

**BOARD OF GOVERNORS
IN SUPERSESSION OF MEDICAL COUNCIL OF INDIA
SECTOR-8, POCKET-14, DWARKA PHASE-1, NEW DELHI-110077**

Third meeting of the Board of Governors

18th October, 2018 (Thursday) – 2 p.m. onward

MINUTES

The Third meeting of the Board of Governors was held on 18th October, 2018 at NITI Aayog office of the Chairman BoG.

The following members of the Board of Governors were present:-

Dr. V. K. Paul, Chairman
Dr Randeep Guleria, Member
Dr. Jagat Ram, Member
Dr B N Gangadhar, Member
Dr. Nikhil Tandon, Member
Dr S Venkatesh, Member
Dr Balram Bhargava, Member

Dr. Sanjay Shrivastava, Secretary General, BOG - MCI also attended the meeting.

The Chair welcomed the members.

Following is the summary of proceedings and decisions of the meeting:

1. Confirmation of minutes of the 2nd meeting of the Board of Governors held on 30.09.2018. Minutes were confirmed by the members of BOGs.
2. Action taken on minutes of the 2nd meeting of the Board of Governors held on 30.09.2018. The BoGs noted the action taken on the decisions taken in the second meeting of the BoGs.
3. Consideration of case relating to admission of MBBS students in Hi-Tech Medical College, Rourkela –ASG's Opinion.
Read: Agenda, consideration of case relating to admission of MBBS students in Hi-Tech Medical College, Rourkela

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Decision

The Board of Governors after perusal of agenda note including the opinion of the Ld. ASG noted that the students for the academic year 2015-16 in the College were admitted on the strength of an interim order passed by the Hon'ble High Court of Orissa. The Council had preferred Special Leave Petition against the order of the Hon'ble High Court before the Hon'ble Supreme Court. The Petition filed by the Council was allowed by the Hon'ble Apex Court. Consequently, the admission of these students for academic year 2015-16 is without the authority of law.

The Board of Governors further noted that:-

- (a) All admissions from academic year 2016-17 are to be made on the basis of National Eligibility-cum-Entrance Test. The requirement of admission through NEET arises both from section 10D of the Indian Medical Council Act, 1956 and judicial pronouncements.
- (b) The College does not have approval of the Central Government for grant of admission for academic year 2018-19.
- (c) The last date for grant of permission and last date for admission being 31st May and 31st August are over. The time-schedule contained in the Regulations is to be followed with strict adherence by all concerned authorities.

In view of the aforesaid, the Board of Governors decided that it is not permissible to relax either the requirement of NEET for admission in 2018-19 or subsequent years or time-schedule for grant of permission/admission. The same may be informed to the Ministry.

The above decision of the BoGs/ minutes of the meeting were read and confirmed in meeting.

4. Distribution of work for members of the Board of Governors: The BoG perused the work distribution as proposed by the Chairman, BOG and after detailed discussion approved the following work distribution:

Sl.No.	BOG Member	Work Distribution, approved
1.	Dr. Vinod K. Paul Chairman	Administration, Accounts/Finance, Grievance, Computer Section and Parliament Questions
2.	Dr. RandeepGuleria Dr Balram Bhargava Members	Work relating to Undergraduate Section including monitoring Any other work allotted by the Chairman.
3.	Dr. Jagat Ram Dr B N Gangadhar Members	Medical Misc. Section related work including TEQ, CME, Elective Training, Migration etc.

		Any other work allotted by the Chairman.
4.	Dr. B.N. Gangadhar Dr Balram Bhargava Members	Work relating to Ethics Section Any other work allotted by the Chairman.
5.	Dr. Nikhil Tandon Dr S Venkatesh Members	Work relating to Postgraduate Section including monitoring Work relating to Academic Cell Any other work allotted by the Chairman.
6.	Dr. Balram Bhargava Dr. Vinod K. Paul Members	Work relating to Legal Section including RTI. Any other work allotted by the Chairman.
7.	Dr. S. Venkatesh Dr Jagat Ram Members	Issues relating to Registration Section including Eligibility and IMR. Work relating to Assessment Cell Any other work allotted by the Chairman.

The above decision of the BoGs/minutes of the meeting in respect of this item were read and confirmed in meeting.

5. Constitution of Sub-Committee [PG(BS), PG(SS), UG, Ethics, TEQ, Finance and other sub committees] :

The Board of Governors decided that each sub-committee to have one Chairperson, ten or more members, one of them may be designated as Co-Chair. In-charge BoG members were requested to constitute sub-committees on weekend. The Chairman BoG informed about constitution of the **IT Sub-committee**, having the following members:

1. Prof Nikhil Tandon
2. Prof Balram Bhargava
3. Nominee of Secretary MEITY
4. Secretary General as Member Secretary

The BoG members ratified the Chairman's decision to constitute IT Sub-Committee.

BoG approved constitution of the **Finance Sub-committee** having:

1. Prof. Randeep Guleria – Chair
2. Dr S Venkatesh – Member
3. Senior FA- ICMR – Member
4. Retired officer (of suitable seniority) from CAG – Member
5. Secretary General – Member Secretary

The BoG authorized the Chairman BoG to identify Retired officer (of suitable seniority) from CAG.

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6. Consideration of nomination of a representative of BOG, MCI for Committee constituted by the Ministry to provide hand holding support to CPS, Mumbai: The Ministry of Health & F.W. vide letter dated 8th Oct. 2018 has requested to nominate a representative of Board of Governors, MCI for a Committee constituted to provide hand holding support to CPS, Mumbai. The Committee has been constituted by the Ministry vide Order dt. 17th Jan. 2018 under the Chairmanship of Dr. B.D. Athani, Principal Consultant, Directorate Gen. Of Health Services, New Delhi.

Decision: The BoG decided that BoG members Incharge of PG, Dr. Nikhil Tandon, Dr S Venkatesh, may study the files relating to CPS. They may ask PG section and Legal section to make a presentation of developments. Till such time that BoG members, Incharge of PG brief the BoG, nomination of BoG member to the Committee constituted by the Ministry may be kept on hold.

7. Assessment of Medical Colleges for the purposes of recognition of degree, requests received from the Ministry of Health & FW, Govt. of India (UG & PG, in one case the examination has already started on 10th of October): The work relating to assessment of medical colleges was stopped on 26th September 2018 when the Board of Governors took over, pending auditing of standalone server of the Assessment Cell. The Board of Governors has received request from the Ministry of Health & FW, in respect of 07 medical colleges to appoint assessors for assessment of standard of examination for the purpose of recognition of MBBS/PG degree (under section 1(2) of the IMC Act, 1956. In one of the medical colleges, MBBS examination has already started on 10th Oct.2018. Therefore, the matter was placed before the Board of Governors to make a policy to appoint assessors in urgent time bound cases.

Decision: The Board of Governors decided to authorize BOG Members, Incharge of Assessment Cell to issue necessary instructions to Assessment Cell. The Assessment Cell to provide a note/presentation giving details of the method adopted by Assessment Cell for identifying assessors/assessment process. The BoG decided to:

- (i) Grant permission to appoint the assessors for time bound recognition cases as per method/practice followed by the Assessment Cell with the approval of one of the BoG members, Incharge of Assessment Cell. In case of difficulty, Prof Randeep Guleria may be requested to provide Assessors for Medical College where assessors are to be appointed for assessing standard of UG examination in next week.
- (ii) Grant permission to appointment of assessors in cases which are pending with Assessment Cell (PG-188, UG-120) as per method/ practice followed by the Assessment Cell with the approval of one of the BoG members, Incharge of Assessment Cell. The list of the Assessors may be updated by including more assessors and by editing list.

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- (iii) Updating of assessors' list: The BoG members decided that the existing list of the Assessors is required to be updated.

The above decision of the BoG/minutes of the meeting in respect of this item were read and confirmed in meeting.

8. Consideration of appointment of Standing Counsels: The matter was placed before the Board of Governors along with the details of the existing Advocates and the professional fee paid by Council to Advocates.

The Board of Governors constituted a Sub-committee to identify Advocates who could serve as Standing counsels by receiving names/ nomination by Monday noon and recommend names by 25th October 2018 (Thursday). Sub-committee members are as follows:

1. Dr Randeep Guleria
2. Dr Balram Bhargava
3. Dr Jagat Ram

The BoG decided that till such time new standing counsels are appointed, the Secretary General to appoint existing Counsels to defend case. The sensitive / important cases may be brought to the notice of the BoG members.

The BoG further decided that performance of advocates may be reviewed periodically (for a period of three to 4 months), including for Counsels providing professional services outside Delhi.

The above decision of the BoG/ minutes of the meeting were read and confirmed in meeting.

9. Consideration of case relating to recognition of MS (Ophthalmology) qualification in respect of student trained at Command Hospital, Chandimandir for change of year.

Decision

The Board of Governors decided to approve the recommendations of the Postgraduate Medical Education Committee (Item No.72 of minutes meeting dated 06.09.2018) of erstwhile MCI in respect of recognition of MS (Ophthalmology) qualification in respect of student trained at Command Hospital, Chandimandir for change/ correction of year of recognition. Accordingly, the Central Government may be requested to issue notification for recognition with correction of year from 2012 instead of 2013.

The above decision of the BoG/ minutes of the meeting were read and confirmed in meeting.

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10. Consideration of request from the Director General, National Testing Agency for providing necessary information for preparation of NEET(UG) information bulletin: The matter was placed before the Board of Governors along with copy of letter from the Director General, National Testing Agency (NTA) and Agenda Note from UG & Legal Sections.

Decision

The Board of Governors decided to recommend to the Central Government to designate the National Testing Agency as the "Designated Authority" for conducting National Eligibility-cum-Entrance for admission to MBBS. Further, it approved the response prepared by the Secretariat to the queries raised by the National Testing Agency vide their letter dated 11.10.18 relating to Medical Council of India Regulations in the Information Bulletin for NEET-UG 2019 prepared by NTA. This be expeditiously conveyed to the NTA.

The above decision of the BoG/ minutes of the meeting in respect of this item were read and confirmed in meeting.

11. Consideration of suggestion made by the Oversight Committee -2 vide letter dated 06.07.2018 and 17.07.2018: The matter was placed before the Board of Governors along with letter dated 06 and 17th July, 2018.

The following issues were raised in the Oversight Committee letters:

Oversight Committee letter dated 6th July, 2018:

- a. List of Assessors: The Assessment Cell has been asked to provide the list of Assessors with details as required by the Oversight Committee-2. Required information was awaited from Assessment Cell as on 18.10.2018

The BoG decided that the members in-charge BoG of Assessment may study the existing Assessment process and Assessors' list and take corrective measures and apprise the BoG of the measures.

- b. To address the dissent note recorded by the Dean of the inspected college by Assessors on the spot and try to reach to consensus regarding recorded deficiency. If consensus is not reached between the Dean of the inspected college and Assessors, the same may be looked into by the Board of Governors.

Decision: The BoG decided to follow this practice. The Assessment cell and concerned sections be informed of this decision.

- c. Compliance of directions regarding following application of clause 8(3)(1)(c) objectively: This direction was conveyed in view of the application of clause 8(3)(1)(c) on private medical colleges alone. The last recommendation

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received by the Oversight Committee from the Executive Committee of MCI proposed application of clause 8(3)(1)(c) on Government colleges also. This aspect may be considered by the Board of Governors.

Decision –taken together with Agenda at Point No.11.i.

- d. Compliance of discharge notice (for discharging students admitted in violation of provisions of MCI Regulations: The matter was placed before the Board of Governors.

Decision: The BoG decided that the members of BOG, incharge of UG and PG Section may take note of this issue and ask UG/PG and Monitoring Section to furnish the latest status of compliance of discharge notice and issue necessary instructions to the concerned section to ensure that compliance of discharge notice is done by the concerned medical colleges. The BoG also decided that the affected students may be informed of the action/ proceeding and to grant affected student an opportunity to be heard.

- e. Analysis of causes of large number of PG seats remaining vacant after completion of Counselling: The desired information was not submitted to the Oversight Committee.

Decision: The Board of Governors decided that Members-Incharge of PG Section may take a note of this issue and discuss the issue with concerned agencies involved in the matter (representatives of counselling authority of Govt. of India/ States and National Board of Examinations) and suggest strategies to reduce wastage of PG seats.

- f. Consideration of in-house training/work experience as valid qualification for appointment of faculty members in new disciplines of PG (super speciality) course for the purpose of starting PG (SS) courses: The desired inputs were not received from the erstwhile Council. The OC's specific query regarding DM (Oncopathology) course was also not replied. The matter was placed before the Board of Governors for consideration:

Decision: Approved in principle and the BoG requested the members in-charge, PG to address the issue relating to prescribing the duration of in-house training/work experience and other details.

The above decision of the BoG / minutes of the meeting in respect of this item were read and confirmed in meeting.

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g. The entry qualification for DM (Med. Gen) course: The BoG members were informed that a draft notification has been sent to the Central Government vide Council letter dated 12/07/2018 for notification.

The BoG perused the draft amendment notification sent to the Ministry of Health & Family Welfare and noted that this decision was approved by the Oversight Committee. The BoG decided that no further action is required. The BoG directed the PG section to follow up the matter for early notification of the amendment.

h. Notification for equivalence of DNB with MD/MS/PG (SS) with some extra experience: This issue was considered by the Board of Governors in its 2nd meeting held on 30.09.2018. The BoG members agreed with the view of the then Oversight Committee-2, conveyed vide its letter dated 16.11.2017. The minutes of the 2nd meeting have already been approved by the BOG members. Accordingly, the proposal was prepared by the Office. With the approval of Chairman, Board of Governors, proposal for amendment of TEQ was forwarded to the PG Section, dealing with this issue for preparation of draft amendment notification and forwarded the same to Med. Misc. Section for necessary action for notifying the amendment.

The draft notification duly approved by the Chairman BoG was sent to the Central Government for notification on 18.10.2018. A copy of draft notification was submitted for perusal of the BoG.

Decision: The BoG noted the action taken in the matter and ratified the decision and draft notification.

The above decision of the BoGs/minutes of the meeting in respect of this item were read and confirmed in meeting.

Oversight Committee letter dated 17th July, 2018:

i. Removal of clause 8(3)(1)(a), (b) and (c) from Regulations: The matter was placed before the Board of Governors with the following information:

(a) Earlier Ministry of Health & FW and the OC-2 directed the erstwhile Council to make such amendment. The Council did not agree to delete the provisions of clause 8(3)(1)(a), (b) and (c) from the Regulations.

(b) During the course of processing decisions of the Executive Committee of erstwhile Council, the OC-2 noted discrepancies in application of this clause. Therefore, OC-2 once again decided to issue directions to erstwhile Council.

The applications for Establishment of New Medical Colleges /Increase in seats in existing medical colleges /renewal permission for the year 2019-2020 were received in the Medical Council of India by 15th July, 2018 which was the last date prescribed for the purpose under the Regulations. Thereafter, assessment of some colleges has already been done. As such deletion of above clauses may be required to be made

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applicable to all the schemes received in the MCI office for the year 2019-20. The deletion of the Clauses may therefore be made effective w.e.f. 15.07.2018 so that all the schemes received for the year 2019-20 could be considered uniformly notwithstanding the fact that assessment of some of the colleges has already been done. As per the guidelines on sub-ordinate legislation as contained in Chapter 11 of the manual of Ministry of Parliamentary Affairs, where rules etc. are to have effect retrospectively, an explanatory memorandum in the form of a note explaining that the interest of no person shall be adversely affected by such retrospective effect is required to be given. The following explanatory note may be included in the amendment notification:-

Note:

The amendment is given retrospective effect in public interest and interest of no person shall be adversely affected by such retrospective effect.

Decision

The Board of Governors decided to amend provisions of Clause 8(3)(1)(a) and (b) and delete 8(3)(1)(c) of Establishment of Medical College Regulations, 1999 and directed to put up this matter to the BoG for consideration and approval after incorporating the BoG's following suggestions:

Existing **MEDICAL COUNCIL OF INDIA ESTABLISHMENT OF MEDICAL COLLEGE REGULATIONS, 1999** may be amended as under

In terms of Gazette Notification dated 18.03.2016 the following additions/modifications/deletions/substitutions, were made, as indicated therein:

S.No.	Existing / Applicable clause <i>In terms of Gazette Notification dated 18.03.2016</i>	Amendment suggested by the BoG in 3 rd meeting
	3.(1) In Clause 8(3)(1)(a) under the heading of "Colleges in the stage upto II renewal (i.e. Admission of third batch)" shall be substituted as: (a) Colleges in the stage of Letter of Permission upto II renewal (i.e. Admission of third batch) If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 30% and/or bed occupancy is <50% (45% in North East, Hilly terrain, etc.), compliance of rectification of deficiencies	Clause 8(3) (1) (a) and (b) merged and may read as Clause 8 (3) (1) (a) :Colleges in the stage of Letter of Permission upto IV renewal (i.e. Admission of fifth batch) If it is observed during any inspection/assessment of the institute that the deficiency of teaching faculty and/or Residents is more than 50% and/or bed occupancy is <40% (30% in North East, Hilly terrain, Aspirational Districts etc.), compliance of rectification of deficiencies from such an institute will not be considered

	from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.	for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.
2	In Clause 8(3)(1)(b) under the heading of "Colleges in the stage from III renewal (i.e. Admission of fourth batch) till recognition of the institute for award of M.B.B.S. degree" shall be substituted as:- (b) Colleges in the stage of III & IV renewal (i.e. Admission of fourth & fifth batch) If it is observed during any inspection of the Institute that the deficiency of teaching faculty and / or Residents is more than 20% and / or bed occupancy is <65%, compliance of rectification of deficiencies from such an institute will not be considered for renewal of permission in that Academic Year.	Clause 8(3)(1)(b) – deleted.
3	(c) Colleges which are already recognized for award of M.B.B.S. degree and / or running Postgraduate courses. If it is observed during any inspection / assessment of the institute that the deficiency of teaching faculty and / or Residents is more than 10% and / or bed occupancy is <70%, compliance of rectification of deficiency from such an institute will not be considered for issue of renewal of permission in that Academic Year and further such an	Clause 8(3)(1)(c) – deleted

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	<i>institute will not be considered for processing applications for Postgraduate courses in that Academic Year and will be issued show cause notices as to why the recommendations for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 along with direction of stoppage of admissions in permitted postgraduate courses.</i>	
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The above amendment shall be applicable on all the schemes received in the MCI office for the year 2019-20. The amendment of above clauses is effective w.e.f. 15.07.2018 and all the schemes received for the year 2019-20. All such schemes shall be considered uniformly notwithstanding the fact that assessment of some of the colleges has already been done.

The following explanatory note may be included in the amendment notification:-

Note:

The amendment is given retrospective effect in public interest and interest of no person shall be adversely affected by such retrospective effect.

j. Insertion of provision of trying cases (of submission of false declaration form/wrong information at the time of assessment, considering it as unethical act/practice) by the Ethics Committee: The matter was placed before the Board of Governors for consideration of the following points:

- (a) Decision regarding insertion of provision of trying cases (of submission of false declaration form/wrong information at the time of assessment, considering it as unethical act/practice) by the Ethics Sub-Committee. Such amendments may be inserted in the Ethics Regulations.
- (b) Whether to continue clause 8(3)(1)(d) in the Establishment of Medical College Regulations 1999, with modification that the provisions (as it is OR modified) shall be applicable after the allegation of submission of false information/declaration form is proved by the Ethics Sub-Committee.
- (c) Whether to continue clause 8(3)(1)(d) in the Regulations with modification that in case the allegation of submission of false information/declaration form is proved, the college authorities shall pay a fine of Rs. Two Crores to the Council and the application for increase of seats in MBBS course and application for starting of new PG courses/increase of PG seats shall not be processed by the Council for 2

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years after the allegation is proved. In case the college authorities fail to pay the fine within the stipulated period, then the college shall be debarred from taking MBBS/PG admissions for next Academic Year.

Decision :

Para 11:j: (a) & contents of para (c) after the allegation of submission of false declaration is proved – Approved.

S.No	Existing / Applicable clause	Amendment suggested
1	<i>In Clause 8(3)(1)(d) under the heading "Colleges which are found to have employed teachers with fake/forged documents: the second paragraph shall be substituted as:-</i> <i>Applicable Clause 8(3)(1)(d) in terms of Gazette Notification dated 08.02.2016 as under:-</i> <u>(d) Colleges which are found to have employed teachers with faked / forged documents:</u> <i>If it is observed that any institute is found to have employed a teacher with faked / forged documents and have submitted the Declaration Form of such a teacher, such an institute will not be considered for renewal of permission / recognition for award of M.B.B.S. degree / processing the applications for postgraduate courses for two Academic Years – i.e. that Academic Year and the next Academic Year also.</i> <i>"However, the office of the Council shall ensure that such inspections are not carried out at least 2 days before and 2 days after important religious and</i>	1. Insertion of provision of trying cases (of submission of false declaration form/wrong information at the time of assessment, considering it as unethical act/practice) by the Ethics Sub-Committee. Such amendments may be inserted in the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002, in chapter 6, clause 6. <i>Clause 8(3)(1)(d)</i> <u>(d) Colleges which are found to have employed teachers with faked / forged documents:</u> <i>If it is <u>proved</u> that any institute is found to have employed a teacher with faked / forged documents and have submitted the false information in Declaration Form of such a teacher, such an institute shall pay a fine of Rs. Two Crores to the Council and the application for increase of seats in MBBS course and application for starting of new PG courses/increase of PG seats shall not be processed by the Council for 2 academic years after the allegation is proved. In case the college authorities fail to pay the fine within the stipulated period, then the</i>

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	<i>festival holidays declared by the Central/State Govt.”</i>	college shall be debarred from taking MBBS/PG admissions for next one Academic Year. <i>The following text shall be shifted from the existing position to beginning of amendment of clause 8(3)(1), before 8(3)(1)(a). Language may be suitable amended, if required:</i> <i>“However, the office of the Council shall ensure that such inspections are not carried out at least 2 days before and 2 days after important religious and festival holidays declared by the Central/State Govt.”</i>
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The above decision of the BoGs /minutes of the meeting in respect of this item were read and confirmed in meeting.

k. Provision of time slot for MCI for asking applicant colleges to submit incomplete/defective documents after rectification of document(s) as per requirement prescribed under the Regulations: The matter was placed before the Board of Governors with the following information:

(a) With supersession of the MCI, the powers relating to work under Section 10A of the IMC Act, 1956 has been vested with the BoG. With BoG in place for the next academic year i.e. 2020-21 the applications would be received by the BoG MCI directly (not through the Ministry). Therefore, it is for the consideration of Board of Governors to amend the time schedule for receipt of applications, incorporating one additional time slot for asking applicants to rectify deficiencies (which are pre-decided/approved by the BoG). Such amendment notification may also have a list of essential items without which the application will not be considered/ processed.

Decision

The Board of Governors decided that the time schedule prescribed in “Medical Council of India Establishment of Medical College Regulations, 1999”, and “The Opening of a New or Higher Course of Study or Training (including Postgraduate Course of Study or Training) and Increase of Admission Capacity in any Course of Study or Training (including a Postgraduate Course of Study or Training) Regulations, 2000” may be suitably amended keeping in view the provisions contained in the Ordinance dated 26.09.2018 & Section 3(a & b) of the IMC Act, 1956.

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The above decision of the BoG /minutes of the meeting in respect of this item were read and confirmed in meeting.

l. To have clear policy (in Regulation) about counting of bed occupancy on 3 randomly selected dates vis-a-vis bed occupancy on the day of assessment: The matter was placed before the Board of Governors with the following information:

(a) It has been observed that in some of the cases the application was disapproved for reason that the bed occupancy and OPD attendance on the day of assessment was not as per prescribed bed occupancy percentage. The deficiency in few cases was less than 5%.

(b) Keeping in view the above observation, the Board of Governors may consider if the deficiency of bed occupancy and OPD attendance, 5% or less can be condoned/relaxed provided that the bed occupancy on 3 dates as per explanation given below (the information which is already collected by the assessors and recorded in SAF) is as per norms prescribed in MSR.

(c) The same procedure is followed through Executive Order of the Council in case of faculty requirement. The provisions contained in the Council's Executive Order have been endorsed by various Hon'ble Courts.

(d) If the above proposal, based on the OC's directions is approved, the same may be incorporated in concerned Regulations.

Decision

The Board of Governors decided that provision of relaxation of bed occupancy (Indoor Patients) and OPD attendance up to an extent of 5% may be allowed provided that the bed occupancy and OPD attendance on 3 selected dates (statistics on 3 corresponding dates as per date of assessment for preceding 3 months) is as per norms prescribed in the Regulations, through amendment in concerned Regulations. Accordingly, the Board of Governors directed the concerned sections to prepare draft amendment regulations.

The above decision /minutes of the meeting in respect of this item were read and confirmed in meeting.

m. Provision to offer less number of MBBS seats than applied number, in case the Institution fulfils the requirement for less number of seats: The matter was placed before the Board of Governors with the following information:

(a) As per provisions of the existing Regulations, if any applicant applies for particular number of MBBS seats (say for example, 150 MBBS seats) and if available facilities falls short of the norms prescribed in MSR for the particular number of MBBS seats, then the application for establishment of new medical college/renewal of permission is disapproved, resulting in loss of resources available for less number of seats (say for example 100 MBBS seats).

(b) In view of the above, the Board of Governors may consider suggestions made by the OC-2 to have provisions in the Regulations to offer less number of MBBS

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seats (for both, establishment of new medical college and renewal of permission) to applicant after obtaining legally valid consent from the applicant, the less number of seats may be approved/offered as per slots available.

(c) This practice is already followed in case of starting of PG courses.

Decision

The Board of Governors decided to approve the suggestion of the OC-2 in this respect (the above proposal) and directed the concerned UG Section to prepare a detailed justification/explanation and draft amendment notification. Once draft notification is prepared the same may be placed before the BoG for consideration and approval.

n. Utilization of ICCU/ICU/PICU/NICU/RICU/ Super-Speciality Beds/Casualty Bed available in Govt. & Non-Government Medical Colleges for enhancement of Postgraduate Medical seats (PG Broad Speciality and Super-speciality seats): The matter was placed before the Board of Governors for in-principle approval of the proposal based on the OC-2 directions.

Decision: The BoG approved the proposal in-principle and requested the BoG Members In charge, PG to work out the details and may issue necessary directions to PG Section to formulate draft amendment Regulation. Thereafter, the draft amendment may be put up to BoG for consideration and approval.

12. Human Resources – issues: On 26th September, 2018, the day Board of Governors took over, the Additional Secretary, MCI was asked to furnish information about number of posts and available staff strength. The Deputy Secretary (Admn.), MCI has furnished the said information. During the course of working in Council for three weeks it was noticed that there are 8 Consultants (4 Consultants with medical qualification and 4 non-medical). Term of one of the Consultants has already over and others will also complete their term on dates mentioned against their name in information provided. The matter was placed before the BOG for taking decision about engaging Consultants/contractual staff, additional or by replacing the existing contractual staff (Consultants).

Summary of existing HR is as under:-

- (i) Total number of posts notified in RR – 108.
- (ii) Number of post created by the Council – 67
- (iii) Total (i) & (ii) = 175
- (iv) Existing strength 107
- (v) Vacant post – 67.

Contractual staff 70+38+27+07=142

Decision: The staff position was perused and the BoG decided that Consultant Administration (position is vacant at present), be appointed, Consultant Finance and Civil works may be replaced. The BoG authorized the Chairman BoG to identify the suitable candidates and appoint as consultant on remuneration “last pay drawn – pension” OR Rs 90,000/- , whichever is less.



13. Consideration of the directions of the Hon'ble High Court of Uttar Pradesh, bench at Lucknow in Writ Petition No. 26505 (M/S) of 2018 Rohan Yadav & others Vs. Union of India & Ors:
Read: Agenda note and annexure.

In the instant Writ Petition short counter affidavit was filed on behalf of MCI and no rejoinder affidavit was filed on behalf of the petitioners. The matter was heard by this Hon'ble Court on several dates and finally the judgment was reserved on 27.09.2018. The judgment in the instant petitions was delivered by the Hon'ble Court on 08.10.2018 by which this Hon'ble Court has been pleased to allow both of the Writ Petitions with certain directions, operative portion of which is as under:-

"In view thereof, Respondent No.4, Registrar, Dr. Ram Manohar Lohiya, Awadh University is directed to confer/grant MBBS degree to the petitioners and similarly situated students, who were admitted in the Mayo Institute for the academic session 2012-13 and have successfully completed their education and internship. Respondent No.2 MCI shall also grant petitioners their Permanent (Medical) Registration and Respondent No.5 UP Medical Council shall also register the petitioners in the State Medical Register".

Decision

The Board of Governors decided to implement the directions of the Hon'ble High Court judicature at Allahabad, Lucknow Bench in W.P. No.26505/2018, order dated 08.10.2018. The BOG further decided to recommend to the Central Government to recognize MBBS degree of Mayo Institute of Medical Sciences, Barabanki, Uttar Pradesh for the award of the MBBS degree i.e. 150 seats granted by Dr. Ram Manohar Lohiya, Awadh University, Faizabad, U.P. under Section 11(2) of the IMC Act, 1956 **for the students admitted in the academic section 2012-13 in compliance of the directions of the Hon'ble High Court.**

The above decision of the BoG /minutes of the meeting in respect of this item were read and confirmed in meeting.

14. Hiring and Hosting of web-server and renewal of AMC of various software-regarding:

The Executive Committee of the Council in its meeting held on 06.02.2018 has approved the Renewal of Hiring and Hosting of web-server and renewal of AMC of various software developed by M/s Logisoft International Pvt Ltd. and with the same rate on pro-rata basis till all the modules presently running at MCI are being completely taken over by the SI of DMMP – I.

Although the go-live of MCI DMMP project was announced on 31.10.2017, but the softwares pertains to Registration, IMR, Goodstanding, manage-office, website, accounts etc have not yet been taken over by the SI of MCI DMMP. The matter was discussed with the Secretary (I/c) and it was decided to continue Renewal of Hiring and Hosting of web-server and renewal of AMC of various software developed by M/s Logisoft International Pvt Ltd as well as M/s SBJ technologies (Accounts

Software) till all the modules presently running at MCI are being completely taken over by SI.

In view of above, the matter was placed before the Board of Governors for consideration & direction.

Decision –The BoG decided to continue renewal of Hiring and Hosting of web-server and renewal of AMC of various software developed by M/s Logisoft International Pvt Ltd as well as M/s SBJ technologies (Accounts Software) till all the modules presently running at MCI are being completely taken over by SI OR three months on existing rates and TOR, whichever is earlier.

15. Details of pending urgent time bound issues before the Board of Governors:

(Annexure-XIV)

- (a) UG Section–34+07+120=161
- (b) PG Section – 188+157+96+79+35+519=1074
- (c) Ethics Section – 236+ complaints in DAK
- (d) Good Standing, IMR (Regn.) = 947
- (e) Eligibility Certificate = 10,177.

Decision: The BoG perused the details of pending work and also the files / cases referred by the Ministry. The BoG decided that once the Sub-committees are formed, the PG and UG related assessment reports may be dealt on priority basis.

(Draft of BoG appointed Expert Groups PG/UG along with draft letter of invitation has been circulated to BoG on 22.10.2018 for approval)

16. Appointment of CVO in Medical Council of India: The Ministry of Health & F.W. vide letter dt. 4th Oct.2018has informed that the Ministry has requested the erstwhile MCI several times to forward a panel of names of three officers of sufficient seniority level, who can report directly to CVO of the Ministry in vigilance matters, along with their Bio Data and complete ACR dossiers for CVCs consideration. The Ministry in its letter dated 4th Oct. 2018 has also requested to consider creating a post of CVO. The matter is placed before the Board of Governors with the following information:

- (i) At present, Shri A.K. Harit, Deputy Secretary (Admn.) is holding additional charge of CVO in MCI. We may forward his details to the Ministry for information as desired by the CVC in its letter dt. 6.8.2018.
- (ii) Decision about forwarding name of three officers, Deputy Secretary and above level along with necessary documents to Ministry for onward transmission to CVC for selection of CVO in MCI.
- (iii) In case point (ii) above is not acceptable, then the Board of Governors may consider requesting Ministry to request DoPT to identify suitable Deputy Secretary/Director level officer for appointment to the post of CVO, MCI against equivalent vacant post in MCI.



Decision: The BoG decided that the details of existing CVO as required may be sent to the Ministry and the Ministry may be requested to ask the DoPT to appoint suitable Director level officer as CVO MCI. His/her salary may be drawn against the equivalent vacant post in the Council. The issue relating to creation of new post of CVO may be processed by the Council office.

17. Information about request from Professor S.K. Sarin to make presentation before the BoG in respect of conduct of Exit Examination. The matter was placed before the Board of Governors to decide a date for presentation by Prof. S.K. Sarin.

Information about need to have presentation and review progress of work in respect of DMMP-I and DMMP-II being carried out by M/s Bodhtree was given to the BoG.

Decision: The BoG decided to request Prof S.K. Sarin to forward a copy of his presentation/suggestions to the BoG for consideration.

Further, the BoG decided to request IT sub-committee members have presentation from M/s Bodhtree and review progress of work and apprise/update the BoG for its consideration.

18. Consideration of issue relating to office record of the Oversight Committee kept in NIHFW office.

Decision: The BoG decided that the Ministry may be requested to permit the BoG to remove files/documents from the NIHFW premises relating to the OC-2 and the equipments provided by the Council to the OC and keep/use them in Council. The Ministry may take appropriate decision regarding files/ documents which belong to OC-1 (kept on one separate room in NIHFW OC office).

19. Discussion about issue relating to NEET. The matter is placed before the Board of Governors. The Board of Governors were also informed about the matter raised by Dr. Anbumani Ramadoss, Hon'ble MP&Ors about admission of students with low percentage of marks (according to him 13.3%)

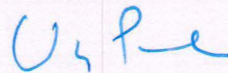
Decision: The BoG decided that Med. Misc. and UG Section may be asked to provide inputs after obtaining the facts from concerned agencies i.e. MCC, DGHS and CBSE in urgent time bound manner.

20. Appraisal of the progress in IT related matters, including ratification of decision taken by the Chairman, Board of Governors for hosting MCI website and operationalisation of intranet/servers and ratification of decisions taken by the Chairman BoG.

The BoG members were informed of the progress made in IT related issues:

a. Awarding of work to M/s CDAC with the approval of four BoG members;





- b. Starting of MCI old website with effect from 13th October 2018 with rectification of possible vulnerabilities pointed out by M/s CDAC;
- c. Starting of Intranet server with rectification of possible vulnerabilities pointed out by M/s CDAC;
- d. Starting of Assessment Cell server with rectification of possible vulnerabilities pointed out by M/s CDAC (is in process, was to be rectified by 18th October evening);
- e. Starting of Accounts Cell server with rectification of possible vulnerabilities pointed out by M/s CDAC (is in process, was to be rectified by 18th October evening);
- f. Granting permission to M/s CDAC to audit new website and applications from CDAC Mohali office.

Decision: The BoG ratified the action/decisions taken by the Chairman BoG.

21. Upper percentage limit for all 21 categories of Persons with Disability for admission to MBBS course:

Read: Agenda Notes

The issue relating to prescribing bench mark/upper percentage limit for all 21 categories of persons with Disability for admission to MBBS course to be notified before the notification for NEET is issued on 1st November, 2018. A draft notification has been prepared keeping in view the provisions of "The Right of Persons with Disabilities Act 2016", the recommendations of the Expert Committee and the decisions taken in the meeting held under the Chairmanship of Additional Secretary, Ministry of Health & Family Welfare, Govt. of India on 17.08.2018.

The matter was placed before the Board of Governors for its consideration and approval of draft notification.

Decision: The BoG approved the draft presented.

The above decision of the BoG /minutes of the meeting in respect of this item were read and confirmed in meeting.

22. Establishment of new medical college at Rampur, Uttar Pradesh (Jauhar Institute of Medical Sciences, Jauhar Nagar, Rampur) by Maulana Mohammad Ali Jauhar Trust, Rampur, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2019-20.

Read: agenda note.

The matter relates to Establishment of new medical college in academic year 2019-20. The applicant has furnished Essentiality Certificate on 05.07.2016 which was considered incomplete by the Council as it is not on prescribed format and some of the points are missing in Old Essentiality Certificate. The applicant was given opportunity by the Council vide letter dated 31.07.2018 and asked to furnish proper revised Essentiality Certificate. In response the applicant has submitted that Essentiality Certificate dated 05.07.2016 may be considered. The Executive

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Committee referred the matter to Council Legal Officer who has opined that Essential Certificate dated 05.07.2016 cannot be considered as it does not have the points mentioned in amended Essentiality Certificate Format dated 31.01.2017 and also applicant is required to make fresh application in accordance with the application provisions of the Regulations. The Law Officer has recommended disapproval of the scheme for Establishment of new medical college at Rampur, Uttar Pradesh (Jauhar Institute of Medical Sciences, Jauhar Nagar, Rampur) by Maulana Mohammad Ali Jauhar Trust, Rampur, Uttar Pradesh u/s 10A of the IMC Act, 1956 for the academic year 2019-20.

The matter was submitted to the Board of Governors for consideration and decision.

Decision:

The BoG considered the facts of the case and Law officer's opinion and decided to approve the opinion of law office i.e. to disapprove the scheme. While conveying the decision to the applicant speaking order may be issued and procedure as prescribed in the IMC Act, 1956 to be followed.

The above decision of the BoG /minutes of the meeting in respect of this item were read and confirmed in meeting.

23. Any other matter with the permission of the Chair.

- a. To propose allowances of BoG members: Deferred.
- b. Decision about delegation of powers (including those which are marked to the Chairman BoG) to approve case of temporary registration to foreign nationals and Additional Qualification.

Decision: The BoG decided that the certificates may be issued with the approval of the Secretary General, BoG MCI, including those which are marked to the Chairman BoG, and are pending for approval. However, issues for policy decision may be put up to Member I/C BoG/ BoG for consideration.

The above decision of the BoG /minutes of the meeting in respect of this item were read and confirmed in meeting.

- c. Date for the meeting with Dean/Directors of the Medical Colleges/VC of Health Universities (open session) to invite suggestions :

Decision: The Board of Governors requested Prof Balram Bhargava to work out the details and propose a date for meeting with Dean / Director of the representative colleges from each State.



d. Date for the meeting with Secretary Medical Education of States to address their concern:

Decision: The Board of Governors requested Dr S Venkatesh, Member BoG to work out details and propose the date for the meeting with Secretary Medical Education of various States.

e. Information about meeting in PMO and its agenda:

The BoG members were informed about the agenda to be discussed in the meeting to be held PMO.

f. Date for the next meeting: It was decided to hold next meeting of the BoG in ten days time. Accordingly, the Chairman, BoG decided to convene next meeting of the BoG on 25.10.2014 (Thursday) from 1.00 PM onward. Venue for the meeting will be decided in due course.

g. Computer section issue: Deferred.

g. Suggestions received from Dr S Venkatesh, Member BoG.

(i) Approval of MBBS - new syllabus and curriculum. [MCI had made changes following inputs at their presentation in Ministry and this has been approved by Hon'ble HFM]: The BoG members were informed that the new syllabus and curriculum, has already been approved and final (Second) edit is going on. Once second / final edit is done, the same shall be sent for notification. The entire process is likely to take 7 -10 days time.

(ii) Handicaps - List of 21 benchmark disabilities (NEET) to be gazette notified. MOSJ&E has been repeatedly reminding for this. The BoG members noted that this item has already been approved and communication will be sent to the Ministry and the NTA.

(iii) Development of Registry (with unique ID for each doctor): The BoG members were informed that the issue relating to development of live IMR with unique ID for each doctor is one of the items for which M/s Bodhtree has to develop application. The latest position in the matter will be clear from the presentation to be made by M/s Bodhtree before the IT subcommittee of the BoG.

The meeting ended with a vote of thanks to the Chair.



(Minutes of third meeting dated 18.10.2018 were confirmed in fourth meeting of the BoG held on 25.10.2018)