

MD(Psychological Medicine) from 1971 to December,1992.

MD(Psychiatry) from 1993 onwards.

48.i) Kakatiya University – Recognition of MD(Anaesthesia) qualification in respect of Kakatiya Medical College,Warangal.

ii) Osmania University, Andhra Pradesh University of Health Sciences, Vijayawada & N.T.R. University of Health Sciences, Vijayawada – Approval of Kakatiya Medical College, Warangal for the award of MD (Anaesthesia) qualification.

Read : the Council Inspector’s report (May, 2001) on the standard of examination and other teaching facilities available at Kakatiya Medical College, Warangal for purpose of i) recognition of MD (Anaesthesia) qualification granted by Kakatiya University and also ii) approval of the college for the award of MD(Anaesthesia) qualification granted by Osmania University, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada.

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

“The Postgraduate Committee considered the Council Inspector’s report (May, 2001) and decided to recommend that –

- i) M.D. (Anaesthesia) qualification earlier granted by Kakatiya University in respect of students being trained at Kakatiya Medical College, Warangal be recognised and included in the first Schedule to the IMC Act, 1956 restricting the number of admissions to 3(three) students per year.
- ii) Kakatiya Medical College, Warangal be approved for the award of M.D. (Anaesthesia) qualification earlier granted by Osmania University, Andhra Pradesh University of Health Sciences, Vijayawada & now by NTR University of Health Sciences, Vijayawada restricting the number of admissions to 3(three) students per year.”

49. University of Bombay/Mumbai – Recognition of M.Ch.(Urology) qualification in respect of students being trained at Seth G.S. Medical College, Mumbai – compliance reg.

Read : the Council Inspector’s report (March, 2001) on the standard of examination and other teaching facilities available at Seth G.S. Medical College, Mumbai together with compliance for purpose of recognition of M.Ch.(Urology) qualification granted by University of Bombay/Mumbai.

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

“The Postgraduate Committee considered the Council Inspector’s report (March, 2001) together with the compliance and decided to recommend that M.Ch. (Urology) qualification granted by University of Bombay/Mumbai in respect of students being trained at Seth G.S. Medical College, Mumbai be recognised and included in the first Schedule to the IMC Act, 1956. However, the authorities of the institution are directed to restrict the number of admission to MCh. (Urology) course to 1(one) student per year in view of the available teaching faculty.

50. Sanjay Gandhi Postgraduate Institute of Medical Sciences, Lucknow - recognition of M.Ch.(Surgical Gastroenterology) qualification in respect of students being trained at Sanjay Gandhi Postgraduate Instt. Medical Sciences, Lucknow – compliance verification regarding.

Read : the Council Inspector’s report (June,96) on the standard of examination and other teaching facilities available at Sanjay Gandhi Postgraduate Instt. of Medical Sciences, Lucknow togetherwith compliance verification report (June, 2000) and further compliance for purpose of recognition of M.Ch.(Surgical Gastroenterology) qualification granted by the Instt.

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

“The Postgraduate Committee considered the Council Inspector reports (June, 96 & June, 2000) togetherwith compliance and decided to recommend that M.Ch.(Surgical Gastroenterology) qualification granted by Sanjay Gandhi Postgraduate Institute of Medical Sciences, Lucknow be recognised and included in the 1st Schedule to IMC Act, 1956 restricting the number of admission to 1(one) student per year.”

The Administrator declared the meeting to close for that day and requested the members to reassemble again on 04.06.2002 at 10.00 a.m. for continuing with the General Body meeting of the Council.

04.06.2002 at 10.00 a.m.

Council met in the Council office, Aiwan-E-Galib Marg, Kotla Road, New Delhi-2 on 04.06.2002 at 10.00 a.m. with Maj Gen (Retd.) SP Jhingon, Kirti Chakra, VSM, Administrator, MCI, in the Chair.

The meeting was called to order.

51. Bharti Vidhyapeeth Medical College (Deemed University) – Recognition of MD (General Medicine) qualification in respect of students being trained at Bharti Vidhyapeeth Medical College, Pune – compliance verification regarding.

Read : the Council Inspector’s report (Feb.,2000) on the standard of examination and other teaching facilities available at Bharati Vidhyapeeth Medical College, Pune togetherwith compliance and compliance verification report (July, 2001) for purpose of recognition of MD (General Medicine) qualification granted by Bharati Vidhyapeeth Medical College (Deemed University).

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

“The Postgraduate Committee considered the Council Inspector’s report (Feb., 2000) along with the compliance verification report (July, 2001) and decided to recommend that M.D. (General Medicine) qualification granted by Bharti Vidhyapeeth Medical College (Deemed University) in respect of the students being trained at Bharti Vidhyapeeth Medical College, Pune be recognised and included in the first Schedule to the IMC Act, 1956 restricting the number of admissions to 5(five) students per year.

Note:

Council directed the office to (1) instruct all the inspectors appointed for carrying the inspection of postgraduate courses not to include the teaching faculty of other hospitals in the staff strength of the hospital and also the bed occupancy, (2) a letter to all Inspectors that teaching faculty of other hospitals shall not be included in the faculty list of the concerned departments of the college.

52. Mangalore University /Manipal Academy of Higher Education – Recognition of M.D.(Forensic Medicine) in respect of students being trained at Kasturba Medical College, Manipal.

Read : the Council Inspector's report (July, 2001) on the standard of examination and other teaching facilities available at Kasturba Medical College, Manipal for recognition of M.D.(Forensic Medicine) qualification granted by Mangalore University/Manipal Academy of Higher Education, Manipal.

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

“The Postgraduate Committee considered the Council Inspector's report (July, 2001) and decided to recommend that M.D.(Forensic Medicine) qualification granted by Mangalore University/Manipal Academy of Higher Education, Manipal in respect of students being trained at Kasturba Medical College, Manipal be recognised and included in the first schedule to the IMC Act, 1956 restricting the number of admissions to 2(two) students per year.”

53. Annamalai University - Recognition of M.S.(Orthopaedics) qualification in respect of students being trained at Rajah Muthiah Medical College, Annamalainagar.

Read : the Council Inspector's report (August, 2001) on the standard of examination and other teaching facilities available at Rajah Muthiah Medical College, Annamalainagar for purpose recognition of M.S.(Orthopaedics) qualification granted by Annamalai University.

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

“The Postgraduate Committee considered the Council Inspector's report (August, 2001) and decided to recommend that M.S(Orthopaedics) qualification granted by Annamalai University in respect of students being trained at Rajah Muthiah Medical College, Annamalainagar be recognised and included in the first schedule to the I.M.C.Act,1956 restricting the number of admissions to 3(three) students per year.

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

54. Rajiv Gandhi University of Health Sciences, Bangalore - Approval of Sri Siddhartha Medical College, Tumkur for the award of D.O. qualification.

Read : the Council Inspector’s report (September, 2001) on the standard of examination and other teaching facilities available at Sri Siddhartha Medical College, Tumkur for purpose of approval of the college for the award of D.O. qualification granted by Rajiv Gandhi University of Health Sciences, Bangalore.

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

“The Postgraduate Committee considered the Council Inspector’s report (September, 2001) and decided to recommend that Sri Siddhartha Medical College, Tumkur be approved for the award of D.O. qualification granted by Rajiv Gandhi University of Health Sciences, Bangalore restricting the number of admissions to 2(two) students per year.”

55. Rajiv Gandhi University of Health Sciences, Bangalore - Approval of Sri Siddhartha Medical College, Tumkur for the award of D.M.R.D. qualification.

Read : the Council Inspector’s report (September, 2001) on the standard of examination and other teaching facilities available at Sri Siddhartha Medical College, Tumkur for purpose of approval of the college for the award of D.M.R.D. qualification granted by Rajiv Gandhi University of Health Sciences, Bangalore.

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

“The Postgraduate Committee considered the Council Inspector’s report (September, 2001) and decided to recommend that Sri Siddhartha Medical College, Tumkur be approved for the award of D.M.R.D. qualification granted by Rajiv Gandhi University of Health Sciences, Bangalore restricting the number of admissions to 2(two) students per year.”

56. Rajiv Gandhi University of Health Sciences, Bangalore - Approval of Sri Devraj Urs Medical College, Kolar for the award of M.D.(Radio-Diagnosis) qualification.

Read : the Council Inspector’s report (September, 2001) on the standard of examination and other teaching facilities available at Sri Devraj

Urs Medical College, Kolar for purpose of approval of the college for the award of M.D.(Radio-Diagnosis) qualification granted by Rajiv Gandhi University of Health Sciences, Bangalore.

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

“The Postgraduate Committee considered the Council Inspector’s report (September, 2001) and decided to recommend that Sri Devraj Urs Medical College, Kolar be approved for the award of M.D.(Radio-diagnosis) qualification granted by Rajiv Gandhi University of Health Sciences, Bangalore restricting the number of admission to 1(one) student per year.”

57. Rajiv Gandhi University of Health Sciences, Bangalore - Approval of the Adichunchanagiri Institute of Medical Sciences, Mandya Distt for the award of M.D.(General Medicine) qualification.

Read : the Council Inspector’s report (March, 2000) on the standard of examination and other teaching facilities available at Adichunchanagiri Institute of Medical Sciences, Mandya Distt. together with compliance & compliance verification report (July,2001) for purpose of approval of the college for the award of M.D.(General Medicine) qualification granted by Rajiv Gandhi University of Health Sciences, Bangalore.

The Council noted that the Postgraduate Committee at its meeting held on 2nd & 3rd August,2001 did not recommend approval of Adichunchanagiri Institute of Medical Sciences, Mandya Distt., Karnataka for the award of M.D.(General Medicine) qualification because the Professor & HOD was not having the requisite recognised postgraduate qualification and further the Postgraduate Committee at its meeting held on 16.10.2001 upon consideration of the compliance received from the college authorities with regard to appointment of HOD with recognised and requisite teaching experience had recommended approval of the college for the award of the said qualification without verifying the compliance by way of an inspection.

The Council decided that the compliance received from the college authorities be verified by way of an inspection and the compliance verification inspection report may be placed before the Postgraduate Committee for its consideration.

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

58. Bharti Vidhyapeeth Medical College (Deemed University) – Recognition of MD (Obst. & Gyane.) qualification in respect of students being trained at Bharti Vidhyapeeth Medical College, Pune – compliance verification regarding.

Read : the Council Inspector's report (Feb., 2000) on the standard of examination and other teaching facilities available at Bharati Vidhyapeeth Medical College, Pune togetherwith compliance and compliance verification reports (December, 2000 & July, 2001) for purpose of recognition of MD (Obst. & Gyane.) qualification granted by Bharti Vidhyapeeth Medical College (Deemed University).

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

“The Postgraduate Committee while considering the matter of recognition of MD(Obst. & Gynae.) qualification in respect of students being trained at Bharti Vidhyapeeth Medical College, Pune noted that the Committee at its meeting held on 1st & 2nd May,2001 had decided to obtain the list of the students admitted at the college during the session 2000-2001, to initiate action u/s 10B of the IMC Act,1956. Accordingly, after receipt of the name of the students admitted during session 2000-2001, letter dt.11.9.2001 for action u/s 10B of the IMC Act,1956 has been sent to the authorities concerned intimating that holders of this qualification shall not get registration with the Medical Council of India/State Medical Council.

The Postgraduate Committee considered the Council Inspector's report (Feb., 2000) together with compliance and compliance verification reports (December, 2000 & July, 2001) and decided to recommend that MD (Obst. & Gyane.) qualification granted by Bharti Vidhyapeeth Medical College (Deemed University) in respect of students being trained at Bharti Vidhyapeeth Medical College, Pune be recognised and included in the first schedule to the I.M.C.Act,1956 restricting the number of admissions to 2(two) students per year. However, holders of this qualification shall not get registration with the Medical Council of India/State Medical Council.”

Office Note:-

The Council noted that as per Regulations framed relating to identification of students admitted in excess of the approval admission capacity of medical college – the Council shall find out the excess admissions in a medical college and no medical qualification granted to any identified student of the medical college which comes under the excess admission shall be recognised medical qualification for the purpose of Indian Medical Council Act,1956 (102 of 1956).

The Council decided that some modalities be worked out to penalise the institutions which are making excess admissions beyond the sanctioned number of seats fixed by the Council.

The Council further decided that in the Website of MCI the following shall be added in bold letters:-

“it has come to the notice that institutions are making excess admissions. It is in the interest of the general public that whenever they seek admission into a medical course they should confirm from the institution regarding the permission letter of the MCI that the course is recognised for so many seats. MCI can give warning on the website.”

It was also decided that a general circular be sent to all the universities and colleges that information with regard to recognition status in respect of every postgraduate course be included in the prospectus and a copy of the prospectus be sent to MCI.

59. Bharti Vidhyapeeth Medical College (Deemed University) – Recognition of MS (General Surgery) qualification in respect of students being trained at Bharti Vidhyapeeth Medical College, Pune – compliance verification regarding.

Read : the Council Inspector’s report (Feb., 2000) on the standard of examination and other teaching facilities available at Bharati Vidhyapeeth Medical College, Pune together with compliance and compliance verification reports (December, 2000 & August, 2001) for purpose of recognition of MS (General Surgery) qualification granted by Bharti Vidhyapeeth Medical College (Deemed University).

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

“The Postgraduate Committee while considering the matter of recognition of MS(General Surgery) qualification in respect of students being trained at Bharti Vidhyapeeth Medical College, Pune noted that the Committee at its meeting held on 1st & 2nd May,2001 had decided to obtain the list of the students admitted at the college during the session 2000-2001, to initiate action u/s 10B of the IMC Act,1956. Accordingly, after receipt of the name of the students admitted during session 2000-2001, letter dt.11.9.2001 for action u/s 10B of the IMC Act,1956 has been sent to the authorities concerned intimating that holders of this qualification shall not get registration with the Medical Council of India/State Medical Council.

The Postgraduate Committee considered the Council Inspector’s report (Feb., 2000) together with compliance and compliance verification reports (December, 2000 & August,2001) and decided to recommend that M.S. (General Surgery) qualification granted by

Bharti Vidhyapeeth Medical College (Deemed University) in respect of students being trained at Bharti Vidhyapeeth Medical College, pune be recognised and included in the first schedule to the I.M.C.Act,1956. However, the institution be directed to restrict the annual intake to 2(two) students prospectively from the ensuing academic session commensurate with the available clinical material. However, holders of this qualification shall not be get registration with the Medical Council of India/State Medical Council.”

60. Rajiv Gandhi University of Health Sciences, Bangalore - Approval of Al-Ameen Medical College, Bijapur for the award of M.D.(Physiology) qualification.

Read : the Council Inspector’s report (September, 2001) on the standard of examination and other teaching facilities available at Al-Ameen Medical College, Bijapur for purpose of approval of the college for the award of M.D.(Physiology) qualification granted by Rajiv Gandhi University of Health Sciences, Bangalore.

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

“The Postgraduate Committee considered the Council Inspector’s report (September, 2001) and decided to recommend that Al-Ameen Medical College, Bijapur be approved for the award of M.D.(Physiology) qualification granted by Rajiv Gandhi University of Health Sciences, Bangalore restricting the number of admissions to 1(one) student per year.”

61. University of Poona – Approval of Rural Medical College, Loni for the award of M.D.(Obst. & Gynae.) & D.G.O. qualification and also approval of the college for the award of D.G.O. qualification granted by Maharashtra University of Health Sciences, Nasik.

Read : the Council Inspector’s report (July, 2001) on the standard of examination and other teaching facilities available at Rural Medical College, Loni for approval of the College for the award of M.D.(Obst. & Gynae.) & D.G.O. qualifications granted by University of Poona and also approval of the college for the award of D.G.O. qualification granted by Maharashtra University of Health Sciences, Nasik.

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

“The Postgraduate Committee considered the Council Inspector’s report (July, 2001) and decided that Rural Medical College, Loni be approved for the award of M.D.(Obst. & Gynae.) granted by University of Poona restricting the number of admissions to 2(two) students per year.

The Committee further decided to recommend approval of the institution for the award of DGO qualification earlier granted by University of Poona and now by Maharashtra University of Health Sciences restricting the number of admissions to 4(four) students per year.

The Committee advised that composition of Unit-II as regards bed strength be re-organised as per MCI norms.”

62. Inclusion of DM course in the subject of Paediatric Gastroenterology in the Council’s regulations on the Postgraduate Medical Education- Letter of the Society regarding.

Read : the matter together with the views of AIIMS, PGI, Chandigarh with regard to Inclusion of DM course in the subject of Paediatric Gastroenterology in the Council’s regulations on the Postgraduate Medical Education.

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

“The Postgraduate Committee considered the request for allowing DM course in subject of Paediatric Gastroenterology alongwith the opinions received from concerned authorities of PGI, Chandigarh and AIIMS, New Delhi and after due deliberation decided to recommend that necessary amendments in the Council’s regulations on Postgraduate Medical Education 2000 be needed so as to include DM course in Paediatric Gastroenterology in the said regulations.

The Committee further decided that MD(Paediatric) be the prior requirement for admission in DM(Paediatric Gastroenterology) course.

The Postgraduate Committee further noting that the prior requirement for DM(Gastroenterology) course is MD(Medicine) or MD(Paediatrics); decided to recommend that only MD(Medicine) be the required qualification for DM(Gastroenterology) and the qualification of MD(Paediatrics) included therein be deleted from the same.”

63. i) Sri Venkateswara University – Recognition of MS(Orthopaedics) qualification in respect of students being trained at Kurnool Medical College, Kurnool.

ii) Andhra Pradesh University of Health Sciences, Vijayawada & N.T.R. University of Health Sciences, Vijayawada – Approval of Kurnool Medical College, Kurnool for the award of M.S.(Orthopaedics) qualification.

Read : the Council Inspector’s report (May, 2001) on the standard of examination and other teaching facilities available at Kurnool Medical College, Kurnool for i) recognition of M.S.(Orthopaedics) qualification granted by Sri Venkatesward University and ii) approval of the college for the award of M.S.(Orthopaedics) qualification granted by Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada.

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

“The Postgraduate Committee considered the Council Inspector’s report (May, 2001) and decided to recommend that:-

- i) M.S.(Orthopaedics) qualification granted by Sri Venkateswara University in respect of students being trained at Kurnool Medical College, Kurnool be recognised and included in the first schedule to the I.M.C.Act,1956 restricting the number of admissions to 2(two) students per year.
- ii) Kurnool Medical College, Kurnool be also approved for the award of M.S.(Orthopaedics) qualification granted earlier by Andhra Pradesh University of Health Sciences, Vijayawada & now by NTR University of Health Sciences, Vijayawada restricting the number of admissions to 2(two) students per year.

The Committee further decided to advise the institution to rectify the deficiencies especially with regards to Physio-therapy section as pointed out in the inspection report and submit the compliance to this effect within six months.”

64. Andhra University, Andhra Pradesh University of Health Sciences, Vijayawada and N.T.R. University of Health Sciences, Vijayawada - Approval of Rangaraya Medical College, Kakinada for the award of M.S.(General Surgery) qualification.

Read : the Council Inspector’s report (May, 2001) on the standard of examination and other teaching facilities available at Rangaraya Medical College, Kakinada for approval of the college for the award of M.S.(General Surgery) qualifications granted by Andhra University, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada.

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

“The Postgraduate Committee considered the Council Inspector’s report (May, 2001) and decided to recommend that Rangaraya Medical College, Kakinada be approved for the award of M.S.(General Surgery) qualifications granted by Andhra University, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada restricting the number of admissions to 5(five) students per year.”

65. The Tamilnadu Dr.M.G.R.Medical University, Chennai – Continuance of recognition of M.S.(General Surgery) qualification in respect of students being trained at Stanley Medical College, Chennai.

Read : the Council Inspector’s report (September, 2001) on the standard of examination and other teaching facilities available at Stanley Medical College, Chennai for purpose of continuance of recognition of M.S.(General Surgery) qualification granted by the Tamilnadu Dr.M.G.R.Medical University, Chennai.

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

“The Postgraduate Committee considered the Council Inspector’s report (September, 2001) and decided to recommend that recognition of MS(General Surgery) qualification granted by the Tamilnadu Dr.M.G.R.Medical University, Chennai in respect of students being trained at Stanley Medical College, Chennai be continued restricting the number of admissions to 15(fifteen) students per year. “

66. University of Bombay/Mumbai – Recognition of D.M.(Gastroenterology) qualification in respect of students being trained at Seth G.S. Medical College, Mumbai.

Read : the Council Inspector’s report (July, 2001) on the standard of examination and other teaching facilities available at Seth G.S. Medical College, Mumbai for purpose of recognition of D.M.(Gastroenterology) qualification granted by University of Bombay/Mumbai.

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

“The Postgraduate Committee considered the Council Inspector’s report (July, 2001) and decided to recommend that D.M.(Gastroenterology) qualification granted by University of Bombay/Mumbai in respect of students being trained at Seth G.S.Medical College, Mumbai be recognised and included in the first

schedule to the I.M.C.Act,1956 restricting the number of admissions to 2(two) students per year.”

67. University of Bombay/Mumbai – Recognition of D.M.(Gastroenterology) qualification in respect of students being trained at T.N. Medical College, Mumbai.

Read : the Council Inspector’s report (July, 2001) on the standard of examination and other teaching facilities available at T.N.Medical College, Mumbai for purpose of recognition of D.M.(Gastroenterology) qualification granted by University of Bombay/Mumbai.

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

“The Postgraduate Committee considered the Council Inspector’s report (July, 2001) and decided to recommend that D.M.(Gastroenterology) qualification granted by University of Bombay/Mumbai in respect of students being trained at T.N.Medical College, Mumbai be recognised and included in the first schedule to the I.M.C.Act,1956. However the authorities of the institution are directed that the admission in DM(Gastroenterology) course be restricted to 1(one) student per year from the ensuing academic session in view of the available teaching faculty.”

68. Inclusion of DM course in Child and Adolescent Psychiatry in the regulations of the Council on “Postgraduate Medical Education” – request regarding.

Read : the proposal received from Dr.(Mrs.) Gouri Devi, NIMHANS, Bangalore with regard to Inclusion of DM course in Child and Adolescent Psychiatry in the regulations of the Council on “Postgraduate Medical Education”.

The Council approved the following recommendations of the Postgraduate Committee is recorded as under:-

“The Postgraduate Committee considered the matter with regard to inclusion of DM course in Child and Adolescent Psychiatry in the regulations of the Council on Postgraduate Medical Education and decided to recommend amendment in the Council’s regulations on Postgraduate Medical Education,2000 for inclusion of the said speciality in the regulations and further recommended that the eligibility qualification for admission to DM course in Child and Adolescent Psychiatry be M.D. (Psychiatry) qualification. ”

69. Rajiv Gandhi University of Health Sciences, Bangalore – Approval of Kempegowda Institute of Medical Sciences, Bangalore for the award of M.S.(E.N.T.) qualification.

Read : the Council Inspector's report (September, 2001) on the standard of examination and other teaching facilities available at Kempegowda Institute of Medical Sciences, Bangalore for approval of the college for the award of M.S.(E.N.T.) qualification granted by Rajiv Gandhi University of Health Sciences, Bangalore.

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

“The Postgraduate Committee considered the Council Inspector's report (September, 2001) and decided to recommend that Kempegowda Institute of Medical Sciences, Bangalore be approved for the award of M.S.(E.N.T.) qualification granted by Rajiv Gandhi University of Health Sciences, Bangalore restricting the number of admission to 1(one) student per year.”

70. Rajiv Gandhi University of Health Sciences, Bangalore – Approval of M.S. Ramaiah Medical College, Bangalore for the award of D.G.O. qualification.

Read : the Council Inspector's report (September, 2001) on the standard of examination and other teaching facilities available at M.S. Ramaiah Medical College, Bangalore for approval of the college for the award of D.G.O. qualification granted by Rajiv Gandhi University of Health Sciences, Bangalore.

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

“The Postgraduate Committee considered the Council Inspector's report (September, 2001) and decided to recommend that M.S.Ramaiah Medical College, Bangalore be approved for the award of D.G.O.qualification granted by Rajiv Gandhi University of Health Sciences, Bangalore restricting the number of admissions to 2(two) students per year.

The attention of the authorities be drawn towards the deficiencies/observations made out by the Council Inspector in his inspection report.”

71. Osmania University, Hyderabad, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada – Recognition of M.Ch.(Plastic-Surgery)

qualification in respect of students being trained at Osmania Medical College, Hyderabad.

Read : the Council Inspector's report (June, 2001) on the standard of examination and other teaching facilities available at Osmania Medical College, Hyderabad for purpose of recognition of M.Ch.(Plastic-Surgery) qualification granted by Osmania University, Hyderabad, Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada.

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

“The Postgraduate Committee considered the Council Inspector's report (June, 2001) and decided to recommend that M.Ch.(Plastic-Surgery) qualification granted earlier by Osmania University, Hyderabad, & Andhra Pradesh University of Health Sciences, Vijayawada and now by NTR University of Health Sciences, Vijayawada in respect of students being trained at Osmania Medical College, Hyderabad be recognised and included in the first schedule to the I.M.C.Act,1956 restricting the number of admissions to 2(two) students per year.”

72. University of Bombay/Mumbai – Recognition of D.M.(Nephrology) qualification in respect of students being trained at Seth G.S.Medical College, Mumbai – compliance regarding.

Read : the Council Inspector's report (July, 2001) on the standard of examination and other teaching facilities available at Seth G.S. Medical College, Mumbai together with compliance for purpose of recognition of D.M.(Nephrology) qualification granted by University of Bombay/Mumbai.

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

“The Postgraduate Committee considered the Council Inspector's report (July, 2001) together with compliance and decided to recommend that DM(Nephrology) qualification granted by University of Bombay/Mumbai in respect of students being trained at Seth G.S. Medical College, Mumbai be recognised and included in first schedule to the I.M.C.Act,1956 restricting the number of admissions to 2(two) students per year.”

73. i) Sri Venkateshwara University – Recognition of MD(Paediatrics) & DCH qualifications in respect of students being trained at S.V.Medical College, Tirupati.

ii) Andhra Pradesh University of Health Sciences and N.T.R. University of Health Sciences, Vijayawada – Approval of S.V.Medical College, Tirupati for the award of MD(Paediatics) & DCH qualifications.

Read : the Council Inspector's report (May, 2001) on the standard of examination and other teaching facilities available at S.V.Medical College, Tirupati for i) recognition of MD(Paediatics) & DCH qualifications granted by Sri Venkateshwara University and ii) approval of the college for the award of M.D.(Paediatics) & DCH qualifications granted by Andhra Pradesh University of Health Sciences and N.T.R. University of Health Sciences, Vijayawada.

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

“The Postgraduate Committee considered the Council Inspector's report (May, 2001) and decided to recommend that:-

- i) M.D.(Paediatics) & DCH qualifications granted by S.V.University, Tirupati in respect of students being trained at S.V.Medical College, Tirupati be recognised and included in the first schedule to the IMC Act,1956
- ii) S.V.Medical College, Tirupati be approved for the award of MD(Paediatics) & DCH qualifications earlier granted by Andhra Pradesh University of Health Sciences and now by N.T.R. University of Health Sciences, Vijayawada restricting the number of admissions to 2(two) for MD(Paed.) and 4(four) for DCH per year.

The attention of the authorities be drawn towards the implementation of the various observations made by the Council Inspector in his inspection report.”

74. i) Poona University – Approval of Rural Medical College, Loni for the award of M.D.(Paediatics) & D.C.H. qualifications.

ii) Maharashtra University of Health Sciences, Nasik – Approval of Rural Medical College, Loni for the award of D.C.H. qualification.

Read : the Council Inspector's report (July, 2001) on the standard of examination and other teaching facilities available at Rural Medical College, Loni for i) approval of the college for the award of M.D.(Paed.) & D.C.H. qualifications granted by Poona University and also ii) approval of the college for the award of D.C.H. qualification granted by Maharashtra University of Health Sciences, Nasik.

The Council noted that diploma courses which were notified by the Central Govt. under Maharashtra University of Health Sciences, Nashik

have again been reverted back to the respective universities, in the present case to Pune University by a G.O. order issued by the Govt. of Maharashtra vide Maharashtra University of Health Sciences (Amendment) Ordinance, 2001 (Mah.Ord.XIV of 2001 dated 16th May,2001).

Council also noted that only one batch of students admitted to the diploma courses i.e. the students admitted in the academic year 1998-99 were granted diploma qualification by MUHS, Nashik and the students admitted from the academic session 1999-2000 have been reverted back to the original universities to which the medical colleges were earlier affiliated. Hence, the notification issued by the Central Govt. for recognition of diploma courses under MUHS, Nashik is limited to only one batch of students i.e. students admitted to the various diploma courses in the State Medical Colleges under MUHS, Nashik under academic year 1998-99.

The Council approved the following recommendations of the Postgraduate Committee with the above observation:-

“The Postgraduate Committee considered the Council Inspector report(July, 2001) and decided to recommend that

- i) Rural medical College, Loni be approved for the award of MD(Pead.) & DCH qualifications granted by Pune University restricting the number of admissions to 2(two) students for MD(Pead.) & 4(four) for DCH per year.
- ii) Rural Medical College, Loni be approved for the award of DCH qualification granted by Maharashtra University of Health Sciences, Nasik restricting the number of admissions to 4(four) students per year.

The Committee further decided to advise the institution authorities that the pattern of practical examination should be as per MCI norms.”

75. Meerut University & Ch. Charan Singh University – Recognition of D.C.H. qualification in respect of students being trained at L.L.R.M. Medical College, Meerut – compliance regarding.

Read : the Council Inspector’s report (July, 1998) on the standard of examination and other teaching facilities available at L.L.R.M. Medical College, Meerut together with compliance for purpose of recognition of DCH qualification earlier granted by Meerut University & now by Ch. Charan Singh University.

The Council noted that the Postgraduate Committee upon consideration of the Council Inspector’s report (July,98) together with the compliance has decided to recommend the recognition of DCH qualification earlier granted by Meerut University & now by Ch.Charan Singh University, Meerut in respect of students being trained at LLRM Medical College, Meerut for its inclusion in the First Schedule to the I.M.C. Act,1956 with the number of admissions as 3 (three) students per year.

It was pointed out by members that the department of Paediatrics at LLRM Medical College, Meerut is not having facilities for the number of admissions being made in M.D.(Paed.) and DCH courses. The members of the Postgraduate Committee clarified that the postgraduate unit which was complete was taken for consideration of recognition of DCH course and accordingly while recommending recognition, the seats were reduced commensurate with the facilities available as reported in the inspection report.

One of the members Dr. S.B. Siwach pointed out that while considering the matter of M.D.(Paed.) at Pt. B.D.Sharma PGIMS, Rohtak, the same yardstick was not applied and the institution authorities were informed to have 3 teachers per unit whereas for the LLRM Medical College, Meerut the Postgraduate Committee has considered the recognition of DCH with only one unit as against the requirement of 2 units with 6 teachers.

Dr. D.K. Sharma, Professor & Head, Department of Paediatrics, LLRM Medical College, Meerut and Dr. (Mrs.) Usha Sharma, Principal of the same college argued that the institution has one postgraduate unit which is fully constituted with 3 teachers and further that the Postgraduate Committee have reduced the number of seats to the DCH course. At this stage the Administrator pointed out that the observation of Dr. Siwach that the same thing is not made applicable to Pt.BDSPGIMS, Rohtak is the main point which should be addressed to by the Council members. He further opined that there are people present in the General Body meeting to argue their cases i.e. the Principal, LLRM Medical College, Meerut whereas in other cases the representatives of the medical colleges may not be there in the Council to argue for their cases, hence, rules should be same for everybody and there should be no deviation. It was also discussed that whether the matter can be referred back to the Postgraduate Committee for its reconsideration.

After much discussions on the issue and the clarifications given by the Postgraduate Committee members, the Council decided to approve the recognition of DCH qualification in respect of students being trained at LLRM Medical College, Meerut with an annual intake of 3 (three) students per year prospectively i.e. the reduced number of admissions as recommended by the Postgraduate Committee.

It was further decided that number of admissions being made for the M.D.(Paed.) course may also be reviewed by the Postgraduate Committee commensurate with the infrastructural facilities available in the department at its ensuing meeting and further that the matter of continuance of recognition of M.D.(Paed.) qualification at PGIMS, Rohtak be also considered by the Postgraduate Committee at the first available occasion accordingly where Dr. S.B. Siwach may be given an opportunity of personal hearing by the Postgraduate Committee.

76. i) **Andhra University – Recognition of MD (Microbiology) qualification in respect of students being trained at Rangaraya Medical College, Kakinada.**

ii) **Andhra Pradesh University of Health Sciences, Vijayawada and N.T.R. University of Health Sciences, Vijayawada - Approval of Rangaraya Medical College, Kakinada for the award of M.D.(Microbiology) qualification.**

Read : the Council Inspectors report (May, 2001) on the standard of examination and other teaching facilities available at Rangaraya Medical College, Kakinada along with the compliance received from the college authorities for i) recognition of MD(Microbiology) qualification granted by Andhra University and ii) approval of the college for the award of M.D.(Microbiology) qualifications granted by Andhra Pradesh University of Health Sciences, Vijayawada & NTR University of Health Sciences, Vijayawada.

The Council approved the following decision taken by the Chairman, Postgraduate Committee as authorized by the Postgraduate Committee:-

“The Chairman, Postgraduate Committee as authorised by the Postgraduate Committee considered the Council Inspector’s report (May, 2001) togetherwith compliance and decided to recommend that :-

1. MD(Microbiology) qualification granted by Andhra University in respect of students being trained at Rangaraya Medical College, Kakinada be recognised and included in 1st Schedule to the IMC Act, 1956 restricting the number of admissions to 2(two) students for MD(Microbiology) per year.
2. Rangaraya Medical College, Kakinada be approved for the award of MD(Microbiology) qualification granted by earlier granted by Andhra Pradesh University of Health Sciences and now by N.T.R.University of Health Sciences, Vijayawada restricting the number of admissions to 2(two) students for MD(Microbiology) per year.”

77. i) **University of Bombay/Mumbai &– Recognition of M.D.(Skin & V.D.) & D.V.D. qualifications in respect of students being trained at Seth G.S. Medical College, Mumbai.**

ii) **Maharashtra University of Health Sciences, Nasik – Approval of Seth G.S.Medical College, Mumbai for the award of D.V.D. qualification.**

Read : the Council Inspector’s report (March, 2001) on the standard of examination and other teaching facilities available at Seth G.S. Medical College, Mumbai along with the compliance received from the college

authorities for purpose of recognition of i) M.D.(Skin & V.D.) & D.V.D. qualifications granted by University of Bombay/Mumbai and ii) approval of the college for the award of D.V.D. qualification by Maharashtra University of Health Sciences, Nasik.

The Council approved the following decision taken by the Chairman Postgraduate Committee as authorized by the Postgraduate Committee:-

“The Chairman, Postgraduate Committee as authorised by the Postgraduate Committee considered the Council Inspector’s report (March, 2001) togetherwith compliance and decided to recommend that:-

1. MD(Skin & V.D.) & D.V.D. qualifications granted by University of Bombay/Mumbai in respect of students being trained at Seth G.S.Medical College, Mumbai be recognised and included in 1st Schedule to the IMC Act, 1956 restricting the number of admission to 2(two) students for each course per year.
2. Seth G.S.Medical College, Mumbai be approved for the award of DV.D. qualification granted by Maharashtra University of Health Sciences, Nasik restricting the number of admissions to 2(two) students for D.V.D. per year.

78. i) **University of Bombay/Mumbai &– Recognition of M.D.(Skin & V.D.) & D.V.D. qualifications in respect of students being trained at L.T.M. Medical College, Mumbai.**
- ii) **Maharashtra University of Health Sciences, Nasik – Approval of L.T.M.Medical College, Mumbai for the award of D.V.D. qualification.**

Read : the Council Inspector’s report (March, 2001) on the standard of examination and other teaching facilities available at L.T.M. Medical College, Mumbai along with the compliance received from the college authorities for purpose of recognition of i) M.D.(Skin & V.D.) & D.V.D. qualifications granted by University of Bombay/Mumbai and ii) approval of the college for the award of D.V.D. qualification by Maharashtra University of Health Sciences, Nasik.

The Council approved the following decision taken by the Chairman, Postgraduate Committee as authorized by the Postgraduate Committee:-

“The Chairman, Postgraduate Committee as authorised by the Postgraduate Committee considered the Council Inspector’s report (March, 2001) togetherwith compliance and decided to recommend that :-

1. MD(Skin & V.D.) & D.V.D. qualifications granted by University of Bombay/Mumbai in respect of students being trained at L.T.M.Medical

College, Mumbai be recognised and included in 1st Schedule to the IMC Act, 1956 restricting the number of admission to 1(one) student for each course per year.

2. L.T.M.Medical College, Mumbai be approved for the award of DV.D. qualification granted by Maharashtra University of Health Sciences, Nasik restricting the number of admissions to 1(one) student for D.V.D. per year.

79. i) **University of Bombay/Mumbai – Approval of L.T.M. Medical College, Mumbai for the award of M.D. (Psychiatry) & D.P.M. qualifications.**

ii) **Maharashtra University of Health Sciences, Nasik – Approval of L.T.M.Medical College, Mumbai for the award of D.P.M. qualification.**

Read : the Council Inspector's report (March, 2001) on the standard of examination and other teaching facilities available at L.T.M. Medical College, Mumbai along with the decision taken by the T.E.Q. Sub-Committee regarding eligibility for appointment of P.G. teacher holding M.D. and D.N.B. qualification for purpose of recognition of i) M.D.(Psychiatry) & D.P.M. qualifications granted by University of Bombay/Mumbai and ii) D.P.M. qualification earlier granted by University of Bombay/Mumbai and now by Maharashtra University of Health Sciences, Nasik.

The Council approved the following decision taken by the Chairman, Postgraduate Committee as authorised by the Postgraduate Committee:-

The Chairman, Postgraduate Committee as authorised by the Postgraduate Committee considered the the Council Inspector's report (March, 2001) alongwith the decision taken by the T.E.Q. Sub-Committee and decided to recommend that :-

1. L.T.M. Medical College, Mumbai be approved for the award of MD(Psychiatry) & D.P.M. qualifications granted by University of Bombay/Mumbai restricting the number of admissions to 2(two) for MD(Psychiatry) & 4(four) for D.P.M. courses per year .
2. L.T.M.Medical College, Mumbai be approved for the award of D.P.M. qualification granted by Maharashtra University of Health Sciences, Nasik restricting the number of admissions to 4(four) students for D.P.M. per year.

81. Removal of the name of deceased person from the Indian Medical Register.

Read : the letter received from the Registrar, Rajasthan Medical Council intimating that Dr. Kailash Chandra Shah (Registration No.9998 dated 10/12/84 has expired and his name has been erased from the Register of the Registered Medical Practitioners.

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

“The Executive Committee noted letter dated 09.08.2001 received from the Registrar, Rajasthan Medical Council, Jaipur intimating that Dr. Kailash Chandra Shah, Registration No. 9998 had expired and his name has been removed from the Register of the Registered Medical Practitioners.

The Committee decided to remove the same from the Indian Medical Register also.”

82. Removal of the name of deceased person from the Indian Medical Register.

Read : the letter dated 21.7.2001 received from the Registrar, Rajasthan Medical Council intimating that Dr.Miss Amrit Khalsa and Dr. Mahesh Prasad Bora have since been expired and their names have been removed from the Register of the Registered Medical Practitioners.

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

“The Executive Committee noted letter dated 21.07.2001 received from the Registrar, Rajasthan Medical Council, Jaipur intimating that Dr.Miss Amrit Khalsa, Registration No. 1185 and Dr. Mahesh Prasad Bora, Registration No. 9416 had expired and their names have been removed from the Register of the Registered Medical Practitioners.

The Committee decided to remove the same from the Indian Medical Register also.”

83. Removal of the name of deceased person from the Indian Medical Register.

Read : the letter dated 17.4.2001 received from the Registrar, Rajasthan Medical Council intimating that Dr.Om Prakash Budhwar has since been expired and his name has been removed from the Register of the Registered Medical Practitioners.

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

“The Executive Committee noted letter dated 17.04.2001 received from the Registrar, Rajasthan Medical Council, Jaipur intimating that Dr. Om Prakash Budhwar, Registration No. 2899 had expired and his name has been removed from the Register of the Registered Medical Practitioners.

The Committee decided to remove the same from the Indian Medical Register also.”

84. Extension in services to Dr. C.A. Desai, Zonal Inspector of the Council.

The Council approved the recommendations of the Executive Committee with regard to grant of extension in services to Dr. C.A. Desai, Zonal Inspector of the Council for a further period of one year w.e.f. 2/11/2001.

85. Extension in service to Dr. J.K. Tandon and Dr. R.D. Bansal as Whole Time Inspector on consolidated salary.

The Council approved the following recommendation of the Executive Committee with regard to grant of extension in service to Dr. J.K. Tandon and Dr. R.D. Bansal beyond their current term upto 31/7/2001 and 30/9/2001 respectively:-

“The Executive Committee considered the matter with regard to grant of extension in service to Dr. J.K. Tandon and Dr. R.D. Bansal, Whole-Time Inspectors of the Council beyond their current term upto 31.7.2001 and 30.9.2001 respectively and decided to extend their services in the Council office as under:-

Dr. J.K. Tandon - w.e.f. 01.08.2001 for a further period of six months.
Dr. R.D. Bansal - w.e.f. 01.10.2001 for a further period of one year.”

90. Decisions by Central Govt. as against the Council Recommendations – stand of MCI.

Read : The matter with regard to decisions taken by the Central Govt. against the recommendations of the Council for starting of new medical colleges/increase of seats in 9 of the medical colleges.

The Administrator informed the Council members that the Central Govt. in the matters pertaining to starting of new medical colleges/increase of seats for the following 9 medical colleges had granted permission for

establishment/increase of seats in contravention to the decision communicated by the Medical Council of India:-

1. B.V.V. Sangha, Bhagalkot
2. M.V.J. Medical College & Research Hospital, Bangalore
3. Kakatiya Medical College, Warangal
4. Kurnool Medical College, Kurnool
5. Co-operative Medical College, Kochi
6. Ruxmaniben Deepchand Gardi Medical College, Ujjain
7. New Medical College at Sullia by Academy of Liberal Education, Sullia
8. Mahatma Gandhi Medical College & Research Instt., Pondicherry
9. Safdarjang Medical College, New Delhi

He further informed that this is a very serious matter and should be discussed by the Council thoroughly so that the coming generations do not blame the General Body for bartering away the autonomy of the Council.

The Council deliberated upon the matter and noted that for the above mentioned medical colleges letters have been sent to the Central Govt. requesting to clarify the statutory responsibilities of the Medical Council of India with regard to sending its recommendations for issue of Letter of Intent/Letter of Permission, letter of renewal of permission/fixing the number of seats in the medical colleges etc. The General Body also noted the protest of the MCI communicated to the Central Govt. drawing its attention for the statutory requirements of the MCI recommendations. House taking note of this, ventilated its concern and directed the Executive Committee to deliberate in the matter thoroughly. The decision of the Executive Committee taken in this regard be brought back with all relevant details to the General Body for its consideration. The Executive Committee may also suggest the necessary modalities of launching such protests as may be necessary to uphold its recommendations as suggested by the Administrator.

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

In terms of the decision of the General Body dated 03.06.2002 authorising Dr. Ved Prakash Mishra in consultation with the Secretary to propose a draft to the corrected minutes for consideration of the Council, the same were read out to the extent of corrections and the corrected minutes thereupon were confirmed by the Council on 04.06.2002.

3. Minutes of the last meeting of the Council – Action taken thereon.

The Council noted the action taken by the office on the minutes of the last meeting of the Council held on 30th April & 1st May, 2002 with following modifications:-

1. Page 16 last para reading as “Proposed by Dr. Ved Prakash Mishra and seconded by all the members present-----Additional Solicitor General of India wherever need be.

Under the action taken it was recorded that ‘ letter sent to Advocates on 20.4.2002 and 01.05.2002.

The members observed that there was a dichotomy in the action taken as communication dated 01.05.2002 under the signature of Secretary was sent to Shri Maninder Singh in terms of compliance of the decision of the General Body whereas the 4 communications after the meeting of the General Body were sent to Shri Maninder Singh stating----- were in violation of the decision taken by the EC and approved for execution by the General Body.

The Council therefore resolved that the non-compliance of the decisions needs to be corrected forthwith and expressed its displeasure and further directed that this should not be reoccur again.

2. On page 17 para 1 reading as “The Council further resolved -----
-----SLP preferred by the Council”.

Under the action taken it was recorded as ‘noted’. It was further clarified by the Secretary that it depicts ‘noted for compliance’. The members raised objections that no compliance has been done by the office as the Vice-President and two members of the Executive Committee have not received any communication for payment of their bills on the SLP preferred by them against the judgement of the Hon’ble Delhi High Court. It was decided that communication be sent by the office to the Vice-President and members for preferring their claim.

3. Page No. 37 item No. 91 “To approve the minutes of the Finance Committee held on 1.3.2002”.

The action taken in the matter instead of mentioning “noted” be read corrected as under:-

“In view of the facts that the financial appropriations were revised for the financial year 2001-2002 which were to be spent before 31.3.2002 and the original estimates for the year 2002-2003 came to be approved after the commencement of the current financial year i.e. on 30th April/1st May,2002, hence report of expenditure of the said period ought to be placed for the information of the Council.”

It was decided that since the information was not readily available, the action taken on this item will be reported in the next meeting.

When the action taken report was being considered it was noted by the members that the Secretary in compliance of the General Body decision

taken at its meeting held on 30th April/1st May,2002 had sent a letter dated 1.05.2002 to Advocate Mr. Maninder Singh under the signature of Secretary mentioning therein that he will defend the cases of MCI and further that this letter was issued in supersession of all earlier letters. However, there were another 4 letters sent to him under the signatures of Joint Secretary in the month of May,2002 for not appointing him as Advocate on behalf of the Council. Dr. Ved Prakash Mishra wanted to know from the Administrator as to which letter was authentic, and fixation of the responsibility on the person responsible for the grave lapse.

92. Postgraduate Medical Education Regulations, 2000 – Determination of prior requirement qualification for D.M. (Rheumatology).

Read : the matter with regard to determination of prior requirement qualification for D.M. (Rheumatology) in the Postgraduate Medical Education Regulations, 2000.

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

“The Postgraduate Committee considered the matter as regards prior requirement of the qualification for admission in DM (Rheumatology) course and decided to recommend that the eligibility qualification for admission in DM (Rheumatology) course be MD(General Medicine) qualification.”

93. Requirement of extra staff in certain departments conducting postgraduate courses – Regarding.

Read : the matter with regard to requirement of extra staff in certain departments conducting postgraduate courses.

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

“The Postgraduate Committee considered the matter regarding requirement in certain departments conducting postgraduate courses for extra staff in addition to that prescribed in minimum standard requirements as presently included in the Council’s regulations on Postgraduate Medical Education,2000.

After due deliberation and observing that the Postgraduate Committee decided to recommend that: -

i) the requirement of additional staff for conducting postgraduate courses in the following departments be deleted:

1. Anatomy
2. Physiology
3. Biochemistry
4. Pharmacology
5. Microbiology
6. Community Medicine
7. Radiotherapy
8. Forensic medicine

ii) One additional member in the teaching faculty be the requirement of extra staff for conducting postgraduate courses in the following departments:-

1. Pathology
2. Anaesthesiology
3. Radio-diagnosis

The Postgraduate Committee decided to recommend necessary amendment in the Council's regulations on Postgraduate Medical Education, 2000 accordingly.

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

94. To approve the minutes of the Postgraduate Committee meetings held on 5/2/2001, 1st & 2nd May, 2001, 12/6/2001, 2nd & 3rd August, 2001 and 16th Oct., 2001.

The Council approved the minutes of the Postgraduate Committee meetings held on;

1. 5th Feb., 2001,
2. 1st & 2nd May, 2001,
3. 12th June, 2001,
4. 2nd & 3rd August, 2001
5. 16th Oct., 2001.

95. Dismissal of Sh. Vidya Bhushan Kaushik, Gestetner Operator – from the Service of the Council.

Read : the matter with regard to dismissal of Shri Vidya Bhushan Kaushik, Gestetner Operator from the service of the Council.

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

“The Executive Committee noted that Shri Vidya Bhushan Kaushik, Gestetner Operator was placed under suspension on 23.3.2001 and subsequently an inquiry was held against him under rule 14 of the Central Civil Services Rules,1965.

The Disciplinary Authority i.e. the Secretary in exercise of the powers vested under the provisions of Rule 11(ix) of the Central Civil Services (Classification, Control & Appeal) Rules,1965 imposed the penalty of “Dismissal from Service” as all the charges against Shri Vidya Bhushan Kaushik were proved against him in the inquiry report.

The Executive Committee approved the penalty of dismissal imposed on Shri Vidya Bhushan Kaushik, Gestetner Operator from the service of the Council with effect from 19.04.2002 (AN).”

New Items:

7. Removal of names of doctors from the register of Registered Medical Practitioners.

Read : The matter with regard to removal of names of doctors from the register of Registered Medical Practitioners.

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

“The Executive Committee noted the letter dated 25.1.2002 received from the Registrar, J & K State Medical Council intimating that the following doctors have been deregistered from the register of the State Registered Medical Practitioners as they were found involved in criminal offence of “rape” on a patient :-

1. Dr.Wajid Ali S/o Shri Abdul Ghani Najar, R/o 245, Dalpatian Mohalla, Jammu, Regn.No.3384, dated 08.07.1985.
2. Dr.Hardev Singh S/o Shri Bhagat Singh, R/o 245, Dalpatian Mohalla, Jammu, Regn.No.3384, dated 08.07.1986.

The Committee decided to remove the names of above mentioned doctors from the Indian Medical Register and also to give intimation in this regard to all the State Medical Councils in the country.”

The Registration No. & date in respect of Dr. Wajid Ali be read corrected as under:-

Dr.Wajid Ali S/o Shri Abdul Ghani Najar, R/o 245, Dalpatian Mohalla, Jammu, Regn.No.3154, dated 02.02.1985.

8. To decide the date and time of the next meeting of the General Body.

It was decided that the next meeting of the Council will be held on 3rd & 4th October,2002.

9. Writ petition No.8/2001 – Asheesh Pratap Singh & Others Vs. Union of India & Others.

Read : The matter with regard to transfer of 50 students of Medical College, Azamgarh to the Medical Colleges in the State of U.P. as referred by the Migration Sub-Committee.

The Council noted that the matter with regard to placement of students of Azamgarh Medical College, Azamgarh in compliance of the order of the Hon’ble Supreme Court was considered by the Migration Sub-Committee at its meeting held on 23.5.2002 where the Committee decided as under:-

“The Committee noted that the medical college, Azamgarh was allowed 50 admission for the academic session 1999-2000 by Hon’ble Supreme Court vide its order dated 12.5.1999 in the S.L.P. filed by Union of India against the order of Hon’ble Allahabad High Court and also that the Supreme Court vide its order dated 11.3.2002 has ordered closure of the college and directed to take necessary steps to accommodate the students of this college in different medical colleges in the state of U.P. The Committee is of the view that this is not a migration of one particular candidate from a recognised medical college to another recognised medical college but matter of en masse migration of about 50 students from un-recognised college to recognised colleges in the state of U.P. The Committee is of the opinion that the Migration Sub-Committee cannot issue any instructions in these matters since these do not conform to the regulations notified in this regard. The Committee decided that since this matter involves a larger issue and certain policy matters, the matter may be placed before the Executive Committee/General Body of the Council, whichever is earlier.”

The Council further noted that on an earlier reference for regularisation of transfer of 152 students from Maharaja Agrasen Institute of Medical Education & Research, Agroha to Pt.B.D.Sharma Postgraduate Institute of Medical Sciences, Rohtak, the matter was considered by the Council where the authorities of the institution at Rohtak were advised to apply for increase in admission capacity as per provisions of Section 10A of the I.M.C. Act,1956. On receipt of the permission from the Central Govt. for increase of seats in the admission capacity these 152 students were to be adjusted over a period of five years starting from the academic year 2000-2001 to 2004-2005.

The members pointed out that the matter of adjustment of students of Azamgarh Medical College, Azamgarh actually was not required to be sent to the Migration Sub-Committee and moreover, one of the members Dr.(Mrs.) Usha Sharma pointed out that the colleges in the State of U.P. don't have vacancies to accommodate these candidates. She further pointed out that the Ld.Counsel appearing on behalf of the Council should have informed the Hon'ble Court the procedure to accommodate these candidates against the increased seats as was done in the case of Maharaja Agrasen Institute of Medical Education & Research, Agroha.

The members further desired to know that when the matter of regularisation of transfer of 152 students of MAIMER,Agroha to Pt.B.D.Sharma PGIMS, Rohtak was considered as per the provisions of Section 10A of the I.M.C. Act,1956 where the PGIMS, Rohtak had to apply for increase of seats to adjust these candidates why the same yardstick was not applied for adjustment of 50 students of Azamgarh Medical College to different medical colleges in the State of U.P.

The Council was informed about the Hon'ble Supreme Court order dated 11.03.2002 and the operative part of the same recorded under was read out:-

“In as much as, by our judgement in CA No. 3237/1999 pronounced today, we have set aside the order made by the High Court holding that there is a deemed permission in favour of the respondent therein and in the light of the order made by this Court on 4.5.2001 the said institution will have to be closed in the event of non compliance of the directions issued by this Court, the career of the students is at jeopardy and this aspect cannot be deriously disputed. Learned Counsel appearing for the Medical Council of India submitted that suitable arrangement could be made to accommodate these students in different medical colleges in the State of U.P. with the cooperation of the Govt. of U.P.

Having regard to the facts and circumstances of the case and in interest of justice, we direct that the Medical Council of India and the concerned Directorate of Medical Education or any other competent authority in the State of U.P. who has the power to transfer the students from one institution to another, on appropriate application

being made by the concerned petitioner, shall initiate all the necessary steps to accommodate them in different medical colleges in the State of U.P. within a period of three months from today (i.e. from 11.03.2002).”

The members pointed out that this judgement has been passed with full appearance by the MCI by its legal counsel and hence it is with full concurrence of the MCI in terms of its appearance when the order was given by the Hon’ble Supreme Court. They desired to know whether any affidavit was filed before the Hon’ble Supreme Court bringing to its notice about the provisions of Section 10A or not.

Many of the affidavits which were filed on behalf of the Council were brought to the notice of the General Body and also various letters of the Council Advocate received from time to time conveying the status of the case before the Hon’ble Court, were read out. From these it was clarified that provisions of Section 10A were brought to the notice of the Hon’ble Court. It was also informed to the Council that the Hon’ble Court has ordered to consider the migrations “on an appropriate application” made by the candidates.

The Council was also informed about an IA filed by the students in response to DGMER, U.P. letter to accommodate these students in the 3 colleges namely (1) Subharati Medical College, Meerut, (2) Era Lucknow Medical College, Lucknow and (3) Santosh Medical College, Ghaziabad and that the office was not aware of any orders passed by the Hon’ble Court in this IA.

The General Body of the Council was informed that the Writ Petitioners which were 32 in number had qualified in CPMT examination held in June,1998 for admission to the medical colleges in U.P. and they were admitted to the Azamgarh Medical College in compliance of the orders of the Hon’ble Supreme Court. These candidates had passed the first professional examination which was held in May,2000. The Council was also informed about the order dated 18.03.2002 passed by the Hon’ble Court in amendment to their order dated 11.03.2002 directing the authorities to include non-petitioners also.

Members were also informed that upon carrying out the various inspections of the medical college, the college was not recommended for starting as per the provisions of Section 10A. Even on receipt of the compliance one of the inspection which was arranged to be held on 2nd & 3rd August,2001 could not be held because the institution did not allow the MCI to carry out the inspection.

The members were not convinced with the information provided from the relevant portion of the notes on the file and letters of the Advocate and felt that the Advocate’s consent for adjusting the students is as a result of direction of some officers of the Council.

It was clarified that no such direction was given to the Advocate. The Advocate as seen from the letters and the affidavits filed has clearly brought to the notice of the Hon'ble Supreme Court regarding the provisions of Section 10A, hence, there is no default in defending this case. However, the Council taking into consideration the various aspects of the issue desired to know as to whether the students are to be accommodated to various colleges in the State of U.P. against the increased seats with fulfillment of necessary procedure u/s 10A of the I.M.C. Act,1956 and in terms of an earlier precedence in which the Council had decided in regard to transfer of 150 students from Maharaja Agrasen Instt. of Medical Education & Research, Agroha to Pt.B.D.Sharma PGIMS, Rohtak.

The Council further decided that it shall be advisable for the Administrator to seek legal opinion in this regard from the suitable law officer from the Govt. of India forthwith and authorized him to act in accordance with the same ensuring that the time limit prescribed by the Hon'ble Supreme Court in terms of its order of 3 months is not breached in any way.

The Council further directed that in view of the various lapses that were observed to have occurred at the level of the Council Office, in this regard, the Administrator may look into the same and bring out his observations before the Executive Committee at its ensuing meeting.

10. Report of the Sub-Committee constituted to look into the basis, reasons, necessity and veracity of an affidavit prepared by M/s J.S.Wad & Company.

Read : the report of the Sub-Committee meeting dated 28.05.2002.

The Council noted that it at its meeting held on 30th April/1st May,2002 had constituted a Sub-Committee to look into the basis, reasons, necessity and veracity of an affidavit prepared by M/s J.S.Wad & Company stated to be filed on behalf of the Council wherein amongst other things, it has been brought out "that the Council has now (emphasis supplied) decided to withdraw the S.L.P. preferred by it against the judgement delivered by the Hon'ble Delhi High Court and fixation of the responsibility for the wrong if any.

The report of Sub-Committee was read out in the meeting itself and the same was approved. The Administrator also recorded his appreciation for the report. The report of the Sub-Committee is reproduced as under:-

"The present Committee was constituted by the General Body at its meeting held on 30th April-Ist May, 2002 "to look into the basis, reasons, necessity and veracity" of an affidavit prepared by M/s. J.S. Wad and Company stated to be filed on behalf of the Council wherein amongst other things, it has been brought out "that the Council has now (emphasis supplied) decided to withdraw the S.L.P. preferred by

it against the judgment delivered by the Hon'ble Delhi High Court and fixation of the responsibility for the wrong, if any.

Accordingly, the meeting of the Committee was held on 28th May, 2002 in the office of the Council at 11 a.m. On perusal of the relevant documents and records as were brought out, the Committee is pleased to observe as under:

The Medical Council of India alongwith 2 members of the Executive Committee namely Dr. P.M. Jadhav and Dr. S.K. Sinha filed an SLP before the Hon'ble Supreme Court against the impugned judgment of the Delhi High Court dt. 23.11.2001. The said SLP has been filed on behalf of the Council by M/s. Aarputtham and Aruna & Company, Advocates, Supreme Court of India. The SLP is pending before the Hon'ble Supreme Court. In addition to the above, other SLP that were also pending, wherein the Council has been impleaded as a respondent are –

- (a) Dr. P.C. Keshwankutty Nair Vs. Dr. Harish Bhalla & ors.
- (b) Union of India Vs. Dr. Harish Bhalla & ors.
- (c) Dr. Ketan Desai Vs. Dr. Harish Bhalla & ors.

In the SLP preferred by the Council question has been raised whether a total stranger and outsider who is not a medical man could at all be appointed as an Administrator to preside over the affairs of the MCI. Further, whether the direction of the Hon'ble High Court appointing an Administrator in place of a duly elected President, is not contrary to the provisions of the Act and Regulation No.35 which provides that in absence of the President it is the Vice President who would exercise the powers and discharge the functions of the President and other associated and collateral issues.

The Committee noted that the Hon'ble Delhi High Court pronounced its judgment on 23.11.2001 in open court wherein in terms of the note prepared by the office dt. 29.11.2001, it has been brought out that the officers of the Council and Council Advocates were present. In view of the fact that there were adverse comments/observations pertaining to the Council and its official functioning, the matter is said to have been discussed with Advocate Maninder Singh, Central Govt. Standing Counsel, who is defending the matter on behalf of the Council too. He is said to have advised that it was better to seek the opinion from the Learned Additional Solicitor General Sh. Mukul Rohtagi in the matter.

Accordingly, a letter dated 23.11.2001 addressed to the Ld. Additional Solicitor General has been made wherein his opinion has been sought which in a communication dt. 24.11.2001 a reply has been received wherein it has been opined by him that on perusal of the judgment dt. 23.11.2001, MCI should take immediate steps to challenge the judgment in the Hon'ble Supreme Court.

As per this advise from the Ld. Addl. Solicitor General the concerned SLP was preferred wherein MCI is petitioner no.1 with Dr. P.M. Jadhav and Dr. SK Sinha, members of the Executive Committee as petitioner no.2 & 3 respectively. In the said SLP an affidavit authenticating the contents was signed on the morning of 26.11.2001. Thereafter, the Council office vide its letter dt. 26.11.2001 informed the Central Govt. that the Council on the advise of the Addl. Solicitor General has filed an SLP before the Hon'ble Supreme Court enclosing the letter dt. 24.11.2001 from the Addl. Solicitor General.

The Committee on going through the contents of the SLP has noted that the main grievances that have formed the basis of it are (1) that the Hon'ble High Court in its judgment dt. 23.11.2001 has observed that MCI is a den of corruption (2) that the decisions of the Council are manipulated by its President (3) that the meetings of the Council were a farce (4) the Council was not properly constituted and (5) whether the High Court can by-pass the provision of Section 4 of the I.M.C. Act, 1956 where the Central Govt. is empowered to decide the election dispute of the Council (6) whether the High Court can hold the Council as not properly constituted just because there are certain vacancies (7) whether the High Court can appoint an Administrator in place of President contrary to the provisions of the Act and Regulation 35 and (8) whether a total stranger and outsider who is not even a medical man could at all be appointed as an Administrator to preside over the affairs of the Council.

The above SLP alongwith the other three came up for hearing before the Hon'ble Supreme Court on 14.1.2002 and 18.1.2002 and the Hon'ble Court after hearing the arguments as per records is said to have granted special leave in these matters. It's a matter of record that a report of the Administrator, MCI was also submitted to the Hon'ble Court on which the Court directed that the same be placed on record and the copy of the record be given to the Solicitor General.

The Committee has also come across a letter no. MCI – 7(10)/2001-Legal/34438-39, dt. 10.1.2002 addressed to Dr. P.M. Jadhav and Dr. S.K. Sinha, the co-petitioner in the SLP of the Council intimating that the Council shall not be meeting the expenses on behalf of the said two members of the Executive Committee and that the Council Office under the directions of the Administrator has also taken a decision to withdraw petitioner no.1 i.e. MCI in the said SLP.

The Executive Committee of the Council at its meeting held on 31.1.2002 has brought out that (1) since the Executive Committee members have been asked to bear the expenses for the SLP individually, it was natural and logical that the SLP filed on behalf of the Administrator and the expenses thereof be borne by the Administrator in person and the Executive Committee has gone on records stating that “it unanimously decides that under no

circumstances the bills for lawyers appearing for Administrator and not for MCI would be paid by the Council”. We jointly and strongly recommend that the SLP filed by the MCI should be pursued. These matters were brought out in a note sheet by the office dt. 1.2.2002 to which the observations of the Administrator dt. 4th Feb.2002 are being reproduced at the verbatim here below:

- “1. Reference the note from DS (Legal) and Secretary’s note above.
2. I have been appointed Administrator of the MCI by the Hon’ble Delhi High Court with a clear mandate to set things right and bring the Council back on its feet to enable it to discharge its statutory functions in accordance with the spirit and object of setting up the MCI.
3. In the discharge of responsibility assigned to me, I have changed the Panel of Advocates because huge expenditure has been incurred in the legal cases of the MCI as seen from the audit Report and the observations thereof. In one case not so senior advocate has been paid Rs. 1.18 crores in approximately 5 years period which, to me, appears exorbitant. I have changed the Panel of Advocates accordingly. It is my decision to appoint the advocates mentioned above for the MCI.
4. Please note that the orders of the Hon’ble Delhi High Court are operative and none can set these aside. I consider these directions dated 31st Jan. 2002 to the Council Office by the Executive Committee as interference in my functioning and willful disregard of the orders of the Hon’ble High Court.
5. Regarding the withdrawal of the SLP, as already directed, the instructions given by me earlier stand – the SLP filed by the Secretary MCI will not be pursued. The members – co-petitioners – have already been intimated the decision.
6. Please ensure immediate payment of bills on account of professional service charges, received from the advocates mentioned in the DS (Legal)’s note.”

Accordingly, the Council by a communication dt. 4.1.2002 informed Sh. A. Mariarputham, Advocate not to follow SLP preferred by the MCI until further directions and by a subsequent letter dt. 17.1.2002, he was asked on behalf of the Administrator to prepare and send an application to delete MCI as a petitioner in the said SLP.

Sh. A. Mariarputham, in his letter dt. 18.1.2002 has stated that the said SLP having been filed on behalf of the MCI which is a statutory body created out of a Parliamentary enactment, upon the written advise of the Ld. Addl. Solicitor General of India, and the Hon’ble Supreme Court having issued notice in the same, if any application as suggested by the Administrator is to be prepared and filed before the Hon’ble Court, it would be imperative and necessary to annex such an application a formal resolution of the Council to the said effect and as such he requested the Council to send him a copy of such a resolution

for further steps to be taken in the matter. To this, the Administrator has observed on 4th February as under:

- “1. Ref. Notes above.
2. I am surprised at the concern of Sh. A. Mariarputham, Advocate, till the case even after he has issued No Objection for change of Vakalat in the matter on behalf of petitioner No.1, MCI to M/s/. JS Wad & Co on 18th Jan. 2002. The case has been taken away from Sh. A. Mariarputham which is our prerogative.
3. M/s. JS Wad & Co have already filed their vakat on 29 Jan. 02. The case stands closed as far as Sh. A. Mariarputham is concerned.
4. It is interesting to note that the letter addressed to MCI by Sh. A. Mariarputham is dt. 18th Jan.02 but was faxed to us only on 29 Jan.02 just prior to the scheduled Executive Committee meeting on 31st Jan.2002.”

It is seen from the records instead of sending Advocate Mariarputham a copy of the formal resolution of the Council that the MCI may withdraw the SLP (which was never there) the Secretary, MCI under the direction of the Administrator informed him that since the Council Office did not receive from his office an application for withdrawal of MCI being petitioner no.1, the Administrator of the Council has decided to take the SLP from him and entrust the same to M/s. JS Wad & Company, and he was asked to give a No objection to the said Company. A copy of the said communication is said to have been forwarded as per the directions of the Administrator to M/s. JS Wad & Co. to obtain a No Objection Certificate from him for further necessary action in the matter.

Acting on the said decision of the Administrator, M/s. JS Wad & Co. asked from Advocate Mariarputham a No objection which was given by him on 25.1.2002 in terms of –

“I have no objection for change of vakalat in the above matter on behalf petitioner no.1 MCI. I would however continue to appear as the Council for petitioner no.2 & 3. This no objection for change of vakalat is limited to petitioner no.1 only”

Accordingly, M/s. JS Wad & Co. Advocates were requested by the Council Office to prepare an affidavit on behalf of the Council under the signatures of Dr. Mrs. M. Sachdeva, Secretary for withdrawal of petitioner no.1 in the said SLP. In terms of a note dated 8th March, 2002, it is recorded that office has not received any affidavit in this regard. The observations by the Administrator dt. 14th March, 2002 are also being reproduced as verbatim hereinbelow

1. "Reference note above.
2. The question of authorization of filing of affidavit by the Secretary of the MCI has to be settled at this juncture itself wherein in an open court, the Standing Counsels for Union of India and MCI were present alongwith you and the DS (Legal) on 23.11.2001 when the Hon'ble Delhi High Court had removed the erstwhile President of the MCI and appointed me as Administrator which became effective from the moment it was pronounced in the open court in the LPA Nos. 299 & 301 of 2001.
3. The fact that I reported to the MCI on the next working day i.e. 26.11.2001 is irrelevant as far as the filing of the SLP is concerned which has been filed without proper authorization by the President/Administrator. Therefore obtaining the legal opinion of the ASG on 24.11.2001 itself is improper and devoid of any administrative sanctity.
4. I agree with your learned observation with regard to image and good name of the MCI; these can be better defended by our own actions than going back to the Court. Therefore, I still maintain that neither there was any justification required to seek the advice of the learned ASG on 24.11.01 after the pronouncement of the judgment of the Hon'ble Delhi High Court nor there is one required now.
5. It is for your information that the SLP No. 21378-379/2001 dt. 26 Nov. 2001 has been filed and signed by you and it is not on behalf of any other member of the MCI for which they are free to file their separate SLP.
6. Regarding written communication from the members of the Executive Committee after the meeting on 31.01.02 no cognizance should be taken as these instructions do not form part of the minutes of the meeting. My earlier instructions on this subject stand.
7. You are therefore required to write a letter to M/s. JS Wad & Co., the Advocates of the MCI in this case to withdraw SLP No. 21378-379/2001 dated 26 Nov. 2001 signed by you as Secretary of the Council and copy of this letter should be sent to the Registrar of the Supreme Court of India.
8. These directions are given to you by me as Administrator i.e. Head of the MCI as per Hon'ble Delhi High Court Order dt. 23.11.01 which judgment has not been interfered with by the Hon'ble Supreme Court."

On 8.3.2002 in terms of the observation of the Secretary, MCI dt. 13.3.2002 she was handed over an application alongwith an affidavit prepared by M/s JS Wad & Co. for withdrawal of the SLP. She states that having perused the affidavit to be filed under her signature, she has to make the following observations:

- (1) As regards para –2 the last sentence i.e. “it is however stated that the petitioner no.2 & 3 are merely supporting the petitioner no.1” she cannot make any statement on behalf of others as to what they are doing or intend to do
- (2) As regards para –4, that “petitioner no.1 has now take a decision not to proceed with the present SLP and has therefore decided to withdraw the same” it may kindly be noted that the said SLP was filed on behalf of MCI on the advise the Learned ASG and intimation to which effect was also given to Central Govt. She goes on to add that it may kindly be recalled that during the meeting of the Ex. Committee held on 31.1.2002, it had directed that the said SLP be pursued which was however over-ruled by the Administrator in his note in the minutes. The Ex. Committee has however not approved the recording of the minutes in regard to the note of the Administrator.

It is again submitted that the above SLP was filed only for seeking enforcement of the rules and regulations of the Council for removal of the adverse observations and conclusions which are contrary to the record made by the Hon’ble Delhi High Court. She has further stated that it is again reiterated that there cannot be any two opinion that everyone who is holding any position in the Council should make every effort for ensuring that the incorrect observation which are contrary to the records in the impugned judgment made against the Central Govt. and the MCI are removed and annulled so that the credibility of the MCI as a statutory institution is restored and upheld. It is not only imperative in the interest of the Council itself but it is also in the interest of maintenance of highest standards of medical education throughout the country which is the purpose for which the Council has been constituted by the Central Govt., that the erroneous impression created about the functioning of the Council is corrected.

It is therefore submitted that since the SLP was filed on the advice of Ld. ASG, decision not to pursue and withdraw the same may be taken only after seeking legal opinion from the Learned Solicitor General of India and also concurrence of the Ex. Committee and/or the Council.

The above chronology of events categorically brings about that the decision of withdrawal of the SLP preferred by the Council has been exclusively taken by the Administrator in supersession of the various contentions that have been brought out before him from time to time.

The Committee feels it imperative to bring out on record that the Administrator has preferred an interim application dt. 6.3.2002 in which having brought out various observations of his has prayed for (a) appointment of an adhoc PG Committee, (b) direction to the Ex. Committee member to follow the impugned order of the Delhi High Court in its letter and spirit (c) cooperate and give the necessary assistance to the Administrator in order to enable the Administrator to discharge its duty in pursuance of the Hon'ble Court direction and (d) pass such further order for effective running of the MCI in the light of the specific instances stated above.

In this context the Committee would like to bring out with clarity that the IMC Act, 1956 under clause 2(c) have defined the word 'Council' which reads – "Council means the Medical Council of India constituted under this Act" and a constituted Medical Council has been reflected u/s 3 of the said Act titled "Constitution and Composition of the Council which reads the Central Govt. shall cause to constitute a Council consisting of the following members namely under sub—section a,b,c & d.

Thus, the word "Council" means that which is included and covered u/s. 3 of the Act. The fact that SLP that has been preferred by the Council contemplates the one that means and includes the Council as a whole covered u/s 3 of the Act.

The Hon'ble Delhi High Court has appointed Administrator in place of the President of the Council to discharge the duties in his place with powers of the President as included under the governing provisions of the Act. Thus by no stretch of imagination Administrator in his individual capacity or in isolation shall mean the 'Council'. It is evident from the records that the SLP that was preferred by the Secretary, MCI on the advise of Ld. Solicitor General of India on behalf of the Council has been ratified by the Ex. Committee at its meeting held on 31.1.2002. Although to begin with for the sake of argument it can be said that the SLP preferred by the Secretary did not have the endorsement of the General Body or the Ex. Committee but with the speaking endorsement of preferring the said SLP by the Ex. Committee sets all speculation in this regard to rest. Therefore it turns out to be an SLP preferred by the Council as a whole. The question of withdrawal of the same therefore could not have been vested with an individual much less the Administrator. The decision/action therefore by the Administrator was in breach of the decision of the Ex. Committee and its subsequent ratification by the General Body too.

The decision of the Administrator of withdrawal of the SLP can be said to be generated out of self and personal interest if viewed in the context of his interim application before the Hon'ble Supreme Court dt. 6th March, 2002.

It is borne out from the records that Advocate Mariarputham when was advised for withdrawal of SLP had asked for a copy of the resolution of the General Body/Executive Committee to this effect but the same was not forwarded to him although the Ex. Committee has taken a decision in this regard.

The Committee is amazed that inspite of a draft affidavit having been forwarded to the Secretary by M/s. JS & Wad and the observations of her's the same was never filed before the Hon'ble Supreme Court for the reasons unknown.

If analyzed objectively it is seen that the said SLP has 3 petitioners namely MCI (Council as petitioner no.1) and Dr. P.M. Jadhav and Dr. S.K. Sinha as petitioner no.2 & 3 respectively. Assuming that in terms of the directions of the Administrator and affidavit of M/s. JS Wad & Co. for withdrawal of SLP it was limited to petitioner no.1. And that withdrawal operationally would not have served the purpose for which in was intended that the SLP would have remained by virtue of non-withdrawal on behalf of petitioner no.2 & 3. Realizing the futility of exercise, in finality, the affidavit prepared by M/s. JS Wad & Co. was not filed.

In conclusion the Committee is of the considered opinion that the decision of withdrawal of the SLP preferred by MCI by the Administrator was ill conceived and motivated as well.

Report submitted to the Secretary, MCI for its placement before the General Body at its ensuing meeting to be held on 3/4th June 2002.”

11. **Report of the Sub-Committee constituted by the Executive Committee to go into details of the students who have benefitted by the judgement of the Hon'ble Supreme Court dated 8th March,2002, to see the modalities worked out for implementation of this and also to look into the complete details of the issue.**

Read : the report of the Sub-Committee meeting held on 28.05.2002.

The Council noted that the Executive Committee of the Council at its meeting held on 22-05-02 had decided to constitute a committee comprising of Dr. D.K. Sharma, Dr. Ved Prakash Mishra and Dr. B.P. Dubey to go into the details of the students who have benefited by the judgement of the Hon'ble Supreme Court dated 8th March, 2002 to see the modalities worked out for implementation of this and also to look into the complete details of the issue.

The report of Sub-Committee was read out in the meeting itself and the same was approved. The Administrator also recorded his appreciation for the report. The report of the Sub-Committee is reproduced as under:-

“The Executive Committee of the Council at its meeting held on 22-05-02 had decided to constitute a committee comprising of Dr. D.K. Sharma, Dr. Ved Prakash Mishra and Dr. B.P. Dubey to go into the details of the students who have benefited by the judgement of the Hon’ble Supreme Court dated 8th March, 2002 to see the modalities worked out for implementation of this and also to look into the complete details of the issue.

Accordingly, the meeting of the Committee was held on 28-05-02 at 2 pm in the office of the MCI, New Delhi. All the members were present. Upon careful perusal of the relevant documents as incorporated in the records brought out before the Committee, it was observed that :-

- i) the Council being the sole authority vested with the powers with jurisdiction of registration of the graduates, it was imperative that the same ought to have been defended meticulously. However, it is seen that the chronological number on the pages of the file was observed to have been altered either by overwriting or scratching. The Committee was informed by the Secretary of the Council that the chronology was changed by the Joint Secretary, Dr. K.K. Arora. The Committee heard the Joint Secretary in person who confessed before it that the said alteration in the chronological numbering was carried out by him as few pages in the file were not numbered. Irrespective of the fact whether this explanation is acceptable or not, it was observed that certain more glaring discrepancies in the numbering which was brought out by the Committee to his notice to which he had no explanation to offer.
- ii) The file contained certain Xeroxed pages that have been numbered as 49, 50, 58, 59 and 62 to 75. On a specific query as to how the file contained photocopied pages wherein it is expected to have the originals, the Committee was shown the original notings in regard to page no. 58, 59 and 62 & 63. However, no corroboration for the remaining pages was brought out before the Committee. Upon careful scrutiny, it was seen that the Administrator on 10-05-02, in terms of his orders had directed the said file to be handed over to M/s J.S. Wad & Company, through Dr. A.S. Nayyer, Deputy Secretary, before 11-05-02. Dr. A.S. Nayyer on queries raised by the Committee, informed that in accordance with the said direction by the Administrator, he did hand over the photocopies of the concerned files to M/s J.S. Wad & Company.

The Committee has seen a note sheet dated 17-05-2002 and a status note thereon of the similar date worked out by the Secretary, MCI. The concluding noting on the said status note is dated 22-05-02 and the original note sheet bearing Administrator’s signature dated 24-05-02 is also on record. Dr. A.S. Nayyer informed the Committee that

when he carried out the file to M/s J.S. Wad & Company, file did not have any photocopied pages. Similarly, the Secretary, MCI stated to the Committee that with her endorsement dated 22-05-2002, the file had all the original papers. However, when the file was received back by her on 24-05-02, she herself after observing that certain original note sheets are not on the file, in fact, in writing recorded on the said file that the originals of pages 66-75 are missing and photocopies of the same have been attached in the file.

The movement of the file shows that the file was sent to the Administrator by the Secretary on 22-05-02 and it came back to her from the Administrator on 24-05-02. The movement of the file does not indicate that it was either received or sent to any other officer of the Council during the period 22nd to 24th May, 2002.

The removal of certain not sheets from the file, replacement thereof by photocopies and alteration in the chronological numbering of the file is certainly a very serious matter and deserves a further in-depth probe for fixing the responsibility on the persons involved in this regard. This is imperative because, by the very nature and manner of functioning of the office of the Council, it is impossible to supervise the same on day-to-day basis, by any of the members of either the Executive Committee or the General Body of the Council.

The Committees, which are constituted by the Members of the Council of the Council coming from all the parts of the country for their meetings, work on absolute faith and on the honesty and character of the staff of the Council. Any further attempt on the part of any officer of the Council in future to tamper with the files of the Council, in any manner, undoubtedly, exposes the committees of the Council to criticism and also creates a danger to the effective functioning of the Council. This situation, therefore, without any reservation, deserves to be handled deftly and effectively so as to ensure that the deterrent measures on determination of the guilt and the guilty is such that no such recurrence ever takes place in the functioning of the Council.

- iii) The autonomy of the Council in achieving its objectives under the Indian Medical Council Act, 1956 is clear and unambiguous under the governing provisions of the Act. The Council in its discharge of statutory obligations, is required to take stand in accordance with law even when it finds itself in a position that the stand taken by it is in conflict with the views of the Central Government.
- iv) It was on the basis of objective material and facts regarding total degeneration and decline in the standards of medical education in the medical institutions in the erstwhile States of USSR that the Executive Committee in discharge of its statutory obligations and towards achieving the objective of maintaining highest standards of medical education took judicious decision on 17-09-1997 to decline registration to candidates inter-alia, of the following categories who

came back with medical qualifications from the medical institutions in the erstwhile States of USSR :-

- (a) candidates who do not fulfil the eligibility criteria at the time of their admissions;
- (b) candidates who obtained initial admission in un-recognised medical institutions;
- (c) candidates who did not undergo the complete duration of 6 years' medicine course after doing one year of language preparatory course.

The above mentioned recommendation of the Executive Committee dated 17-09-1997 was ratified by the General Body of the Council in its meeting held on 23-10-1997.

It is a matter of record that for discharging its statutory obligations and for achieving the objectives of the provisions of the Act, the Council fought tooth and nail for ensuring the implementation of its above mentioned decisions. Litigations were fought all over the country and when all these efforts in addition to obtaining the objectives for which the Council has been constituted, were apparently also to protect the larger public interest, that is to say that the common citizen of this country is not left to the mercy of apparently untrained hands especially in view of the fact that it was the consistent observation of the MCI that students who never had the science subjects in their 10+2, had not even passed their 10+2 or had not even obtained 50% marks in 10+2, had obtained admissions with unexpected, unwarranted and unimaginable ease, in various medical institutions in the erstwhile States of USSR.

After losing legal battles before various Hon'ble High Courts, the MCI finally reached the Hon'ble Supreme Court by filing a number of appeals. On 17-04-2000, the Hon'ble Supreme Court recognising the bonafides of the efforts of the Council and prima facie upholding the correctness of the quest of Council to maintain standards, approved a scheme of the General Body of the Council in relation to certain categories of students **only as a one-time measure** taking a humane approach.

It was only with the consistent and persistent efforts of the Council that even the Central Govt. recognised this alarming position of declining standards in the medical education in certain medical institutions abroad and the Parliament carried out an amendment in the Act on 03-09-2001 providing for compulsory screening test to such candidates before they are permitted to start practising or getting employed as medical professionals in this country. Accordingly, Section 13(4)A and 13(4) B were introduced and incorporated in the Act.

However, when the matters were pending final disposal before the Hon'ble Supreme Court and when the amendments were introduced by the Parliament in the Act, as stated above the Central Govt. proposed a one-time amnesty scheme to the effect that the candidates who were declined registration by the MCI may be given certain benefits including condonation of their defaults and deficiencies going to the extent of giving them immunity from appearing in the screening test before granting them registration on the premise that the stipulation of screening test is to be made effective prospectively.

It is also a matter of surprise that the office of the Council was involved in the process of framing guidelines by the Central Govt. which ultimately got culminated in the form of an affidavit dated 20-02-2002 filed on behalf of the Central Govt. before the Hon'ble Supreme Court but non of these development and involvement of the office of the Council in these discussions with the Central Govt. were ever brought to the notice of the Executive Committee or the General Body of the Council, when the office of the Council is fully conscious of the decisions of the Executive Committee dated 17-09-1997. It would be difficult to dispel an argument, if it is raised, that the office of the Council must have been a party to the framing of guidelines by the Central Govt. incorporated in the affidavit dated 20-02-2002 which are contrary to the decisions of the Executive Committee and the General Body referred to above if the letter of the Secretary dated 11-03-2002 addressed to the Secretary, Govt. of India is read and which was actually read in the General Body meeting of the Council held on 30-04-2002 and 01-05-02 wherein it has been specifically stated that on 18-02-2002, the Secretary, MCI had attended a meeting at the Ministry of Health & Family Welfare in relation to finalisation of the Screening Test Regulations.

In this view of the matter when the office of the Council is participating in the meetings with the Central Govt. on an issue in which the Committees of the Council had taken a definite view in the form of their decision dated 17-09-1997 ratified on 23-10-1997, then it is apparent that the affidavit of the Central Govt. dated 20-02-02 did not spring a surprise for the office of the Council to handle that situation or to feel paucity or shortage of time to respond to the stand taken by the Central Govt. by filing an appropriate affidavit on behalf of the MCI at the first opportunity itself.

On the contrary, despite the fact that the contents of the Central Government's affidavit with specific details and correlation with each category of candidates, duly stood informed to the office of the Council on 20-02-02 itself when specific letters from the Advocate of the Council were received.

Prior to 25-02-2002, the Administrator who had initially approved that Mr. Navin Prakash and Mr. Maninder Singh to appear in these cases, on Mr. Maninder Singh expressing inability to take a stand against the

stand of the Central Government being a Central Govt. Standing Counsel, with the approval of the Administrator Mr. Navin Prakash was requested to defend these cases.

Mr. Navin Prakash, as per the instructions of the Administrator incorporated in the record, appeared in all the appeals of the MCI before the Hon'ble Supreme Court on 26-02-2002. He sought a short adjournment to file a suitable affidavit on behalf of MCI responding to the stand taken by the Central Govt. in its affidavit dated 20-02-2002.

Mr. Navin Prakash, Advocate had given the opinion that the Council may accept the stand taken by the Central Govt. on the condition that candidates are required to undergo the screening test. The record further shows that the Secretary of the Council had expressed reservations/disagreement on the opinion of Mr. Navin Prakash and stated that instead of accepting the opinion of Mr. Navin Prakash it would be desirable for MCI to stick to the decision of the Executive Committee dated 17-09-1997 ratified by the General Body on 23-10-1997.

It is surprising to observe from the record that why 4th of March, 2002 was scheduled to finalise the affidavit on behalf of MCI when the case was listed before the Hon'ble Supreme Court on 05-03-2002. The record shows that Mr. Navin Prakash, Advocate had attended the office of the Council on 04-03-2002 at 4 pm when the Deputy Secretary (Legal) and the Secretary of the Council had given their views on the matter to the effect that it would not be advisable to accept his opinion as stated above. He left the office of the Council late in the evening with the clear understanding that he will finalise the stand of the MCI after discussing it further with the Administrator and after taking his instructions. He further stated that he will discuss the matter with the Administrator before giving a statement before the Hon'ble Supreme Court on 05-03-2002.

However, the record does not indicate at all as to what final instructions were obtained by Mr. Navin Prakash from the Administrator and what was the final affidavit prepared thereupon. The record further shows that :-

- (a) No affidavit whatsoever was filed on behalf of the MCI before the hearing took place before the Hon'ble Supreme Court on 05-03-2002.
- (b) Neither the Solicitor General of India nor any Addl. Solicitor General as Senior Advocate had been engaged on behalf of the MCI.

The file further shows that the above mentioned facts and the above mentioned position was placed before the Administrator through a detailed note of the Secretary dated 17-05-2002 and the

comments of the Joint Secretary thereafter on 22-05-02, with a subsequent endorsement of the Secretary dated 23-05-02, marking the file to the Administrator, nothing stands disagreed or controverted in this regard. However, the file has been returned back to the Secretary with a separate note dated 24-05-02 by the Administrator stating that this file be sent to M/s J.S. Wad & Company through the Deputy Secretary (Registration) on 24-05-2002 itself.

Therefore, it would not be inappropriate for the Committee to presume that the Administrator found the note of the Secretary dated 17-05-02 in order and in conformity with the record. This, therefore, leaves the Committee to conclude the following :-

- a) MCI remained totally undefended before the Hon'ble Supreme Court on 05-03-2002 on issues which was absolutely vital and significant through preservation not only of its autonomy for seeking objections under the Act but also towards fulfilment of its statutory obligation for ensuring the larger public interest.
- b) Neither the Solicitor General of India nor any Addl. Solicitor General as Senior Advocate was engaged on behalf of the MCI, which has been a consistent practice, when these appeals were so vital and important for the Council.

The purpose for which the adjournment was taken on 26-02-2002, i.e. to file a suitable affidavit responding to the affidavit of the Central Govt. dated 20-02-2002 was not filed in any of the appeals.

- c) On 26-02-2002, Mr. Navin Prakash, Advocate had appeared in all the appeals before the Hon'ble Supreme Court as communicated by him on 26-02-2002. His subsequent statement that he appeared only in 2 appeals, being apparently an after-thought, however, further indicates that in the remaining appeals the MCI remained totally un-represented as now stated by Mr. Navin Prakash in his communication dated 05-03-02 which, on the fact of it, is incorrect.
- d) Office of the Council has miserably failed to coordinate the entire matter for defending the interests of the Council knowing fully well that the decisions of the Hon'ble Supreme Court may well go against the Council and the consequences thereof, the office of the Council did not ensure the filing of the affidavit, appearance of either the Solicitor General of India or any Addl. Solicitor General as Senior Advocate on behalf of the MCI and the whole thing appears to be handled in a slipshod manner. The Committee is, therefore, tempted to conclude that the entire functioning of the office of the Council on the given subject was pre-determined in nature.

The Committee is, therefore, constrained to recommend that –

- (i) There shall be an immediate in-depth probe in relation to the tampering of the file by removal of original documents replacing them with photocopies, tampering with the chronological numbering of the file and fix responsibility for ensuring that there is no recurrence of the same in future.
- (ii) The Committee feels absolutely unprotected and unsafe in the hands of a professional lawyer who according to it ought to have taken much more care and coordination in conducting such vital appeals on behalf of MCI. His communications which are contradictory and incorrect, further compels the Committee to recommend not to entrust any responsibility either as a retainer or for any litigation to Mr. Navin Prakash, Advocate forthwith.
- (iii) There is a total administrative failure in handling these vital appeals. Besides fixing the responsibility for tampering with the files, the responsibility should also be fixed on the concerned officials of the Council who were duty bound to take all necessary steps and initiatives for ensuring that there is no failure in effectively pursuing the appeals on behalf of the MCI on such vital issues.
- (iv) The decision to send the files of these appeals to M/s J.S. Wad & Company is contrary to the decision of the General Body of the Council. While taking steps to retrieve the files, the Committee also recommends that the decisions of the Executive Committee and the General Body of the Council for its functioning are circulated to each and every officer so that there is no further violation by anyone of them.
- (v) The issue being significant, the Committee feels it appropriate to place this interim report for the consideration by the Council to take stock of the matter. The remaining areas of terms of reference vested with the Committee shall be taken up in due course of time.”

12. Fixing of surprise inspection/carrying out immediate inspection for the postgraduate courses being conducted in the medical colleges of Bihar – Regarding.

While the Item No. 43 i.e. “Approval of the J.J.M. Medical College, Davangere for the award of M.S.(Orthopaedics) & D.Ortho. qualifications – affiliation with Mysore University” was being considered one of the

members Dr. Ajay Kumar brought to the notice of the Council that the infrastructural facilities in Govt. Medical Colleges of Bihar are not at all adequate for the conduct of postgraduate courses particularly with the number of admissions being made by the State Govt. in those postgraduate courses.

The Administrator also informed the members that surprise inspection wherever necessary should be carried out on behalf of the Council without giving any intimation to the institutions.

A proposal for carrying out surprise inspection for postgraduate courses was also put forwarded by many of the members of the Council and upon much deliberations it was decided that surprise inspection as well as periodical inspections may be carried out wherever required for the medical colleges/for the postgraduate courses.

It was further decided that immediate surprise inspection may be arranged for postgraduate courses being conducted in Govt. Medical Colleges of Bihar particularly Patna Medical College, Patna for the subjects of M.D.(Medicine), M.S.(General Surgery) and M.D.(Obst. & Gynae.)

13. Letter/Certificate from the Registrar of the University being asked from the members of the Council – Regarding.

The members of the Council discussed that office of the Council is insisting upon that the member representing University Group bring a letter/certificate from the Registrar of the University to the effect that they still continue to be a member of the faculty of the University though this letter is being asked as per the decision taken by the Executive Committee at its meeting held on 12.10.1991. However, it is difficult for a member to everytime procure a letter from the University.

It was decided that production of such letter should be limited to election meeting otherwise the member concerned will certify himself if need be that he continues to be a member of the faculty.

14. Appointment of Scrutiny Committee for postgraduate courses.

The General Body while discussing the matter regarding convening of meeting of the Postgraduate Committee also discussed the matter with regard to Scrutiny Committee and it was suggested that Dr.Ved Prakash Mishra and Dr. B.P. Dubey who are in the Scrutiny Committee previously may carry out the work of the Scrutiny Committee before the meeting of the Postgraduate Committee.

15. Consideration of inspection report carried out for purposes of undergraduate courses.

Administrator informed the House that the inspection reports which are prepared and submitted by the Whole-time Inspectors of the Council in consultation with the co-inspectors are duly signed by the accompanying co-inspectors, however, it would be appropriate if the same are also circulated to the co-inspectors for authenticating the correctness of the same. In case any correction is suggested or made, the same may be duly signed by the co-inspector who is making such correction. This suggestion was accepted by the General Body.

**(Dr. M. Sachdeva)
Secretary**

**New Delhi, dated the
3rd & 4th June,2002**

A P P R O V E D

**(Maj Gen (Retd) SP Jhingon)
Administrator**

