

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

Fourth meeting of the Board of Governors

25th October, 2018 (Thursday) – 1 p.m. onward

MINUTES

The fourth meeting of the Board of Governors was held on 25th October, 2018 from 1.00 PM onward at ICMR, Ansari Nagar Office.

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

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

Leave of absence received from Dr B N Gangadhar, 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 3rd meeting of the Board of Governors held on 18.10.2018. The minutes were circulated. Four members of the BoG approved the minutes. The minutes of the third meeting were confirmed.
2. Action taken on minutes of the 3rd meeting of the Board of Governors held on 18.10.2018. The BoG noted the action taken.
3. Consideration of Oversight Committee letter dated 17th July, 2018:
 - a. Issue relating to removal of clause 8(3)(1)(a), (b) and (c) from the Establishment of Medical College Regulations 1999: 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.

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(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 to remove clause 8(3)(1)(a), (b) and (c).

(c) 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 the colleges has already been done. As such deletion of above clauses may be required to be made 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.

(d) As per BoG decision taken in the third meeting, held on 18th October 2018, the existing clause 8(3)(1)(a), (b) and (c) of the Establishment of Medical College Regulations 1999, the BoG considered the draft amendment submitted, which was prepared based on the discussion held in the third meeting of the BoG.

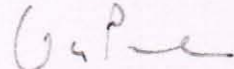
Decision

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, as under:

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 now to be further amended as under:

S.No.	Existing / Applicable clause <i>In terms of Gazette Notification dated 18.03.2016</i>	Amendment approved by the BoG
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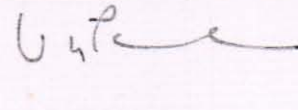
 

	3.(1) In Clause 8(3)(1)(a) under the heading of "Colleges in the stage upto II renewal (i.e. Admission of third batch)" shall be substituted as: (a) Colleges in the stage of Letter of Permission upto II renewal (i.e. Admission of third batch) If it is observed during any inspection/assessment of the 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 from such an institute will not be considered for issue of Letter of Permission (LOP)/renewal of permission in that Academic Year.	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% (less than 30% in North East, Hilly terrain, Aspirational Districts (as notified by Government from time to time at the time of making application etc.), compliance of rectification of deficiencies from such an institute will not be considered 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	Clause 8(3)(1)(b) – deleted.

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	occupancy is <65%, compliance of rectification of deficiencies from such an institute will not be considered for renewal of permission in that Academic Year.	
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 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.	Clause 8(3)(1)(c) – deleted

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.

4. Consideration of Ex-post facto approval for undergoing internship by Dr. Ahlaam Essack from Dilhabeng Regional Hospital, South Africa: It is stated that the Council has received a letter dated 10.9.2018 from Dr. Ahlaam Essack, a citizen of South Africa requesting therein for No Objection Certificate from Medical Council of India. Read agenda item number 4.

Decision: The BoG resolved to approve internship completed by Dr. Ahlaam Essack, a citizen South Africa, from Dilhabeng Regional Hospital, South Africa. Accordingly, No Objection Certificate from Medical Council of India may be issued in favour of Dr. Ahlaam Essack.

5. Disciplinary cases pending against officers/officials of the MCI: Representations have been received by the BoG from the following officers/officials regarding consideration of their case where disciplinary proceedings are going on:
 - (a) Dr. Davinder Kumar, Joint Secretary (U/s)
 - (b) Shri Anuj Kumar, Section Officer
 - (c) Smt. Deepa Sachdeva, Assistant

The status of various disciplinary cases pending at various stages was presented (agenda notes number 5).

Further, the Disciplinary proceedings against the following four officers/officials of the Council are in the matter relating to allegation of huge payment made to M/s. Krishna Prints and M/s. Sai Photostat Centre:-

- (1) Sh. Vineet K. Aggarwal, then Accounts Officer (Retd. on 30.09.2018)
- (2) Shri Anuj Kumar, Section Officer
- (3) Smt. Deepa Sachdeva, Assistant
- (4) Sh. Sanjay Ujjainwal, UDC

The matter was placed before the Board of Governors for consideration.

Decision: Deferred; with resolution that the inquiry officers and presenting officers may be asked to complete the inquiry at the earliest, preferably within one month.

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6. Consideration of List of cases pending before the Ethics Section: The Ethics Section has furnished a list of cases pending with section. The details as under were presented:

Sl.No.	Category of cases	No. Of cases
1.	Cases heard/dealt by the Ethics Committee but pending for signatures and approval	31
2.	Cases finalized by the Ethics Committee but final approval awaited from EC	40
3.	Cases pending for (hearing & discussion)	2017- 47(Approx) 2018 – 183 (Approx)

Decision: The BoG resolved that BoG members in-charge, Ethics may take a note and expedite the pending cases in time bound manner.

7. Consideration of the following matters of the Postgraduate Section:

Read agenda notes.

- 7.1 Recognition of Diploma courses offered by CPS, Mumbai;
- 7.2 Recognition of foreign PG qualifications – detailed status note regarding inclusion/revision of foreign qualifications in Part II of 3rd Schedule to the Act was presented for consideration;
- 7.3 Recognition of PG degree offered by Medical Institutions in Nepal – detailed status note regarding recognition of MS (Ophthalmology), & (Pathology) qualification of BP Koirala Institute of Health Sciences, Dharan, Nepal, MD (Paediatrics), MS (Ophthalmology) and MD/MS(OBG) was presented;
- 7.4 Amendment proposal in PGMER, 2000 for making available at least three times of candidates in PG (Broad speciality) and five times in Super-speciality of number of vacant seats instead of 50/45/40 percentile – detailed status note was presented;
- 7.5 Recognition of DM (Pediatric Cardiology) course and starting of DM (Reproductive Medicine) course at Amrita School of Medicine, Kochi – detailed status note was presented;
- 7.6 Recognition of GSVM Diploma in Cardiology – detailed status note was presented.

Decision: The BoG resolved to request members in-charge PG to consider this agenda in detail and present its recommendations.

8. Consideration of the matter with regard to starting/increase of PG (Broad Speciality) courses at various medical colleges for the academic year 2019-20:

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The Council had received a letter dated 10/08/2018 from the Under Secretary to the Government of India, Ministry of Health & Family Welfare, New Delhi, which reads as under:

"I am directed to say that MCI has recommended disapproval/returned PG (Broad Specialty) applications in respect of various courses of medical colleges on grounds such as non submission of Consent of Affiliation (COA), wrong nomenclature in COA, non payment of fees and adjustment of fees etc.

2. *As per section 10A(3) of IMC Act, 1956, MCI on receipt of a scheme, is required to give an opportunity to rectify deficiencies if any in such applications. However, it appears that MCI has not given an opportunity to the applicant before returning the scheme(s) to the central Government. From the communications received from MCI in respect of UG applications (2019-20), it is observed that MCI has written to the applicant colleges to rectify the deficiencies in their application MCI letter No. MCI-34(41)(E-30)/2018-Med./126337 dated 31.07.18 and letter No MCI-34(41)(E-20)/2018-Med./126357 dated 31.07.18 and letter No.MCI-34(41)(E-20)/2018-Med./126357 dated 31.07.18 may be referred.*

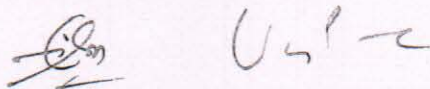
3. *MCI is, therefore, requested to give similar opportunity to PG applicants also. Recommendations received from MCI in original are returned for doing the needful."*

In this connection, it may further be stated that as per the list enclosed with the MOHFW letter, these applications were returned by the Council to the Ministry of Health & Family Welfare, New Delhi vide various letters due to various deficiencies.

As per directions, the legal opinion has been obtained in the matter and as per the Legal Opinion *"Keeping in view, the spirit of above observations of the Hon'ble Supreme Court mandated Oversight Committee, an opportunity of 15 days may be afforded to the applicant wherein defective COA has been submitted to submit correct/revised COA. However, in so far as the issue of seeking fees/adjusting fees is concerned, such applications in my considered opinion are liable to be recommended for disapproval, as an application without processing fees is incomplete and adjustment of fees paid in past year is not permissible as applications are required to made afresh for each academic year. Therefore, such applications are required to be recommended for disapproval"*.

The Section has furnished a list of medical colleges, proposal of which has been recommended for disapproval by the erstwhile Council.

The matter was placed before the Board of Governors for consideration if opportunity to be given to colleges to rectify defects/deficiencies.



Decision: The BoG resolved to requested members in-charge PG to consider this agenda in detail and present its recommendations.

9. Decision about hiring of Standing Counsel for MCI: Presentation of recommendations of the BoG Sub-Committee constituted by the Board of Governors to identify Standing Counsels.

Decision: The BoG resolved that as decided earlier, the sub-committee constituted by the BoG may take final view and recommend the names of advocates who could serve as standing counsel for MCI in one week.

10. Consideration of matter with regard to hiring of Project Monitoring Unit (PMU) Consultant for DMMP-1:

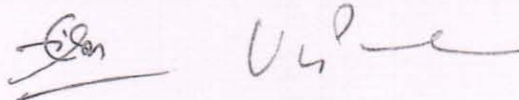
Digital Mission Mode Project (DMMP) Phase-1 was initiated by the Council to revamp & digitalize all the service of the Council. To ensure the technical authenticity of DMMP-1, a Project Monitoring Unit (PMU) had been recommended by M/s NISG (National Institute of Smart Governance), who had prepared the RFP document of DMMP Project.

Accordingly, a Consultant (PMU) from NISG empanelled agency i.e. M/s Price Waterhouse Coopers (PWC) joined the Council on 04.11.2016 for a period of 6 months and worked in the DMMP project till May 2017. The work order regarding the appointment of Consultant for DMMP-I Project was also presented. The PMU Consultant prepared a 'Knowledge Transfer Document' during the working of Project Monitoring Unit (PMU).

During the project execution, again the necessity was felt for verification of various technical aspect like Cloud Data Center, Service Level Agreement (SLA) parameters etc. The matter with regard to the requirement of technical team for DMMP-1 project was raised before the Competent Authority for their perusal. The then Executive Committee of the Council at its meeting dated 03.07.2018, considered the minutes of A&GC meeting dated 22.06.2018 and directed as under: -

".....The Sub-Committee may take help of any expert/official it thinks fit for this purpose. Meanwhile, PMU Consultant be requested to join the Council at the earliest."

Office Note: Section may also verify whether services of PMU Consultant can be availed on contractual job specific basis till a regular PMU Consultant joins the Council and if feasible, contract for the same be awarded by A & G C Sub-committee Chairman in consultation with D.S. (Admn.) & Consultant (Finance)."



Since M/s PricewaterhouseCoopers (PWC) were earlier engaged through NICS, in the said project as a PMU Consultant, they were asked to provide the proposal for the hiring of PMU consultant. Accordingly, a proposal was prepared by the section, for hiring of PMU Consultant from NICS empanelled agency i.e. M/s PricewaterhouseCoopers (PWC) were approved by the Chairman, A&GC sub Committee in consultation with DS (Admn.) and Consultant (Finance). The Chairman, A&GC approved the said proposal through email dated 26.09.2018. The said matter could not be proceeded further due to the Indian Medical Council Ordinance, 2018.

It is further stated that there are many technical aspects of DMMP-I project, which needs to be authenticated by a technical expert. Hence, a technical Consultant with minimum 6 years of experience in Technology Profile is required for minimum 3 months, to cross verify the DMMP-1 technical activities. NICS empanelled rate for Consultant with 6-10 year of experience are Rs. 3,81,410/- per month. The NICS rate document is placed in file at Page-1.

The agenda was placed before the BoG for consideration.

Decision: The BoG resolved to refer this issue to IT sub-committee of the BoG for examination and recommendation in respect of suggesting method for identifying PMU. The BoG also requested the IT sub-committee to review work done by the CDAC and M/s Bodhtree so far.

11. Consideration of Annual Accounts of Medical Council of India for the Financial Year 2017-18.

It was informed that the Executive Committee in its meeting dated 3rd July, 2018 considered the matter with regard to approval of Annual Accounts of MCI for the Financial Year 2017-18 and it was decided as under:

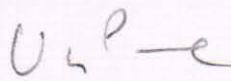
"The Executive Committee approved the minutes of the Finance Committee meeting held on 26th June, 2018 in respect of item no.3 i.e. "Annual Accounts of the MCI for the year 2017-18".

The Oversight Committee had approved the said minutes on 30.07.2018.

The matter was placed before the BoG for consideration with information that earlier the Annual Accounts of the MCI for the year 2017-18 was approved by the Oversight Committee with the following remarks:

"The Oversight Committee has desired detail of this component (E-governance expenditure of Rs. 70 crores) along-with outcome of implementation of E-governance in two weeks time."

The outcome of the e-governance was not received from erstwhile MCI.

Decision: The BoG approved the Annual Accounts of the MCI for the year 2017-18, with direction that the concerned sections of the Council may furnish the details of implementation of E-governance in two weeks' time.

12. Medical Education Reforms –Priority areas: Suggestions were invited from BoG Members.

Decision: Deferred with resolution that the BoG may discuss priority areas for the Country, like need to have Family Medicine specialists, specialists in the field of Emergency Medicine, measures to improve standard of MBBS and Internship training etc.

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

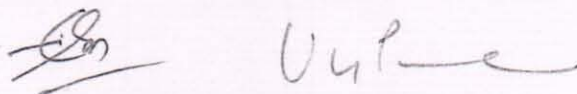
- (a) Appointment of Secretary, MCI: The issue relating to appointment of Secretary, MCI is under litigation. At present, there is stay on existing/applicable RRs for recruitment of Secretary. The point of litigation/challenge for the post of Secretary MCI according to existing RRs can be filled up by recruiting non-medical/medical candidate.

The Ministry requested that the matter may be placed before the BoG for consideration if the applicable existing rules are to be followed which are stayed by the Hon'ble High Court of Delhi or the BoG considers previous RRs (wherein post of Secretary MCI can be filled up by medical candidate only) are more suitable. In case the previous RRs are considered more suitable then the BoG may suggest amendment in RRs so that the same could be brought to the notice of Hon'ble High Court and an application can be moved to get stay vacated.

Matter was placed before the BoG.

Decision: The BoG resolved that a proposal may be prepared for sending to Ministry to substitute new RRs for the post of Secretary, MCI with old RRs. Accordingly, the BoG directed the Administration section to put up draft amendment in RRs for consideration of the BoG.

- (b) Information about appointment of Consultants: As per decision taken in the third meeting of the BoG, the Chairman has selected four retired central Government officers for appointment as Consultant, for a period of three months, initially, based on their CV/experience. Their remuneration will be last pay drawn minus pension, subject to maximum of Rs. 90,000/-, whichever is less.



Decision: The BoG ratified the decision taken by the Chairman BoG.

- (c) Delegation of powers to appoint Assessors by BoG Member Incharge Assessment Cell/Chairman, BoG.

Decision: The BoG delegated powers to appoint assessors, which is time bound activity to the BoG members in-charge of assessment cell / Chairman BoG in case the members are not available.

- (d) Date of next meeting:

Decision: The BoG resolved to have next meeting on 11.11.2018 (Sunday) from 9.30 AM onward in MCI office, Dwarka.

- (e) Court matter: Kerala Medical College, Palakkad: The agenda was presented along with the directions of the Hon'ble High Court, Kerala.

Decision: The BoG resolved that in compliance of the directions of the Hon'ble High Court, assessment of Kerala Medical College, Palakkad may be carried out in time bound manner. Thereafter, further necessary action as per rules may be taken.

- (f) Consideration of the list of faculty members for inclusion in the BoG appointed Expert Group UG and PG:

The BoG sub-committee's recommendations to constitute three expert groups each for UG and PG was presented (as circulated earlier) along with names of experts.

Decision: The BoG accepted the sub-committee's recommendations to constitute three expert groups each for UG and PG as presented, with one correction (name of the institution in case of one expert). The BoG also approved the draft letter with deletion of one sentence. The BoG directed that the invitation letter be issued to selected experts.

- (g) The BoG noted that earlier (from year 2001 to 2009) an Adhoc Committee was constituted by the Hon'ble Supreme Court to oversee functioning of the MCI. The BoG directed the concerned section of the Council to submit two reports submitted by the Hon'ble Supreme Court appointed Adhoc Committee to the Hon'ble Supreme Court.

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

BoG
11.11.18

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