

No.MCI-5(3)/2004-Med./

MEDICAL COUNCIL OF INDIA

EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on Thursday, the 24th March, 2005 at 10 a.m. in the Council Office, Aiwan-E-Galib Marg, Kotla Road, New Delhi –2 where the members of the Adhoc Committee appointed as per the Hon'ble Supreme Court order dated 20.11.2002 were also present.

Present:

Dr.P.C. Kesavankutty Nayar	]President (Acting)]Former Dean,]Govt. Medical College,]Trivandrum
Prof. P.N.Tandon	]Former Prof. & Head of Neuro-]Surgery, A.I.I.M.S, New Delhi and]Member, Adhoc Committee]appointed by the Hon'ble Supreme]Court.
Dr. P.K. Sur	]Director,]I.P.G.M.E.R.,]Kolkatta.
Dr. G.B. Gupta	]Prof. of Medicine, Pt.JNM Medical]College, Raipur
Dr. Mukesh Kr. Sharma	]Deptt. of General Surgery,]S.M.S. Medical College,]Jaipur
Dr. Nitin S. Vora	]Director, Health Services(ESIS),]Govt. of Gujarat.
Dr. J.R. Kher	]Professor of Physiology,]J.N. Medical College,]Swangi(Meghe)Wardha,]Maharastra.
Lt.Col. (Retd.) Dr. A.R.N. Setalvad	-]Secretary

The apologies for absence were received from Dr. N. Rangabhashyam, Dr. (Mrs.) S. Kantha, Adhoc Committee members and Dr. D.K. Sharma & Dr. B.C. Das, members of the Executive Committee.

1. Minutes of the Executive Committee Meeting held on 31st January,2005 – Confirmation of.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council confirmed the minutes of the meeting of the Executive Committee held on 31st January, 2005.

2. Minutes of the last meeting of the Executive Committee – Action taken thereon.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the action taken by the office on the various items included in the agenda of the Executive Committee meeting held on 31st January, 2005.

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

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the list of pending items arising out of the decisions of the Executive Committee.

4. Navodaya Medical College, Raichur – Renewal of permission for admission of 3rd batch of students for the academic session 2005-2006.

Read: The inspection report (11th & 12th February, 2005) for renewal of permission for admission of 3rd batch of students at Navodaya Medical College, Raichur for the academic session 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (11th & 12th February, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of 100 students in the 1st MBBS course for the academic session 2005-2006 at Navodaya Medical College, Raichur.

5. Pondicherry Institute of Medical Sciences, Pondicherry – Renewal of permission for admission of 4th batch of students for the academic session 2005-2006.

Read: The inspection report (25th & 26th February, 2005) for renewal of permission for admission of 4th batch of students at Pondicherry Institute of Medical Sciences, Pondicherry for the academic session 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (25th & 26th February, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of 100 students in the 1st MBBS course for the academic session 2005-2006 at Pondicherry Instt. of Medical Sciences, Pondicherry.

6. Dr. P.S.I. Medical Sciences & Research, Chinnaoutpalli – Renewal of permission for admission of 3rd batch of students for the academic session 2005-2006.

Read: The inspection report (11th & 12th February, 2005) for renewal of permission for admission of 3rd batch of students at Dr. P.S.I. Medical Sciences & Research, Chinnaoutpalli for the academic session 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (11th & 12th February, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of 150 students in the 1st MBBS course for the academic session 2005-2006 at Dr.P.S.I. Medical Sciences & Research, Chinnaoutpalli.

7. N.R.I. Academy of Health Sciences, Chinakakani, A.P. – Renewal of permission for admission of 3rd batch of students for the academic session 2005-2006.

Read: The compliance verification inspection report (18th & 19th Feb., 2005) for renewal of permission for admission of 3rd batch of students for the academic session 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (18th & 19th February, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of 150 students in the 1st MBBS course for the academic session 2005-2006 at NRI Medical College, Guntur.

8. Establishment of new medical college at Trivandrum by Non-Resident Indian Foundation u/s 10A of the IMC Act, 1956.

Read: The inspection report (11th & 12th February, 2005) for Establishment of proposed medical college (Sree Gokulam Medical College & Research Foundation) at Trivandrum by Non-Resident Indian Foundation, Trivandrum.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report 11th & 12th February, 2005 and noted the following :-

1. Construction of the college building is not yet completed.
2. Various departments are not earmarked.
3. Lecture theatres are not available. Hostel for boys & girls are under construction. Resident Hostel and Nursing Hostel are not available. Construction of Residential quarters are also in progress.
4. There are total 305 beds in the hospital. There is no speciality wise distribution of these beds. Out of these 305 beds, 160 beds are put in 4 wards which are functional. These beds are not numbered. For the remaining beds, only cots are put in 4 non-functional wards.
5. Make shift arrangement have been made for running the OPD. Each speciality have provided only one room for consultant to sit and examine the patient.
6. Space has been provided to establish each speciality with 4 chambers. However, this area is without any facility and furniture and is non-functional.
7. clinical material is grossly inadequate. Many case sheets are blank.
8. No major surgical work is carried out. No deliveries are conducted.
9. Registration & Record Section in the OPD is non-functional.
10. Intensive Care area is not available. OTs are not available.
11. Labour room is not commissioned.
12. Kitchen and Central Laundry are not available.
13. Para-medical staff and Nursing staff are grossly inadequate.
14. Clinical departments are not established in the hospital as the Civil construction of the college building is in progress.
15. Equipments and furniture are available.

16. The shortage of teaching faculty is more than 75% is as under:-

1. Professor-3 (Physiology-1, Medicine-1, Surgery-1).
2. Professor/Associate Prof. -9 (Pathology-1, Microbiology-1, Pharmacology-1, Forensic Medicine-1, Community Medicine-1, Paediatric-1, Orthopaedic-1, OBG-1, Anaesthesia-1).
3. Assoc. Professor-5 (Anatomy-2, Physiology-2, Biochemistry-1).
4. Asstt. Professor -15 (Anatomy-3, Physiology-2, Lect. In Bio-physics-1, Biochemistry-1, Medicine-2, Surgery-2, Ophthalmology-1, Radiology – 1, Anaesthesia-1, Dentistry – 1).
5. Tutor -16 (Anatomy-3, Physio-4, Biochemistry-1, Patho-1, Pharma-1, For. Med.-1, Comm.Med.-1, Radiology-2, Anaesthesia-2).

The shortage of Residents is more than 75% is as under:-

1) Sr. Resident -13 (Medicine-4, Paediatric-1, Surgery-4, ENT-1, Ophthal-1, OBG-2).

2) Jr. Resident -15 (Med.-6, Paed.-2, Surg-5, Ortho-1, OBG-1).

17. Other deficiencies/remarks are in the inspection report.

In view of above, whereby it has been found that the applicant has failed to fulfill the mandatory and statutory precondition of owning and managing of a functional hospital of 300 beds as laid down in the Establishment of Medical College Regulations 1999 and other gross deficiencies shown above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt to disapprove the scheme for establishment of new medical college at Trivandrum by Non-Resident Indian Foundation u/s 10A of the IMC Act, 1956.

9. **Karnatak Institute of Medical Sciences, Hubli – Renewal of permission for admission of 5th batch of students against the increased intake i.e. from 50 to 100 for the academic session 2005-2006.**

Read: The inspection report (3rd & 4th February, 2005) for renewal of permission for admission of 5th batch of students against the increased intake i.e. from 50 to 100 at Karnatak Institute of Medical College, Hubli for the academic session 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (3rd & 4th February, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch of students against the increased intake i.e. from 50 to 100 in the 1st MBBS course for the academic session 2005-2006 at Karnatak Instt. of Medical Sciences, Hubli.

10. **Padamashree Dr.D.Y. Patil Medical College, Pimpri, Pune – Renewal of permission for admission of 3rd batch of students against the increased intake i.e. from 100 to 150 for the academic session 2005-2006.**

Read: The inspection report (18th & 19th February, 2005) for renewal of permission for admission of 3rd batch of students against the increased intake i.e. from 100 to 150 at Padamashree Dr.D.Y. Patil Medical College, Pimpri, Pune for the academic session 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (18th & 19th February, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of students against the increased intake i.e. from 100 to 150 in the 1st MBBS course for the academic session 2005-2006 at Padamashree Dr. D.Y. Patil Medical College, Pimpri, Pune.

11. **Continuance of recognition of MBBS degree in respect of students being trained in the Govt. Medical colleges, Madhya Pradesh granted by the respective Universities.**

Read: The inspection report (4th & 5th March, 2005) of the following Govt. Medical Colleges in Madhya Pradesh carried out for continuance of recognition of MBBS degree :-

1. N.S.C.B. Medical College, Jabalpur
2. G.R. Medical College, Gwalior
3. M.G.M. Medical College, Indore.
4. Gandhi Medical College, Bhopal
5. S.S. Medical College, Rewa.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report

(4th & 5th March, 2005) in respect of the above 5 medical colleges and noted that there was an improvement in teaching faculty, infrastructure and other facilities. It was also observed that the deficiencies were still persisting in the above mentioned medical colleges.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council after deliberating over the issue at length decided to grant 3 months time to the concerned authorities for rectification of deficiencies as pointed out in the respective inspection reports.

12. Combined MBBS/MDS programme leading to specialists in Maxillofacial Surgery.

Read: The proposal the President & Chairman, Association of Oral & Maxillofacial Surgeons of India for a combined MBBS/MDS programme leading to specialists in Maxillofacial Surgery.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council deliberated upon the proposal received from the President & Chairman, Association of Oral & Maxillofacial Surgeons of India for a combined MBBS/MDS programme leading to specialists in Maxillofacial Surgery and decided to seek opinion from the Dental Council of India.

13. Writ Petition (C) No. 306 of 2004 in the Supreme Court of India – Mridul Dhar & Anr. Vs UOI and Ors. – Recommendation of Supreme Court to consider constitution of higher-power Committee/Ombudsman.

Read: The letter dated 21.2.2005 received from the Govt. of India, Ministry of Health & Family Welfare, relating to the above mentioned judgement Hon'ble Supreme Court of India.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council deliberated upon the matter at length and decided as under:-

"It was during the British regime that Indian Medical Council had been constituted under the then existing enactment namely Indian Medical Council Act, 1933. The said legislation clearly demonstrated the wisdom of the legislature in providing that such fields, after prescribing overall broad guidelines by making a law, should be left to the complete autonomy and wisdom of the expert in all such fields.

Accordingly, the Act of 1933 provided for the constitution of the Indian Medical Council in a completely democratic manner thereby giving representation either by nomination or election to all the concerned constituencies. The Central Govt., Provincial Govts., State Associations, Universities and Medical Practitioners had participation and representation in the constitution of the Council. After achieving the independence when the Parliament had undertaken a massive exercise of framing laws for the independent India in the early 50s, the legislative wisdom, that the administration of regulations in expert fields like medicine, etc. should not be made a part of the Govt. administration itself but should be left to the experts in these fields with maximum autonomy, was once again acknowledged and accepted by the Parliament in the independent India when the Indian Medical Council Act, 1956 was enacted and the earlier Act 1933 had been repealed.

There are certain very fundamental aspects which had been kept in mind for continuing and ensuring the required autonomy for institutions such as Medical Council of India. It needs no emphasis that for achieving effective regulations in the fields of medicine, it is absolutely inevitable that a completely autonomous body of experts should be allowed to discharge its responsibilities in the larger interest of the field of medicine itself. There cannot be two opinions that maintenance of standards in medical education in any part of the world is an extremely important requirement. In the developing countries, if this function of maintenance of minimum standards of medical education is not left to an

autonomous body, it may lead to anomalous situations as independence of the Council so that it may work like a "regulator" is of utmost significant and importance. It becomes absolutely important that there is an independent body which treats the Govt. Medical Colleges/institutions in the same manner and with equal hand for providing minimum infrastructural, teaching and other facilities as private institutions

The MCI has been able to largely achieve its purpose for the last so many years. However, the scenario prevailing in this country is that a large number of medical colleges/institutions have come into existence in the last couple of decades have been set up by persons who enjoyed political and economic influence. Their words carry weightage and in all those events where the Medical Council of India has taken decisions in accordance with its norms and regulations but adversarial to such interests, all such aggrieved persons, because of their position and the influence, have been able to create a negative and prejudicial campaign against the Medical Council of India.

Whenever any such adverse order is passed by the MCI, with the prevalent general psyche in the society, such interests have been able to generate a general publicity against the Council by projecting as if the decisions which are taken by the Council are for extraneous reasons and considerations.

No doubt, that there is always a scope for improvement in functioning of any body and the same is not denied by the Medical Council of India. However, as has been recently concluded by a Committee of eminent doctors appointed by the Hon'ble Supreme Court, the discharge of statutory responsibilities by the MCI has been found to be satisfactory and in public interest.

There is also no doubt that because of a large scale failure in the system generally, the degree of disillusion and disenchantment in the society against the functioning of the Govt., Autonomous Bodies and other public authorities is very high. There is also no denying of the fact that there is a continuous and general decline in the moral standards in all walks of life. Whenever any negative campaign, even when it is calculatively designed against any public authority is initiated, for the abovementioned reason, a common man and the large section of the society tend to accept all such adversarial criticism against any public authority. It, therefore, becomes necessary that while an attitude of complacency does not set in, the objectivity should also not get lost in this process.

The system of checks and balances in any walk of life is always welcome. However, an over-emphasis in this regard may not bear the expected result and may in fact work contrary to the functioning of the system itself. It has been observed that throughout in the past, never ever the Central Govt. has found that any of the recommendations of the MCI based on its inspection report does not depict the actual ground reality. It would be useful to refer to the conclusions of the Committee of eminent doctors appointed by the Hon'ble Supreme Court in their report submitted to the Hon'ble Supreme Court and is reproduced as under:-

CONCLUSIONS AND RECOMMENDATIONS

1. *The random check of the records of the previous inspection reports and recommendations thereof in the minutes of the meetings of the last 5 years which were made available to the Ad-hoc Committee members, did not indicate any irregularity or deviation or non-compliance with the rules and regulations of MCI.*
2. *In accordance with the directions of the Hon. Supreme Court, the proper procedure for conduct of inspections was reviewed. The criteria for selecting the inspectors and a revised list based upon these criteria was finalized in consultation with the Executive Committee. This is being religiously followed during the last 16 months. As a result of this, no complaint has been received by the members of the Executive Committee or the Council.*
3. *A number of areas of concern have been identified for consideration. These are :*

- (i) *Proliferation of medical colleges, especially in the private sector without there being any evaluation of national needs.*
 - (ii) *As a consequence of the above, there is undue pressure to admit students without appropriate infrastructure, faculty, etc. in some of these colleges.*
 - (iii) *Even in Govt. colleges in some of the states, the existing facilities do not meet the minimum norms and requirements. Several states have already been informed of these concerns pertaining to their medical colleges expecting a meaningful and serious consideration by the State authorities in that regard.*
 - (iv) *The existing curricula in medical courses, in the light of rapid changes and advances in the field of medical sciences, deserve updating. This requires serious consideration and application by all concerned.*
 - (v) *The regulations of the Council also lay down the time schedule for receipt of applications, their processing, conduct of inspections, making recommendations and for passing orders by the Central Govt. under Section 10A of the Act. If this time schedule in the regulations is adhered to, it makes it possible for the Executive Committee to make its recommendations after due deliberations. However, it has been observed that many a times the Council is required by the Central Govt. / Hon. Courts to carry out the inspections and forward the reports without the Executive Committee having a chance to consider the same as required by law. The time discipline in this regard deserves to be adhered to by all concerned.*
4. *The members of the Ad-hoc Committee in their letter dated 02.09.2003 addressed to the Amicus had recorded their satisfaction in this regard that even though the work of the Council has increased manifold in the last few years, it has been able to discharge its duties smoothly, objectively and in accordance with its rules and regulations.*
 5. *There is no doubt that if the State Governments and Universities concerned would discharge their responsibilities, in letter and spirit, with regard to the total admissions and strict adherence to the principles laid down by the Hon'ble Supreme Court from time to time, the cases of infraction and non-compliance with the statutory regulations will straightaway get reduced. It also becomes impossible for the MCI to run around all over the country for defending the cases of violation and non-compliance with its norms as it has been seen that affirmative and positive cooperation from the local State and university authorities are not forthcoming. The Universities and the State Governments deserve to be sensitized towards the issue of enforcement of the minimum norms and standards prescribed by the Council.*
 6. *There have been instances where due regard to the judgements of Hon. Supreme Court appears not to have been extended by some of the Hon. High Courts. It has been seen that even when the judgements / orders of Hon. Supreme Court have been cited, still the orders have been passed contrary to the directions / law laid down by the Hon. Supreme Court. The Hon'ble Courts would also deserve to be persuaded against passing directions/orders for grant of provisional admissions and/or permitting students to appear in examinations in such cases where the colleges have failed to obtain the continuing permissions from the Central Govt. on annual basis on the recommendations of the Council.*
 7. *It deserves to be appreciated that all those who are not able to secure permission on account of negative recommendations made by the Council for their failure to provide the minimum norms and facilities, then as an easiest available refuge, invariably attempt to generate a negative and un-healthy criticism on the functioning of the Council.*
 8. *By virtue of the direct experience for last 16 months while working with the Council, the Ad hoc Committee feels it appropriate to observe that the overall functioning of the Council in the current scenario and perspective has been found*

to be satisfactory. However, a healthy and constructive criticism regarding the working of any organization is always welcome. The organization does not deserve to be condemned only on unfounded and uninformed presumptions and perceptions.

9. *It has been observed that some of the colleges, after they are granted affiliation and recognition, failed to continue to provide minimum norms and facilities. For such defaulting colleges, the Universities to whom they are affiliated, are intimidated by the Council to deaffiliate such colleges. In the event of any University omitting or failing to take the corrective measures, the Council would be required to initiate steps for derecognition of such a University, on its own as per its rules and regulations.*
10. *The Hon'ble Supreme Court may deem it appropriate to lay down the law that if any college is having any dispute with the MCI / Central Govt. with regard to grant of permission/annual renewal for either establishing a new medical college, or starting a higher course or seeking increase in its annual intake capacity etc., they should be made to approach only the Hon'ble Delhi High Court, within whose jurisdiction MCI and the relevant office of medical education of the Central Govt. are located. In relation to the election disputes of the Council, by its order dated 01.08.1991¹ the Hon'ble Supreme Court has directed bringing of such disputes only before the Hon'ble Delhi High Court, so as to ensure that the efforts and precious resources of the Council are not wasted in defending itself in litigations all over the country.*
11. *It is desirable that there is no compromise with the autonomy of the MCI envisaged under the provisions of the Indian Medical Council Act, 1956. No doubt that the final orders are required to be passed by the Central Govt. only on the recommendations of the MCI which is a body of experts created through a Parliamentary enactment. In the event of any disagreement with the recommendations of the Council, it should be imperative for the Govt. to record valid reasons and communicate the same to the Council.*
12. *State Governments and Universities, on account of their geographical location around the medical colleges/institutions under their control and affiliated to them are better placed to continuously monitor the strict adherence to the minimum standards and norms laid down by the Council. Hence, an atmosphere needs to be created where the States and Universities, instead of positioning themselves against the rules of the Council / decisions of the Central Govt., in an adversarial manner, should appreciate adoption of an attitude for working in a cohesive and cooperative manner with the Council in mutual interest for ensuring that the minimum norms and rules are not violated by any one.*

Repeatedly it has been observed that some State Governments pitched themselves against the Council in enforcing its rules and norms which are already upheld by the Hon'ble Courts. This should be avoided in the interests of maintaining minimal standards of medical education. Similarly, Council should also endeavour to take all such steps in taking the views of the State Governments and the Universities periodically in upgrading its norms and rules.

13. *Keeping in mind the experience of the Council that the statutory mechanism of annual permissions/renewals and inspections u/s 10A of the Act for establishing new medical colleges etc. has caused difficulties in a couple of cases where the college authorities failed to obtain annual renewals and ultimately got closed down, the human problem of students admitted in those colleges had engaged the attention of the Hon'ble Courts.*

It is, therefore, recommended that instead of having the mechanism of annual inspections and annual permissions u/s 10A, the Medical Council of India

must consider accepting a system of requiring the college authorities to provide minimum infrastructural and other facilities for at least initial two years of the MBBS course before they are considered for grant of initial permission."

Similarly, the next inspection should be at a stage when the college authorities have provided the minimum infrastructural and other facilities for the 3rd and 4th year of the MBBS course and the last inspection is held at the time when the first batch of students are appearing in their final examination of the MBBS course.

With reference to the Indian Medical Council Act, 1956, it is also the settled position in law as has been settled by the Hon'ble Supreme Court that the Central Govt. takes the decision on the recommendations of the Council and in the scheme of the Act, the Govt. would not take decision without obtaining the recommendations of the Council. In the recent past even when the Govt. had desired to confirm the ground reality with respect to one or two medical institutions with reference to the inspection reports already furnished by the MCI, the Govt. came to the conclusions that the inspection reports had clearly depicted the ground reality existing in those institutions.

As pointed out by the MCI in its response to the Central Govt. with reference to the report of the Committee of the Hon'ble Supreme Court and which was directed by the Hon'ble Supreme Court vide its order dated 30.7.2004, there is a greater need for well-coordinated cohesive working between the Central Govt. and the MCI reposing trust and faith in each other, in discharging the respective responsibilities under the provisions of the Act.

Having regard to the observation made by the Hon'ble Supreme Court as referred to in the letter of the Central Govt. for an ombudsman over-seeing the working of the MCI and the Central Govt. in exercising their responsibilities under the Act, though may be objective in conception, but in a deeper look of the scheme and Act truly speaking, it may not be necessary."

14. Writ Petition (C) No. 306 of 2004 filed by Ms. Mridul Dhar & Anr. Vs UOI & Ors. – Recommendation of Supreme Court to consider inclusion of section 10A seats for working out 15% All India Quota.

Read: The letter dated 14.2.2005 from the Director General Health Services seeking comment of the Council in the above matter.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council after due deliberations in the matter decided as under:-

"As the seats permitted u/s 10A of the Act in a new medical college or increased intake in an existing medical college are full fledged for all intent and purposes in so far as admission against the same are concerned and moreover, the All India quota of seats to the extent of 15% is applicable only to the Govt. Medical Colleges, wherein the medical education is subsidized and is affordable for a vast majority of meritorious applicant students belonging to the economically average and weaker sections, therefore, they should be taken into consideration for the purpose of calculating 15% share of All India quota for admissions."

The Committee further decided that DGHS may be informed accordingly in response to his communication dated 14.02.2005.

15. Temporarily removal of the names of various medical teachers who were found working at more than one medical college simultaneously – Reg.

Read: The letter received from the Registrar, Andhra Medical Council in the above matter with regard to temporarily removal of the names of various medical teachers who were found working at more than one medical college simultaneously.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the General Body of the Council at its meeting held on 12.10.2004 considered the matter with regard to the medical teachers who were found working at more than one medical college simultaneously along with the recommendations of the Ethics Committee as well as Executive Committee.

The members also noted the operative part of the decision of the General Body which reads as under:-

".....The Council, therefore, without any ambiguity unanimously decided that the names of all these doctors is removed from the Indian Medical Register for a period from 01.11.2004 to 31.07.2007.

As such consequently, these doctors shall not be entitled to work as medical teacher in any medical college during this period.

The General Body then decided as under:-

- a) Their name shall be erased from the Indian Medical Register temporarily from 1st November 2004 upto 31st July,2007.
- b) They will not be eligible to be considered as a teacher at any medical college for the academic years 2005-06 and 2006-07."

The Committee further noted the reply dated 29.11.2004 received from the Registrar, Andhra Pradesh Medical Council in response to Council letter dated 09.11.2004 in which it was mentioned as under:-

"It is not out of place to state that our Body is an Autonomous Body constituted by an Act by the Govt. of Andhra Pradesh and after discussing the recommendations of the Ethical Committee and the General Body approving it proper action will be taken against the erring Doctors. But in this case the Medical Council of India has already taken action by removing their names from the Indian Medical Council Register and formally this Council is asked to remove their names from the State Register.

In this connection, your attention is invited to the IMC Act,1956 Section 24(1) and 24(2). It is requested that the Medical Council may kindly clarify whether the procedure followed is in order. The Standing Counsel of AP Medical Council has already clarified that this Council's interpretation is correct. An early reply is requested in this matter."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council after considering the above deliberated at length on the matters. They were informed that some of the doctors against whom a similar action was taken earlier by the Council at its meeting held on 12.10.2004 had challenged the decision of the Council in the Hon'ble High Court of Andhra Pradesh. It was also observed that the Single Judge of the Hon'ble High Court of Andhra Pradesh had dismissed the writ petition. However, the Division Bench of the Hon'ble High Court of Andhra Pradesh in Writ Appeal No. 2107 of 2004 between Dr. D. Peraiah Chetty Vs. MCI & Ors. have admitted the appeal and ordered that the "operation, execution and implementation of the order No. 34©/2004-Med/19635, dated 1.11.2004 issued by the 1st and 2nd respondents herein be and hereby is suspended upto 31.3.2005". They were further informed that similar writ appeals have been filed by several other doctors wherein the same orders have been passed.

In view of the above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to obtain legal opinion in the matter and authorized the President (Acting) to proceed in accordance with the legal opinion.

16. Requisition for data collection.

Read: The letter from Dr.P.M. Prasad, Asstt. Professor, Indian Instt. of Technology, Kanpur for permission for the data collection regarding activities of the Council.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 10.02.2005 received from Dr.P.M. Prasad, Asstt. Professor, Indian Instt. of Technology, Kanpur for permission for the data collection regarding activities of the Council and was of the opinion that the request should come through proper channel and further that all information for public consumption is available on the website of the Council.

17. Registration in Indian Medical Register requirement for State Medical Councils.

Read: The matter with regard to Registration in Indian Medical Register requirement for State Medical Councils.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to refer the matter to the Ethics Committee of the Council for consideration/decision/suggestions/recommendations in the matter.

18. Extension of services of Dr.M.C.R. Vyas as Whole-Time Inspector.

Read: The matter with regard to extension of services of Dr.M.C.R. Vyas as Whole-Time Inspector.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that Dr. M.C.R. Vyas services as Whole-time Inspector were extended for a period of one year upto 09.04.2005.

The Committee decided to further extend the services of Dr. M.C.R.Vyas as Whole-time Inspector of the Council for a period of one year upto 09.04.2006.

19. Extension of security services provided by M/s United Security Organization Pvt. Ltd. in the Council office.

Read: The matter with regard to extension of security services provided by M/s United Security Organization Pvt. Ltd. in the Council office.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council ratified the decision taken by the President (Acting) regarding extension of security services provided by M/s United Security Organization Pvt. Ltd. for another six months w.e.f. 01.03.2005 and also decided to direct the office to initiate the process to finalise the contract for the award of security services for a period thereafter.

20. Removal of the name of deceased person from Register of Registered Medical Practitioners – Dr. Mrs. Santosh Sharma.

Read: The letter dated 2.2.2005 received from the Registrar, Rajasthan Medical Council intimating that Mrs. Santosh Sharma bearing Regn.No.2435 dated 11.2.1970 has expired on 11.2.2005 as per the news published in the Daily News Paper Rajasthan Patrika and her name has been removed from the Register of the Registered Medical Practitioners.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the letter dated 2.2.2005 received from the Registrar, Rajasthan Medical Council intimating that Mrs. Santosh Sharma (Registration No. 2435, dated 11/2/1970) has expired on 11.2.2005 and her name has been removed from the Register of Registered Medical Practitioners. The Committee

decided to remove the name of above-mentioned doctor from the Indian Medical Register and also give intimation in this regard to all the State Medical Councils in the country.

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

Read: The letter dated 2.2.2005 received from the Registrar, Rajasthan Medical Council intimating that Dr.Girdhari Singh bearing Regn.No.510 dated 17.6.1961 has expired on 19.2.2005 as per the news published in the Daily News Paper Rajasthan Patrika and his name has been removed from the Register of the Registered Medical Practitioners.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the letter dated 2.2.2005 received from the Registrar, Rajasthan Medical Council intimating that Dr. Girdhari Singh (Registration No. 510, dated 17/6/1961) has expired on 19.2.2005 and his name has been removed from the Register of Registered Medical Practitioners. The Committee decided to remove the name of above-mentioned doctor from the Indian Medical Register and also give intimation in this regard to all the State Medical Councils in the country.

22. Removal of the name of decease person from the Indian Medical Register.

Read: The letter dated 3.2.2005 received from the Registrar, Rajasthan Medical Council intimating that Dr.L.M.Sanghvi bearing Regn.No.710 has expired on 2.2.2005 and his name has been removed from the Register of the Registered Medical Practioners.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the letter dated 3.2.2005 received from the Registrar, Rajasthan Medical Council intimating that Dr. L.M. Sanghvi (Registration No.710) has expired on 2.2.2005 and his name has been removed from the Register of Registered Medical Practitioners. The Committee decided to remove the name of above-mentioned doctor from the Indian Medical Register and also give intimation in this regard to all the State Medical Councils in the country.

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

Read: The letter dated 8.2.2005 received from the Registrar, Delhi Medical Council intimating that Dr.Sudhakar Midha's bearing Regn.No.5016 dated 31.8.2000 has expired on 7.1.2003 and his name has been removed from the State Medical Register of the Delhi Medical Council.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the letter dated 8.2.2005 received from the Registrar, Delhi Medical Council intimating that Dr. Sudhakar Midha's (Registration No.5016, dated 31/8/2000) has expired on 7.1.2003 and his name has been removed from the State Medical Register of the Delhi Medical Council. The Committee decided to remove the name of above-mentioned doctor from the Indian Medical Register and also give intimation in this regard to all the State Medical Councils in the country.

24. Recognition/Approval of Surat Municipal Institute of Medical Education & Research, Surat for the award of MBBS degree granted by Veer Narmad South Gujarat University, Surat.

Read: The inspection report (11th & 12th March, 2005) for recognition/approval of Surat Municipal Institute of Medical Education & Research, Surat for the award of MBBS degree granted by Veer Narmad South Gujarat University, Surat.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspector's report (11th & 12th March, 2005) and decided to recommend that Surat Municipal Institute of Medical Education & Research, Surat be recognised/approved for the award of MBBS degree granted by Veer Narmad South Gujarat University, Surat with an annual intake of 100 students.

25. Approval of C.U. Shah Medical College, Surendranagar for the award of MBBS degree granted by Saurashtra University, Rajkot.

Read: The inspection report (16th & 17th March, 2005) for approval of C.U. Shah Medical College, Surendranagar for the award of MBBS degree granted by Saurashtra University, Rajkot.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspector's report (16th & 17th March, 2005) and decided to recommend that C.U. Shah Medical College, Surendranagar be approved for the award of MBBS degree granted by Saurashtra University, Rajkot with an annual intake of 100 students.

26. Smt. S.B.K.S. Medical Instt. & Research Centre, Piparia, Vadodara – Renewal of permission for admission of 3rd batch of students for the academic session 2005-2006.

Read: The inspection report (14th & 15th March, 2005) for renewal of permission for admission of 3rd batch of students for the academic session 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (14th & 15th March, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of 150 students in the 1st MBBS course for the academic session 2005-2006 at Smt. S.B.K.S. Medical Instt. & Research Centre, Piparia, Vadodara.

27. M.M.Institute of Medical Sciences & Research, Mullana, Ambala – Renewal of permission for admission of 3rd batch of students for the academic session 2005-2006.

Read: The inspection report (11th & 12th March, 2005) for admission of 3rd batch of students for the academic session 2005-2006 at M.M. Institute of Medical Sciences & Research, Mullana, Ambala .

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (11th & 12th March, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of 150 students in the 1st MBBS course for the academic session 2005-2006 at M.M. Institute of Medical Sciences & Research, Mullana (Ambala).

28. Khaja Banda Nawaz Institute of Medical Sciences, Gulbarga – Renewal of permission for admission of 5th batch of students for the academic session 2005-2006.

Read: The inspection report (25th & 26th February, 2005) for renewal of permission for admission of 5th batch of students at Khaja Banda Nawaz Institute of Medical Sciences, Gulbarga for the academic session 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report 25th & 26th February, 2005 and noted the following :-

1. Dr.Nasir Bin Ali is the Medical Superintendent of the hospital who possesses only Diploma in hospital Administration. He is not having recognized postgraduate medical qualification and can not be considered eligible.

2. Clinical material is inadequate as under:

<u>Daily Average</u>		<u>Day of inspection</u> <u>till 1.00 p.m.</u>
O.P.D. attendance	743	439
Casualty attendance	43	22
Bed occupancy %	81.60%	74%
<u>Operative work</u>		
Number of major surgical operations	12	-
Number of minor surgical operations	24	-
Number of normal deliveries	1-2	1
Number of caesarian Sections	0-1	1
<u>Radiological Investigations</u>		
X-ray	50	10
Ultrasonography	32	02
Special Investigations	2	01
C.T. Scan	1	02
<u>Laboratory Investigations</u>		
Biochemistry	110	14
Microbiology	41	06
Serology	100	04
Parasitology	19	-
Haematology	184	-
Histopathology	1	08
Cytopathology	0.5	-
Others	172	-

3. The Veterinary Officer is part time.
4. Hostel accommodation is available only for 258 students which is inadequate.
5. Research Lab. in Microbiology department is not in use.
6. The ratio of non-medical staff in the department of Biochemistry is 75%.
7. Dean's office is 10ft x12ft approximately and is not as per MCI norms.
8. In the OPD register is maintained manually and with one computer which has been recently installed and not effectively functioning for retrieval of the data. IPD counter is totally manual.
9. There are no nurses duty rooms in most of the wards.
10. ICD X Classification of diseases is followed for indexing but staff needs to be trained for ICD classification.
11. Other deficiencies/remarks are in the inspection report.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 5th batch of students for the academic session 2005 -2006 at Khaja Banda Nawaz Instt. of Medical Sciences, Gulbarga u/s 10A of the IMC Act, 1956.

29. Meenakashi Medical College, Enathur– Renewal of permission for admission of 3rd batch of students for the academic session 2005-2006.

Read: The inspection report (11th & 12th March, 2005) for renewal of permission for admission of 3rd batch of students for the academic session 2005-2006 at Meenakashi Medical College, Enathur.

The members of the Adhoc. Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (11th & 12th March, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of 100 students in the 1st MBBS course for the academic session 2005-2006 at Meenakashi Medical College, Enathur.

30. Maharaja Agrasen Medical College, Agroha – Renewal of permission for admission of 4th batch of students for the academic session 2005-2006

Read: The inspection report (11th & 12th March, 2005) for renewal of permission for admission of 4th batch of students for the academic session 2005-2006 at Maharaja Agrasen Medical College, Agroha .

The members of the Adhoc. Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report(11th & 12th March, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of 50 students in the 1st MBBS course for the academic session 2005-2006 at Maharaja Agrasen Medical College, Agroha.

31. Establishment of new medical college at Dehradun by Shri Guru Ram Rai Education Mission, Dehradun u/s 10A of the IMC Act, 1956.

Read: The inspection for (11th & 12th February,2005) for establishment of proposed medical college (Sri Guru Ram Rai Instt. of Medical Sciences) at Dehradun by Shri Guru Ram Rai Education Mission.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report 11th & 12th March, 2005 and noted the following :-

1. The applicant is in possession of 35.47 acres of land vide survey No.1400 F in Village Dehra Khas, Tehsil, Dehra District Dehradun. This land is divided by a road into 26.06 acres (21.46+4.6 acres) on one side where the college is located and 9.4 acres on the other side of the road where the hospital is located. This road is connecting Saharanpur Road on one side and a residential colony on the other and it passes in front of the college complex on one side and the hospital on the other. Earlier it was a through fare. Now, two temporary iron gates have been fixed across the road on either side of the hospital and college complex, thus making it appear as a unitary complex. These gates are collapsible and can be easily opened. Besides, an alternative road has been created (which is yet to be tarred) which goes behind and around the hospital complex to the residential colony mentioned above bisecting the nurses hostel and staff complex on one side and the hospital on the other. It is a U-shaped road encircling the hospital building on three sides. As a result of this new road, the nurses hostel and staff complex technically are outside the unitary hospital – college complex.

The members of the Adhoc Committee and Executive Committee also noted the order issued by the Civil Judge (Senior Division), Dehradun. The Hon'ble Court in the order dated 23.03.2005 in case No. 175/05 has restrained Mahant Indresh Hospital from taking any action which prevents the petitioners/appellants for making use of the road till the date of return of notice i.e. till 07.04.2005.

2. Hostel for boys & girls are under construction.
3. Resident hostels are located outside the campus.
4. In the Deptt. of Anatomy, catalogues are not available in the museum. There are no cadavers.
5. The shortage of teaching faculty is more than 9% is as under:-
 - a) Associate Professor -4 (1-Anatomy,2-Physiology,1-Paediatics)
 - b) Assistant Professor -1 (Radio-Diagnosis)
6. Other deficiencies/remarks are in the inspection report.

In view of above, whereby it has been found that the applicant has failed to fulfill the mandatory and statutory precondition of owning and possessing of 25 acres of land in a single plot as laid down in the Establishment of Medical College Regulations 1999 and

other gross deficiencies shown above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt to disapprove the scheme for establishment of new medical college at Dehradun by Shri Guru Ram Rai Education Mission, Dehradun u/s 10A of the IMC Act, 1956.

32. Establishment of New Medical College at Azamgarh by All India Children Care & Educational Development Society, Azamgarh.

Read: The matter with regard to establishment of new medical college at Azamgarh by All India Children Care & Educational Development Society, Azamgarh alongwith opinion of the Retainer Advocate on the land documents.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the matter with regard to establishment of new medical college at Azamgarh by All India Children Care & Educational Development Society, Azamgarh alongwith the opinion of the Retainer Advocate on the land documents. The operative part of the legal opinion reads as under:-

".....A perusal of order dated 14.05.1997 indicates that the Ld. Additional District Judge has returned a clear finding that lease deed dated 29.03.1996 is void. Some of the points that the Ld. Additional District Judge has taken into account are as under:-

- a) That there was a clear admission on the part of the respondents therein that the lease deed dated 29.03.1996 is null and void ab initio, even though it was the respondent's contention that the appellant Sh. Ram Patel Chaturvedi could not have challenged the same.
- b) That the lease deed dated 29.03.1996 was in violation of the Zamindari Abolition and Land Reforms Act.
- c) That the lease dated 29.03.1996 is void for want of prior permission to the Directorate of Education in terms of the relevant laws applicable to the State of U.P. in this respect.
- d) That the facts clearly indicate that there was insufficient consideration for the transfer/execution of lease deed dated 29.03.1996 and the transfer has not taken place for the purpose of establishment of a medical college.

Against the said order an appeal is stated to have been preferred to the Hon'ble High Court of Allahabad in terms whereof an interim order dated 24.05.1997 is stated to have been passed. As per the communication of the District Collector admittedly there is no stay granted by the Hon'ble High Court of the operation of order dated 14.05.1997 passed by the Ld. Additional District Judge.

Notwithstanding the ultimate result in the appeal pending in the Hon'ble High Court and any subsequent proceedings thereto, it is clear that as of today, the title of the land to which lease deed dated 29.03.1996 pertains to, is a disputed land in as much as the lease deed stands declared to be void by a court of competent jurisdiction. It is pertinent to mention that lease deed dated 29.03.1996 had been submitted by the applicant for the purpose of proving ownership and possession of a substantial chunk of land of 22 acres for the purpose of satisfaction of requirement under the regulations of the ownership of more than 25 acres of contiguous piece of land. With the aforesaid piece of land being itself in dispute as the facts and circumstances mentioned above clearly indicate, the Council would not be in a position to consider the applicant's application under section 10-A on the basis of the present land documents.

I am, therefore, of the opinion that the Council may return the application to the Central Government with its recommendations for disapproval of the application for the year 2005-06."

In view of above, whereby it has been found that the applicant has failed to fulfill the mandatory and statutory precondition of owning and possessing of 25 acres of land in a single plot as laid down in the Establishment of Medical College Regulations 1999 and other gross deficiencies shown above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt to disapprove the scheme for establishment of new medical college at Azamgarh by All India Children Care & Educational Development Society, Azamgarh u/s 10A of the IMC Act, 1956.

33. Recognising the Joint Sector Character of Sikkim Manipal University in granting renewal of permission for admission of students at SMIMS, Gangtok.

Read: The request of the Vice Chancellor, Sikkim Manipal University of Health, Medical & Technology Sciences received through the Central Govt. for recognizing the Joint Sector Character of Sikkim Manipal University in granting renewal of permission for admission of students at SMIMS, Gangtok.

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

"The Govt. of India alongwith its letter dated 17.2.2005 had forwarded a copy of the letter 20.1.2005 from the Sikkim-Manipal University of Health, Medical & Technological Sciences Gangtok and requested for the comments of the MCI on the said communication. The Sikkim-Manipal University in its letter dated 20.1.2005 addressed to the Govt. of India has stated as under:-

"Dear Shri Hota,

The Sikkim Manipal University which is a unique public partnership in the field of Higher Technical Education between the Government of Sikkim and the Manipal Group has established a Medical College known as Sikkim Manipal Institute of Medical Sciences in Gangtok. It has also an Engineering College called Sikkim Manipal Institute of Technology. There was considerable delay in Govt. of India granting permission to start the Medical College. Even though the facilities for a Medical College were ready by 1999, permission was given only in the year 2001 for an intake capacity of 100 students per year.

- 2. Thereafter for renewal of permission every year we have had to struggle as the MCI refused to recognize the Joint Sector Character of the University and the contributions made by the Govt. of Sikkim with respect to the staff strength and patient load. The Govt. of Sikkim by formal Gazette Notifications has placed the Govt. Hospital (STNM Hospital at Gangtok) at the disposal of the Medical College for the clinical material for teaching purposes. While the Medical College is self reliant as far as teaching faculty position and to a large extent in respect of Senior and Junior resident doctors, it relies upon the Govt. for providing additional strength in this area. These are doctors located in STNM Hospital who participate in bed side teaching. This also applies to the Nursing staff.*
- 3. In spite of the fact that the University is a creature of the Sikkim Legislature and the fact that Govt. of Sikkim provided land for the Medical College as also the building for the Hospital, the fact that Govt., of Sikkim is represented in all the governing structures of the University, and that Chancellor of the University is the*

Governor himself, the MCI taking a rigid stand have refused to take into consideration the patient load and staff strength provided by the Govt. and constantly recommended discontinuation of the College. The Govt. of India had to overrule the MCI for renewal of permission for the year 2002-03 as also for the year 2003-04 and permit the College to admit 100 students. Once again for the academic year 2004-05 the MCI refused to recommend continuation basically on the same grounds namely the so-called inadequacy of patient load and deficiency in staff strength and the Govt. of India have in their discretion reduced the intake capacity from 100 to 50, without going into the question whether the recommendation of MCI was justified given the Joint Sector Character of the University and the contributions made by the Govt. of Sikkim.

4. *The step has seriously undermined the viability of operations of the Medical College. It hardly needs any emphasis that the Medical College has served as a beacon of light for Higher Education, in a relatively remote, backward, and inaccessible state which did not have a University or a Medical College earlier and has opened up educational opportunities for students of Sikkim and the North East by reserving 40% seats for these candidates. By giving free treatment in the Hospital this Institution is providing superior health care including super specialty services obviating the need for patients from Sikkim to seek medical care in far off places like Delhi.*

It also needs to be emphasized that if the Joint Sector Character of the University is recognized there is hardly any deficiency in patient load or staff strength and while all other requirements of the MCI in terms of infrastructure, facilities etc. stand fully complied.

5. *Given the fact that the reduction in the intake capacity by 50% has made the operation unviable the University has been forced to consider closing down the Medical College and stopping admissions for the year 2005-06. Such a step has been forced on us only because of the unreasonable and unwarranted stand taken by the MCI ignoring national considerations for the advancement of education in backward areas and the North East. If the Medical College is to be closed down it will have a very serious adverse impact in the North East and send a totally wrong signal about the commitment of Govt. of India for the socio economic development of North East.*
6. *I am sure Govt. of India would not like such an eventuality to happen. The solution to this problem lies in Govt. of India exercising the powers vested in it under Section 10A of the MCI Act, recognizing the Joint Sector Character of SMU and permitting admission of 100 students for the academic year 2005-06.*

A decision on this need to be taken urgently as the University cannot be expected to continue operations which are unviable.

With best regards,

*Yours sincerely,
Sd/-*

The members of the Executive Committee found it appropriate to consider this communication in the backdrop of the application of this institution under Section 10A, various inspections conducted by the Council and the deficiencies found in the inspection reports from time to time.

The Medical Council of India is an expert body constituted under the provisions of the Act and has been given the responsibility of discharging the duty of maintenance of highest standard of medical education and, as such, The Hon'ble Supreme Court in the case of *State of Kerala Vs. T.P. Roshna* (1979) SCC 580 had observed as under: -

“The Indian Medical Council Act, 1956 has constituted the Medical Council of India as an expert body to control the minimum standards of medical education and to regulate their observance. Obviously, this high-powered Council has power to prescribe the minimum standards of medical education. It has implicit power to supervise the qualifications or eligibility standards for admission into medical institutions. Thus, there is an overall invigilation by the Medical Council to prevent sub-standard entrance qualifications for medical courses”.

The Hon'ble Supreme Court in the case of *MCI Vs. State of Karnataka* has been pleased to recognize and enforce the following crucial and significant aspects of the medical education by observing in its judgement in the case of *MCI Vs. State of Karnataka* - (1998) 6 SCC 131, as under:-

“.....A medical student requires gruelling study and that can be done only if proper facilities are available in a medical college and the hospital attached to it has to be well equipped and the teaching faculty and doctors have to be competent enough that when a medical student comes out, he is perfect in the science of treatment of human beings and is not found wanting in any way. The country does not want half-baked medical professionals coming out of medical colleges when they did not have full facilities of teaching and were not exposed to the patients and their ailments during the course of their study.....”

In discharge of its statutory obligations towards maintenance of highest standards in medical education in the country, by virtue of provisions of Section 33 of the Act the MCI has been empowered with the prior approval of the Central Govt. to frame regulations for laying down minimum standards of infrastructure, teaching and other requirements for conduct of Medicine Courses.

It also lays down in detail the course content, the duration, distribution of teaching and training days on various subjects and also for conduct of examination etc. In the case of *MCI Vs. State of Karnataka* (1998) 6 SCC 131, The Hon'ble Supreme Court while holding that the regulations of the MCI are binding and mandatory, also came to the specific conclusion that all State enactments, rules and regulations framed by universities etc. in relation to conduct of Medicine Courses, to the extent they are inconsistent with the Act and the regulations made thereunder by the MCI, are repugnant by virtue of Article 254 of the Constitution of India inasmuch as the Act is relatable to Entry 66 List 1 Schedule VII of the Constitution of India. This position in law has been reaffirmed by the Constitution Bench of The Hon'ble Supreme Court in *Dr. Preeti Srivastava Vs. State of M.P & Ors.* - (1999) 7 SCC 120.

With a view to check unregulated and mushroom growth of medical colleges in the country, the Parliament had introduced the provisions of Section 10A, 10B and 10C of The Indian Medical Council Act, 1956, thereby making it mandatory for any person

seeking to establish a new medical college to obtain prior permission from the Central Government. Regulations have been framed for grant of permissions, renewals and recognitions under Section 10A and other provisions of the Act.

Unless and until a person gets permission from the Central Government on the recommendations of the Medical Council of India for starting admissions in the medical college, no admissions can be made. Similarly, if a college who has been given permission to start the admissions fails to get annual renewals of the permissions by the Central Government, it is prohibited from making any further admissions. In other words, it has been made a mandatory position in law that the 1st batch of students in the 1st year of the MBBS course gets admitted only upon issuance of Letter of Permission by the Central Govt. on the recommendations of the MCI and subsequent batches for admissions in the subsequent years can only be made by the college only upon grant of annual renewal in each successive year by the Central Govt. on the recommendations of the MCI. This legal position has been affirmed by the judgement of the Hon'ble Supreme Court in the case of Union of India Vs. Era Educational Trust & Anr. (2000) 5SCC 57 and recently, in the case of MCI Vs. Madhu Singh & Ors. (2002) 7SCC 258 - the Hon'ble Supreme Court has clearly laid down that each student of the Medicine Course is required to undergo teaching and training with complete infrastructure teaching and other facilities.

The statutory procedure prescribed under the 1999 Regulations, inter alia, postulates evaluation of the application by the Central Government at the first instance and then forwarding the same to the Medical Council of India for its further evaluation. The statutory scheme envisages recommendations by the Medical Council of India, inter alia, for:-

- a) Issuance of Letter of Intent by the Central Government on the recommendation of the MCI;
- b) Issuance of Letter of Permission by the Central Government on the recommendation of the MCI for starting admissions;
- c) Issuance of for annual renewals to be granted by the Central Govt. on the recommendation of the MCI;
- d) At the stage of 1st batch of students admitted in the MBBS course go for final year examination, grant of formal recognition by the Central Govt. on the recommendation of the MCI;
- e) If at any stage after the grant of initial permission entitling permission of 1st batch of students any college fails to fulfill the minimum norms in any successive year, as per the statutory regulations, further admissions are liable to be stopped at any stage.

The abovementioned position has been reaffirmed in the judgement dated 12.4.2004 by the Hon'ble Supreme Court in MCI Vs. Rajiv Gandhi University of Health and Sciences - (2004) 6 SCC 76.

BRIEF BACKKGROUND OF THE PRESENT CASE

It is to be noted that the application for ;establishment for a new medical college by Sikkim Manipal University of Health, Medical, Technological Sciences was received in the office of the Council in Oct. 1999. In the said application, the constitution of the applicant was shown as "Registered Trust". In this application nowhere it has been shown that the proposed medical college is being established in joint sector. Even the agreement between Govt. of Sikkim and the Manipal Academy of Higher Education group distinctively identifies. two parties, viz. Govt. of Sikkim and the Manipal Group as separate and distinct entities and nowhere it is mentioned that this college is in joint sector.

The first inspection for starting of new medical college at Gangtok by Sikkim Manipal University of Health, Medical, Technological Sciences was carried out by the inspection team of the Council on 15-17 October, 1999. The inspection report was considered by the Executive Committee of the Council on

04.11.1999 when the Committee decided to recommend to the Central Govt. not to issue LOI for starting of the above proposed medical college in view of the gross deficiencies pointed out in the inspection report.

Upon receipt of a compliance on rectification of deficiencies pointed out in the inspection report from the institution authorities, a compliance verification inspection was carried out on 22-24 May, 2000. The compliance verification inspection report alongwith the inspection report of October, 1999 was considered by the Executive Committee at its meeting held on 26.05.2000 when the Committee reiterated its decision of recommending to the Central Govt. not to issue LOI for starting of the proposed college at Gangtok by the Sikkim Manipal University of Health, Medical, Technological Sciences.

Another compliance claiming rectification of the deficiencies was received from the institution authorities. It was decided by the Council to verify compliance by way of compliance verification inspection. Hence, a compliance verification inspection was carried out on 26-27 November, 2000. Compliance verification inspection report alongwith the previous inspection reports of October, 1999 and May, 2000 were placed before the Executive Committee for consideration at its meeting held on 22.01.2001 when the Committee noted that the clinical material and bed occupancy is grossly inadequate for 150 admissions. It was further noted by the Committee that the clinical material is deficient even for 50 admissions. In view of above and in view of the fact that there are very few medical colleges in the North-Eastern Sector, the Committee decided to recommend to the Central Govt. to issue LOI for starting a new medical college at Gangtok u/s 10A of the Act with an annual intake of 50 students. The decision of the Executive Committee was communicated to the Central Govt. vide MCI's letter dated 24.01.2001.

Subsequently, to verify the compliance dated 26.03.2001, submitted by the Institution authorities claiming rectification of the deficiencies. Another compliance verification inspection was carried out on 12.06.2001. The inspection report was considered by the Executive Committee at its meeting held on 02.08.2001 when the Committee, in view of the fact that there is no medical college in the State which is sparsely populated and situated in the hilly areas of North-East, decided to recommend to the Central Govt. to issue LOP for starting of a new medical college at Gangtok for 100 admissions.

The Central Govt. had issued letter of intent for admission of 100 students for the academic session 2001-02 vide its letter dated 17.8.2001. Subsequently, the Central Govt. vide its letter dated 31.8.2001 issued letter of permission (LOP for starting of the college with an annual intake of 100 students for the academic session 2001-02.

Thereafter the college authorities, as per the statutory scheme, were required to augment the minimum required infrastructure, teaching and other facilities for the 2nd year of the MBBS course for seeking the annual renewal of the initial permission granted u/s 10A of the Act. For this purpose, the inspection of this college was carried out in July, 2002. The inspection report revealed existence of deficiencies. The Executive Committee of the Council at its meeting held on 5th August, 2002, presided over by Maj. Gen (Retd.) S.P. Jhington appointed as Administrator by Hon'ble Delhi High Court, decided to recommend to the Central Govt. not to renew the permission for admission of 2nd batch of students for the academic year 2002-03 in view of gross deficiencies. The Central Govt., however, vide its letter dated 21.11.2002 conveyed its approval for admission of 2nd batch of students for the academic session 2002-03.

Council vide its letter dated 24.4.2003 considering the deficiencies pointed out in the inspection report (April, 2003) did not recommend to renew the permission for admission of 3rd batch of students for the academic session 2003-04.

The college authorities submitted the compliance vide their letter dated 8.5.2003 and again vide their letter dated 16.6.2003. The compliance received by the college was considered by the Executive Committee at its meeting held on 30.6.2003 where the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present and it was observed that the compliance was unsatisfactory on several issues. Therefore, the Committee decided to return the compliance to the Central Govt. with the request to advise the college authorities to send proper compliance on all the points for further action which was communicated to the Central Govt. vide Council letter dated 11.7.2003. Thereafter, vide its letter dated 7.8.2003, the college submitted another compliance.

In the meantime the Central Govt., however, vide its letter dated 5.9.2003 conveyed its approval for admission of 3rd batch of students for the academic session 2003-04, subject to the fulfillment of condition that the University authorities shall ensure compliance of all the requirements under the MCI regulations and any deficiency pointed out by the MCI in their last inspection report shall be rectified on priority basis and compliance thereto shall be sent to the Ministry within three months. The relevant portion of this letter dated 5.9.2003 is as under:

".....In continuation to this Ministry's letter of even number dated 31.8.2001 & 21.11.2002 on the subject cited above, I am directed to convey the approval of the Central Govt. for renewal of permission for admission of 3rd batch of 100 (one hundred) MBBS students at your Instt. during 2003-04. The admission process for the academic year 2003-04 has to be completed by 30th September, 2003 in view of the time schedule for completion of admissions framed in pursuance of the direction of the Hon'ble Supreme Court in Madhu Singh case.

The above permission is subject to condition that the University authorities shall ensure compliance of all the requirements under the MCI Regulations and any deficiencies pointed out by the MCI in their last inspection report be rectified on priority basis and compliance thereto be sent to this department within 3 months....."

As it was decided by the Council to verify the compliance received from the college, the compliance verification inspection was scheduled for 15th Sept., 2003. An inspection for verification of minimum infrastructural, teaching and other facilities available in the above medical college was carried out by the Council Inspectors on 15th Sept., 2003 and the inspection report was considered by the Executive Committee at its meeting held on 19/9/2003 where the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present. In view of the various deficiencies pointed out in the inspection report, the members of the Adhoc committee and of the Executive Committee in their meeting held on 19.09.2003 decided to recommend to the Central Govt. to recall the above mentioned letter dt. 5.9.2003 issued by the Govt. of India regarding renewal of permission for admission of 3rd batch of students for the academic session 2003-04 since the pre-conditions imposed by it vide the conditional letter dt. 5.9.2003 making it obligatory for the college authorities for compliance of all the requirements under the MCI regulations and removal of all the deficiencies pointed out by the MCI in the last inspection report, have not been fulfilled. It was further decided to recommend to the Central Government for issuance of appropriate instructions by the Central Govt. to the authorities of the concerned medical college not to proceed with any fresh admissions in the academic session 2003-2004, since they have failed to fulfill the conditions for compliance with all requirements as per MCI regulations and norms and have failed to remove all the deficiencies pointed out in the last inspection report.

In response to the above decision of the Committee dated 19.09.2003 requesting the Central Govt. to recall the conditional renewal letter dated

5.9.2003, the Central Govt. vide its letter dated 1/10/2003 requested the Vice Chancellor, Sikkim Manipal University of Health Medical & Technological Sciences, Gangtok to show cause within 15 days of receipt of letter as to why the Central Govt. should not proceed as per the recommendations of the MCI for withdrawal of the renewal of permission granted to the college and to discharge the students if any, admitted in view of the said permission.

The response submitted by the college to the show cause notice issued by the Central Govt. was received by the MCI from the Govt. of India. It was considered by the members of the Executive Committee and the Adhoc Committee appointed by the Hon'ble Supreme Court in the meeting held on 28/03/2004. The recommendations were made to the Central Govt. reiterating the earlier recommendations to recall the permission order granted by the Central Govt.

By a communication dated 07/04/2004 of the Govt. of India addressed to the MCI was received requesting the Council to undertake physical verification for verifying the rectification of deficiencies which had been pointed out in the earlier inspection report carried out on in Sept., 2003 and also take further necessary action for renewal of permission for admission of fresh batch of students during 2004-2005.

Accordingly an inspection of the college for verification of the compliance and renewal of permission for admission of students for the academic session 2004-05 has been carried out on 22nd & 23rd April, 2004. The inspection report was considered by the Executive Committee and the members of the Adhoc Committee in its meeting held on 12.5.2004 and it was decided as under:-

“The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council after consideration of the Council Inspectors report (22nd & 23rd April, 2004) of Sikkim Manipal Instt. of Medical Sciences, Gangtok and the decisions of the Hon'ble Supreme Court, decided to reiterate its recommendation to the Central Govt. to recall the permission letter dated 5.9.2003 issued in favour of this college for the academic year 2003-04. It was further decided to recommend to the Central Government not to grant renewal of initial permission under Section 10A of the Act for any fresh admissions in the 1st year of the MBBS course for the academic year 2004-05.”

In response to the above decision, compliance on rectification of the deficiencies submitted by the college authorities through the Central Govt. was verified by the Council Inspectors on 12th July, 2004. The compliance verification inspection report was considered by the Executive Committee/Adhoc Committee at its meeting held on 16th July, 2004. On perusal of the inspection report the committee noted that the following deficiencies still exist : -

1. The overall shortage of teaching faculty is 32.5% (i.e. 40 out of 123).

a) Professor : 5 (Anatomy-1, Paediatrics-1, Orthopaedics-1, ENT-1, Ophthalmology-1)

Associate Professor: 9 (Anatomy-2, Pathology-1, Forensic Medicine-1, General Medicine-2, General Surgery-1, Radiodiagnosis-1, Dentistry-1)

Asst. Professor: 8 (Anatomy-1, Pathology-2, Forensic Medicine-1, General Medicine – 1, General Surgery-1, Orthopaedics-1)

Tutor: 20 (Anatomy-1, Biochemistry-1, Pathology-5, Microbiology-1, Pharmacology-2, Forensic Medicine-2, Community Medicine-3, Radiodiagnosis-3, Anaesthesia-1)

b) Shortage of Residents is as under :-

Sr. Residents 14 (General Medicine-4, TB & Chest-1, Dermatology-1, Psychiatry-1, Paediatrics-2, General Surgery-3, Orthopaedics-2)

Jr. Residents 25 (General Medicine – 5, TB & Chest-1, Dermatology-1, Psychiatry-3, General Surgery-7, Orthopaedics-3, Ophthalmology-4, OBG – 4)

2. Clinical material is still grossly inadequate as under :-

	Daily Average	Day of Inspection
	CRH	CRH
O.P.D. attendance	137.4	182
Casualty attendance	6.6	0
Bed occupancy %	27	21.6
<u>Operative work</u>		
Number of major surgical operations	1.6	0
Number of minor surgical operations	0.5	1
Number of normal deliveries	0.4	0
Number of caesarian Sections	0.3	0
<u>Radiological Investigations</u>		
<u>X-ray</u>	20.6	14
Ultrasonography	11	7
Special Investigations	0.6	0
C.T. Scan	2.2	2
<u>Laboratory Investigations</u>		
<u>Biochemistry</u>	84.6	110
Microbiology	6.6	4
Serology	9.6	1
Parasitology	3.8	0
Haematology	93.4	29
Histopathology	1.4	0
Cytopathology	1	0

3. 12 consultants from SMIMS presented for inspection. They have been given honorary designations as teachers. These consultants are full time employees of the STNM Dist., Hospital, Gangtok which is under the control of the Directorate of Health Services, Sikkim. These doctors have been given an honorary teaching. These doctors belong to a non-teaching category. These doctors are solely looking after the entire Medicare of the patients and their management in the Dist. Hospital. The doctors from the SMIMS do not provide patient care to STNM Dist. Hospital. The students of the medical college when posted to the hospital are taught by these designated honorary teachers.

4. The linkages between the college and the District hospital are not clear and well defined in terms of the beds, units, participation of medical college faculty in patient care system and also lack of effective participation of the Dist. hospital Medical Officer in teaching and training of the students. These anomalies need to be urgently corrected for its smooth and effective undergraduate clinical training. The beds, patients and patient care in the STNM Govt. hospital is totally under the control of the Director cum MS of the hospital. The staff of SMIMS are not involved in patient care of any kind in the STNM district hospital. No separate beds, units or space is allocated to the doctors of the SMIMS for teaching or any other activity in this Govt. Hospital.

The doctors of the STNM Govt. Hospital do not participate in any of the activities of the CR Hospital of SMIMS. This appears to in contrast with the MOU and other circulars appended. The status thus remains the same.

5. STNM Hospital is owned by the State Govt. OPD runs 4 days a week for Obst. & Gynae. and on every alternative day for Surgery. No teaching area is provided. There is no separate injection room for male and female patients. No audiometry room is available. The position still remains the same in all respects. It is remarked that in the previous inspection report of April 22nd and 23rd 2004 on page 11, section Teaching and other facilities of STNM hospital mention these facts very clearly.
6. The teaching hospital owned by the college i.e. C.R. Hospital has only 239 teaching beds against the requirement of 450 beds.
7. 16 two seater rooms and 2 four seater rooms and 1 single seater room are available on the 8th floor for the residents thus creating accommodation for 41 residents, which is inadequate against the requirement of 100. 32 two seater rooms and 5 four seater rooms are available on the 9th Floor for the nurses thus creating an accommodation for 84 staff nurses, which is inadequate.
8. There is a common ICU with 10 beds out of which 2 are separately marked for CCU, 2 for PICU and 6 for Medical ICU.
9. No dietician is still available.
10. The paramedical staff inadequate, which is as under :-

Laboratory Technicians	:	35
(including Jr. Tech. & Tech. Asstt.)		
Laboratory Assistants	:	10
Laboratory Attendants	:	-
11. The wards are small and without much circulation space. Wards do not have doctors duty room. There is no teaching area and side laboratory in the wards. There is no seminar hall in the departments. The position in all respects still remains the same.
12. Registration and Medical Record Section is not computerized in the STNM Hospital. The position in this respect still remains the same.
13. Central Casualty Service : Total 8 beds are available in casualty area against requirement of 20 beds. No Central Oxygen supply or Central Suction is available.
14. In the Clinical Laboratories, no cell counter is available.
15. The UHC and the PHC are under the administrative and financial control of Sikkim Govt. as per the MOU with the Sikkim Govt. Position is status quo.
16. There is no speech and hearing therapist in either of the hospital.
17. The UHC and the PHC are under the Administrative and Financial control of Sikkim Govt. as per the MOU with the Govt. of Sikkim. The college will utilize the services for the purpose of training the students.
18. Nursing staff is still inadequate as under:-

Nursing Superintendent	- 1
Deputy Nursing Supdt.	-1
Matron	-Nil
Asstt. Nursing Supdt.	-1
Nursing Sisters	-10

In view of above the members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision to recommend to the Central Govt. not to renew the permission for admission of students for the 4th batch of students for the academic year 2004-05 at Sikkim Manipal Instt. of Medical Sciences, Sikkim....."

The decision of the Executive Committee where the members of the Adhoc Committee appointed by the Hon'ble Supreme Court, were also present, was communicated to the Central Govt. vide MCI letter dt. 23rd July, 2004. The Central Govt. on the recommendations of the Council had not renewed the permission vide letter dt. 19th August, 2004. Further, the Central Govt. vide letter dt. 09/09/2004 had forwarded compliance submitted by the Sikkim Manipal Institute of Medical Sciences, Manipal on rectification of the deficiencies pointed out in the above inspection report in view of the directions issued by the Hon'ble Supreme Court on 08/09/2004 in the matter of Maharshi Markendeswar Education Trust & Ors. Vs. Union of India in WP No.469/2004, permitting inspection of existing colleges seeking renewal for the academic year 2004-05 for consideration of the compliance reports for grant of renewal of permission for admission for the academic session 2004-05.

An inspection to verify the compliance had been carried out on 14th Sept., 2004. The Compliance verification inspection report was placed before the Executive Committee where the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present, for consideration at its meeting held on 21.09.2004 when, in view of the following gross deficiencies of infrastructural, teaching and other physical facilities, the Committee decided to reiterate its earlier decision of recommending to the Central Govt. not to renew permission for the 4th batch of students for academic year 2004-05 :-

".....The Members of the Adhoc Committee and of the Executive Committee of the Council noted the following deficiencies pointed out in the compliance verification report dated 14th September, 04:-

1. The overall shortage of teaching faculty is 22.8% (i.e. 27 out of 119)

a) Professor : 4 (Biochemistry-1, Orthopadiatics-1, Paediatrics-1, Ophthalmology-1)

Associate Professor : 8 (Anatomy-1, Pathology-1, General Medicine-2, General Surgery-2, Radiodiagnosis-1, Dermatology-1)

Asst. Professor : 4 (Anatomy-1, Pathology-1, Lecturer Biostatistics -1, Pharma. Chem.-1)

Tutor : 11 (Pathology-5, Microbiology-1, Pharmacology-2, Forensic Medicine-2, Community Medicine-1)

b) Shortage of Residents is 57.8% (i.e. 49 out of 85) as under :-

Sr. Residents : 20 (General Medicine -4, TB & Chest-1, Dermatology-1, Psychiatry-1, Paediatrics -1, General Surgery-1, Orthopaedics-2, Dermatology -1, Radiodiagnosis -3, Anaesthesia -5)

Jr. Residents : 29 (General Medicine - 7, TB & Chest-1, Dermatology-1, Psychiatry-2, Paediatrics -3, General Surgery-5, Orthopaedics-3, ENT -1, Ophthalmology -1, OBG -5)

2. The available clinical material is grossly inadequate as under:-

	CRH
--	-----

	Daily Average	Day of Inspection
O.P.D. attendance	138.07	73
Casualty attendance	8.69	04
Bed occupancy %	31.7%	33%
Operative work		
Number of major surgical operations	1.38	03
Number of minor surgical operations	0.8%	0
Number of normal deliveries	0.34	0
Number of caesarian Sections	0.34	0
Radiological Investigations	10.33	15
X-ray	17.83	15
Ultrasonography	0.4	0
C.T. Scan	1.23	1
Laboratory Investigations		
Biochemistry	80.61	98
Microbiology	9.02	5
Serology	8.06	1
Parasitology	2.07	0
Haematology	67.23	25
Histopathology	1.56	2
Cytopathology	0.92	0
Others		

3. The teaching hospital owned by the college i.e. C.R. Hospital has only 239 teaching beds against the requirement of 450 beds. The shortage of teaching beds is as under:

Department	Required	Available	Shortage
General Medicine and allied specialities			
General Medicine	102	38	64
Paediatrics	60	26	34
TB & Chest	15	8	7
Skin & VD	9	5	4
Psychiatry	9	8	1
Total	195	85	110
Surgery & allied specialities			
General Surgery	100	67	33
Orthopaedics	60	31	29
Ophthalmology	18	9	9
ENT	18	18	-
Total	196	125	71
Obst. & Gynaec.			
Obst. & ANC	36	29	30
Gynaec.	23		
Total	59		30
Grand Total	450	239	211

4. The members of the Adhoc. Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also noted the circular letter dated 4.5.2004 issued by the Govt. of India, Ministry of Health & F.W. which reads as under:-

'NO.U.12012/12/94-ME(P)
Government of India

Ministry of Health & Family Welfare
Department of Health

Dated 4th May, 2000

To

The Health/Medical Education Secretaries
of all the State Govt./U./T. Administration

Sub:- Establishment of a new medical college – ownership
of Hospital – Regarding.

Sir,

I am directed to say that one of the qualifying criteria prescribed in the Regulations of Medical Council of India to make an applicant eligible to apply to the Central Govt. for permission to establish a new medical college is that the “applicant owns and manages a hospital of not less than 300 beds with necessary infrastructural facilities capable of being developed into a teaching institution in the campus of the proposed college.

It has been observed that availability of clinical material in the hospital attached to the newly established medical colleges has always been problem and one can't expect large-scale bed occupancy during formative years. It even becomes more difficult for upcoming rural colleges to get the clinical material.

In the interest of teaching and training of students Govt. has decided that the authorities of new medical colleges may be permitted to utilize facilities of other Govt./district hospitals for the purpose of clinical material for teaching where beds of these hospitals should be under the total administrative control of authorities of concerned college and situated within 5 kms. from the medical college. The facilities of clinical material thus utilized shall be over and above the minimum beds stipulated under regulations of MCI. It is emphasized that any applicant for starting a medical college should own and manage 300 bed hospital.

Further, such an arrangement of training of students be permitted for a period of three years from the date of grant of permission by the Central Government for establishment of a new medical colleges and during this period the concerned medical college should take necessary steps to make the clinical material available in the own hospital.

Yours faithfully,
Sd/-
(S.K. RAO)
DIRECTOR

Copy for information to the Secretary, Medical Council of India, Kotla Road, New Delhi.....'

It was further noted by the Members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council that the three mandatory conditions prescribed in the above letter of Govt. of India have not been adhered to by the college as under:-

- a) The clinical material utilized as per the said letter shall be over and above the minimum beds stipulated under the Regulations of the Council. As per the Regulations 1999, for the minimum

requirement of 100 admissions annually for the 3rd renewal i.e. admission of 4th batch, 450 beds are required against which the institute has only 239 beds in its own teaching hospital. Thus, there is a deficiency of 211 beds for the present stage.

- b) As per the said letter, such an arrangement of training of students can be permitted for a period of 3 years for grant of permission by the Central Government for establishment of new medical college and during this period the concerned medical college is expected to take necessary steps to make the clinical material available in the hospital. 3 batches in this college have already been admitted and therefore the institute is not eligible for the said benefit of the arrangement.
- c) The authorities of the new medical college are permitted to utilize the facilities of the district hospital for the purpose of clinical material for teaching where beds of these hospitals should be under the total administrative control of the authorities of concerned college. The STNM hospital, which the institute has proposed to utilize the facilities for the purpose of clinical material is under the administrative and financial control of District Health Authorities of the Govt. of Sikkim and not under the Administrative and financial control of the Dean of the Sikkim Manipal Institute of Medical Sciences. It was also further noted that the staff of the college does not participate in any teaching activities for the STNM Govt. Hospital. It may be noted that no separately demarcated teaching beds are available in the STNM Hospital for the faculty of SMIMS. The entire patients care in this hospital is done by the staff of STNM Hospital only. It is also noted that the STNM Hospital doctors do not contribute to the patient care management in the CR Hospital of SMIMS.

Considering all these above issues it was decided by the members of the Adhoc Committee and of the Executive Committee of the Council that the staff as well as clinical material of the STNM hospital cannot be considered for Sikkim Manipal Medical College for the present stage.

5. 16 two seater rooms and 2 four seater rooms and 1 single seater room are available on the 8th floor for the residents thus creating accommodation for 41 residents, which is inadequate against the requirement of 100. 32 two seater rooms and 5 four seater rooms are available on the 9th Floor for the nurses thus creating an accommodation for 84 staff nurses, which is inadequate.
6. The paramedical staff is inadequate, which is as under:-

Laboratory Technicians	:	35
(including Jr. Tech. & Tech. Asstt.)		
Laboratory Assistants	:	10
Laboratory Attendants	:	-
7. The UHC and the PHC are under the administrative and financial control of Sikkim Govt. as per the MOU with the Sikkim Govt. Position is status quo.
8. There is no speech and hearing therapist in either of the hospital.
9. Nursing staff is still inadequate as under:-

Nursing Superintendent	-	1
Deputy Nursing Supdt.	-	1
Matron	-	Nil
Asstt. Nursing Supdt.	-	1
Nursing Sisters	-	10
Staff Nurses	-	97
10. Other deficiencies/remarks are in the report.

In view of above the members of the Adhoc Committee and of the Executive Committee of the Council decided to reiterate its earlier

decision to recommend to the Central Government not to renew the permission for admission of fresh batch of MBBS students at Sikkim Manipal Instt. of Medical Sciences, Gangtok for the academic session 2004-2005.....”

The above-mentioned consideration and decision of the Committee of the Council was communicated to the Central Govt. vide letter dated 21.09.2004. The Central Govt., however, by its communication dated 24.09.2004 permitted this college to make 50 admissions for the academic year 2004-05, subject to the condition that the institution shall provide all the requisite facilities including the teaching and other staff as per the MCI norms. It also required the institution to make the admissions by 30.09.2004 in terms of the orders of the Hon'ble Supreme Court.

On 4.10.2004, the office of the Council had received a copy of the representation dated 17.9.2004 of approximately 43 doctors of the STNM Hospital Gangtok, made to the Dean of the SMIMS Gangtok - annexing therewith some record of discussion dated 22.9.2004 and a representation dated 28.9.2004 by Sikkim Govt. Doctors Welfare Association made to the Hon'ble the Chief Minister, Govt. of Sikkim. A representation from STNM Hospital, Gangtok pertains to unacceptability of the designations given to doctors of STNM Hospital as faculty members of SMIMS reads as under :-

“1. It has been found that the designations given to many senior doctors as Tutors, Junior Residents, etc. are unacceptable to us. We have filled up all the details as per the format provided by SMIMS and have furnished items like date of award of our degrees, etc.

2. When we had an understanding with SMIMS a year ago, we had agreed to cooperate with the organization as faculty members and we were given the designation of Assistant Professors and Tutors. We take it now that this understanding is broken from your side.

3. We now understand that our positions as faculties will be reviewed every month by the Dean and only then will it be decided whether one can be considered for one's continuation as faculty member. Proposals of monthly monitoring of a faculty and pay per lecture/class is equating us to daily wage workers.

4. The allegation of barring of entry of SMIMS Professor to STNM Hospital is totally false. Such an incident had never occurred in our hospital.

5. So far all the moves are done to suit only one side, that is SMIMS. There have been repeated changes instance by Manipal like proposing to reduce honorariums, changing designations, repeatedly asking to fill up so many forms, calling us down to meet the MCI team.”

It is to be seen that the regulations of the Council are statutory. They are binding and mandatory. The recommendations of the Council to the Central Govt. are based upon the regulations framed by the Council u/s 33 of the Act. The minimum standard requirements for 100 admissions annual regulations, 1999, are uniformly applicable all over the country and there is no difference in the standard between different areas of the country. It is further to be seen that MCI only lays down the minimum required infrastructural, teaching and other facilities for teaching of medical courses including MBBS. It is open to every medical college/institution to prescribe higher norms. It is neither appropriate nor is it permissible to contend any dilution/relaxation of the minimum norms prescribed by the MCI regulations. The regulations prescribing minimum norms are of universal applicability. Strict adherence with regard to the minimum norms is the requirement of the Act and the regulations made thereunder for achieving the purpose sought to be achieved under the Act. For providing the minimum norms in the field of minimum education, no plea of any hardship or lack of resources should come in the way in the enforcement of these minimum norms laid down by the statutory regulations, in the larger public interest.

The college has failed to establish the requisite teaching hospital as required by the Regulations. It has set up a hospital known as Central Referral Hospital (CRH) at Tadong, Sikkim. As pointed out in three inspection reports of April, 2004, July, 2004 and September, 2004, CRH is having only 239 teaching beds. The minimum requirement for starting a medical college with 100 admissions in the MBBS course, is that the applicant should own and manage a 300 bedded functional hospital and the bed strength has to be increased gradually over a period of 4 years so as to have 500 beds at the beginning of the 5th year. Even this minimum requirement of having 300 teaching beds at the stage of inception had not been met in the instant case.

It is further to be seen that the Govt. of India vide its letter dated 04.05.2000, on which the college authorities have referred to has clearly laid down that: -

".....In the interest of teaching and training of students Govt. has decided that the authorities of new medical colleges may be permitted to utilize facilities of other Govt./ district hospitals for the purpose of clinical material for teaching where beds of these hospitals should be under the total administrative control of authorities of concerned college and situated within 5 kms. from the medical college. The facilities of clinical material thus utilized shall be over and above the minimum beds stipulated under regulations of MCI. It is emphasized that any applicant for starting a medical college should own and manage 300 bedded hospital.

Further, such an arrangement of training of students be permitted for a period of three years from the date of grant of permission by the Central Government for establishment of a new medical colleges and during this period the concerned medical college should take necessary steps to make the clinical material available in the own hospital....."

The attention of the Govt. is invited to the representation of the doctors of the Govt. Medical College at Sikkim dated 17.9.2004 and 28.9.2004 received by the Council on 4.10.2004.

Similarly with reference to the letter of Govt. of India dated 23.10.2001 on which the college authorities are relying, it is to be seen that the minimum requirement of teaching staff, their qualification and experience have also been laid down by the Council in its Regulations. The medical teachers have to be regular and full time teachers and not honorary or part time teachers. In any case, even the said letter indicate that such teachers have to be employees of the Institute. This letter also included as under : -

"..... However, in the meanwhile, all the Colleges/Institutions shall also take all possible steps to appoint teachers on regular basis as laid down in the 'Minimum Standard Requirements for a Medical College for 50/100/150 Admissions Regulations, 1999' and the 'Postgraduate Medical Education Regulations, 2000'....."

The contents of this letter are not applicable in the present case as it was never intended that the employees of the State Govt. who are on non-teaching cadres can be considered as teachers in a medical college owned and managed by another authority. The Institute has not made any efforts to appoint teachers on regular basis as stipulated in the said letter and has thus failed to comply with the

minimum requirements of the teaching staff prescribed by the statutory regulations which are binding and mandatory.

It is further to be appreciated that incidental factors like high literacy rate, small family norms, excellent climatic conditions etc. cannot be a ground for not having minimum prescribed clinical material in a teaching hospital. The most crucial and significant aspects which cannot be ignored by anyone is that the function of a teaching hospital is not only to provide health services but also to teach medical students and in the absence of clinical material, practical training which is very vital and important in medical curriculum, is likely to lag behind and the students when they complete their course may not be fully conversant with all the aspects of clinical medicine. This scenario is not desirable in a teaching hospital. It is respectfully reiterated that the Hon'ble Supreme Court has been pleased to recognize and enforce the following crucial and significant aspects of the medical education by observing in its judgement in the case of MCI Vs. State of Karnataka - (1998) 6 SCC 131, as under:-

“.....A medical student requires gruelling study and that can be done only if proper facilities are available in a medical college and the hospital attached to it has to be well equipped and the teaching faculty and doctors have to be competent enough that when a medical student comes out, he is perfect in the science of treatment of human beings and is not found wanting in any way. The country does not want half-baked medical professionals coming out of medical colleges when they did not have full facilities of teaching and were not exposed to the patients and their ailments during the course of their study.....”

It is to be appreciated that the observations of the inspection team are not technical in nature rather than of substance, as can be seen vide MCI letter dated 27.09.2003. Gross deficiencies of teaching faculty, non-teaching, nursing and paramedical staff, hostel accommodation for residents and nurses, residential quarters and clinical material have been pointed out in this inspection report, besides other deficiencies of infrastructure. It is to be seen that this compliance pertains to the inspection of the college carried out on 22nd and 23rd April, 2004. It is to be noted that thereafter two more inspections have been carried out thereafter i.e. (i) on 12.7.2004 and (ii) on 14.9.2004 and almost similar nature of deficiencies of equivalent magnitude have been observed in both these inspections. The college has failed to achieve a level of compliance wherein it can be said that only the minor deficiencies exist. As has been pointed out in the inspection report of September 2004 major deficiencies in the field of teaching faculty (22.8%) and resident (57.8%) exists. Clinical material is also grossly inadequate in terms of all the parameter i.e. OPD attendance, beds occupancy, operative work, radiological and laboratory investigations and number of deliveries. The teaching hospital had only 239 teaching beds against the requirement of 450 beds at the relevant time. Accommodation is inadequate for resident as it is available only for 41 residents against the requirement of 100. Accommodation for staff nurses is also inadequate. The para-clinical and nursing staff are grossly inadequate. The UHC and PHC are under the financial control of the Sikkim Govt. and not under the control of Dean as required under the norms. It is therefore to be seen that all these deficiencies fall into the category of major deficiencies. These deficiencies continue to exist for a long period of time from April 2003 onwards.

With reference to deficiencies in the minimum required teaching staff in the college, as pointed out in the communication to the Central Govt. dt. 21.09.2004, total deficiency of the teaching faculty is around 23% and Tutor/residents 58%. This is a gross deficiency. It has also been pointed out in the communication that the designated teachers as claimed by the college from STNM Hospital are in fact employees of Govt. of Sikkim and not under the control of the Dean. It has further pointed out none of them can head unit at STNM hospital. Senior Unit Head from the Central Referral Hospital – i.e. hospital owned and managed by the college - are not permitted to go to STNM Hospital and head the unit there. Thus,

considering all these factors, the employees of the STNM hospital who are non-teaching in character and who have merely been designated as teaching faculty by the college cannot be considered as teachers. It has also been pointed out in the said communication that looking at this disparity, there is likely to be more deficiency than what is stated in the letter.

It is further to be seen that the Govt. notification dated 15.3.2004 is in fact a notification issued by the Govt. of Sikkim. It is further submitted that the regulations prescribed by the MCI after having obtained approval of the Central Govt. under Section 33 of the Act have been published in the Gazette of India and are mandatory and binding in character. Any notification issued by the State Govt. cannot have an over-riding effect on these regulations which have to be applied on a uniform basis through out the country. Further the basis on which this notification has been issued by the Govt. of Sikkim – i.e. letter of Govt. of India dated 9.5.2000 itself clearly lays down three conditions for utilising the clinical material: facility of the clinical material shall be utilised over and above the minimum beds stipulated under the regulations of the Medical Council of India. It is emphasised that any applicant for starting of a medical college should own and manage 300 beds hospital and such an arrangement of training should be permitted for a period of 3 years from the date of grant of permission by the Central Govt. for establishment of new medical college and during these periods the concerned medical college should take necessary steps to meet the clinical material available in the owned hospital – have been violated by the medical college. This issue was also examined and reviewed by the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and the Executive Committee of the Council and after deliberating on the issue in details it was decided that the staff as well as clinical material of the STNM college can be considered for Sikkim Manipal Medical College for the present stage. This has been set out in details in the letter of the Council to the Central Govt. dated 21.9.2004.

The compliance pertained to the deficiencies observed in the inspection of April 2004. However, as has been pointed out in earlier paras, two more inspections have been carried out in July 2004 and September 2004. At both these inspections gross deficiencies of teaching staff have been observed. In the inspection report of September 2004 the deficiencies of the teaching staff and of the residents had been observed as under:

3. The overall shortage of teaching faculty is 22.8%
(i.e. 27 out of 119)

a) Professor : 4 (Biochemistry-1, Orthopadiatics-1,
Paediatrics-1, Ophthalmology-1)

Associate Professor : 8 (Anatomy-1, Pathology-1, General Medicine-2,
General Surgery-2, Radiodiagnosis-1, Dermatology-1)

Asst. Professor: 4 (Anatomy-1, Pathology-1, Lecturer Biostatistics -1,
Pharma Chem.-1)

Tutor: 11 (Pathology-5, Microbiology-1, Pharmacology-2,
Forensic Medicine-2, Community Medicine-1)

c) Shortage of Residents is 57.8% (i.e. 49 out of 85) as under :-

Sr. Residents : 20 (General Medicine –4, TB &Chest-1,
Dermatology-1, Psychiatry-1, Paediatrics -1,
General Surgery-1, Orthopaedics-2,
Dermatology -1, Radiodiagnosis -3,
Anaesthesia -5)

Jr. Residents : 29 (General Medicine – 7, TB &Chest-1.

Dermatology-1, Psychiatry-2, Paediatrics -3,
General Surgery-5, Orthopaedics-3, ENT -1,
Ophthalmology -1, OBG -5)

The college had claimed about 40 teaching staff were on leave on the day of inspection, as stated by the Dean at the time of inspection. The college authorities were not correct stating that the inspection team asked for the leave application at 12 a.m. in the hotel room. This was asked by the inspection team in the morning about 11 a.m. itself soon after the commencement of inspection and there was ample time available for the college office to provide the necessary documents. However, no leave reports were submitted to inspection team till they left.

The position of the non-teaching staff in the department of Anatomy, Microbiology, Pharmacology and Community Medicine is inadequate. This was also pointed out in the report and in the communication to the Govt. The overall strength of the nursing staff was also grossly inadequate as only total 80 nurses are available against 159 required as per norms. It had been observed that the para-medical staff is available as under which was grossly inadequate, as under:-

Laboratory Technicians	:	35
(including Jr. Tech. & Tech. Asstt.)		
Laboratory Assistants	:	10
Laboratory Attendants	:	-

The Committee also observed that the claim of this institution that minimum infrastructure, teaching and other facilities as required by the Regulations of the Council were ready in the year 1999 itself is not correct. Even in the last inspection of this institution a number of deficiencies had been found by the Council and were informed to the Central Govt. by MCI while recommended not to grant permission to this institution for admissions of students in this college for the academic year 2004-05.

With reference to the claim that this institution is having Joint Sector Character with the Govt. of Sikkim, as has been found time and again, does not exist in reality. The STNM Govt. Hospital, on the basis of the actual facts found during the inspection, cannot be treated as a teaching hospital and the consultants employed by the Govt. of Sikkim cannot be treated as a medical teachers towards the fulfillment of minimum requirement by Sikkim Manipal University.

Similarly, nursing staff of the Govt. Hospital cannot be treated as a staff for the medical college of the Sikkim Manipal University as explained hereinabove. It is also to be appreciated that the MCI has not taken any rigid stand as alleged by the college authorities but has insisted for the fulfillment for the required minimum infrastructure, teaching and other facilities in each medical college either run by the Govt. or by any private enterprise. The disregard of the recommendations of the MCI had been a subject matter of debate before the Hon'ble Supreme Court where an order dated 23.9.2003 was passed by the Hon'ble Supreme Court and therefore no further comment is required from the Medical Council of India. There is further no constant recommendations by the Council for discontinuation of this college as alleged and on the contrary despite the stipulation made by the Govt. of India from time to time towards the fulfillment of minimum requirement, the college authorities have failed to do so.

This is also to be seen that recently the Hon'ble Sikkim High Court has passed certain orders directing the MCI to look into the admissions made in this college and submit a report. During that process it had been found that the college authorities are making admissions in the NRI quota to the extent of 33% of the total admissions made by it. This is contrary to the directions of the Hon'ble Supreme Court which do not permit any medical college to make more than 15% of its admissions in the NRI quota. It is to be pointed out that very recently the

Hon'ble Supreme Court had declined to approve the action of the State of West Bengal in making 104 admissions in 2 of its Govt. Medical Colleges in the NRI quota on the premise that it has 7 Govt. medical colleges in the State and by applying fixation of 15% the NRI quota, it could 105 students in the NRI quota and therefore it did so by making 104 admissions in 2 medical colleges. These admissions in the NRI quota made by the State authorities of West Bengal had been cancelled by the Hon'ble Kolkata High Court and the Hon'ble Supreme Court permitted only 30 students being 15% of the admissions capacity of 2 medical colleges to continue in the NRI quota. The relevant portion of the order of the Hon'ble Supreme Court dated 29.10.2004 passed in the case of State of West Bengal & Ors. Vs. Mr. Chayan Kumar Roy & Ors. bearing SLP21532-215354/2004 is as under:-

“..... By the impugned judgement, the High Court has quashed the NRI/NRI sponsored quota. In that quota, in two colleges where the total intake of students is 200, 104 students have been admitted under NRI quota which means more than fifty per cent admissions have been granted to students under that quota. Insofar as the merits of the petitioners are concerned, we are of the view that the petitions require deeper examination. Accordingly, we grant leave and direct these matters to be tagged on the matters referred to larger Bench.

Regarding the interim arrangement to be made, we are of the view that no case has been made out to grant complete stay of the impugned judgement of the High Court. However, having regard to the facts and circumstances of the case, we permit admission to NRI students in these two colleges to the extent of fifteen per cent of the seats, that is, fifteen students in each of the two colleges, out of the 104 candidates who have been granted admission. To this extent, on merits, the admission of 30 students in all can continue subject to further orders that may be passed while disposing of the matter. Those 30 students who are higher in merit would be continued with the admission in two colleges.....”

The Executive Committee of the Council and the Members of the Adhoc Committee appointed by the Hon'ble Supreme Court, decided to re-emphasize that the grant of renewal under Section 10A of the Act in favour of any medical college/institution for further admissions in the MBBS course, becomes possible only on the applicant college authorities fulfilling the minimum required infrastructure, teaching and other facilities in the college in accordance with the statutory regulations.

34. Government of Pondicherry – Health Department – Encroaching upon the Govt. Quota MBBS seats by the Management of Arupadai Veedu Medical College – Directions of MCI and Govt. of India

Read: The letter received from the Secretary (Health), Govt. of Pondicherry seeking clarification with regard to allocation of Govt. quota MBBS seats for the year 2005-2006 in the private medical colleges in the state.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the reply in accordance with the decision taken by the Executive Committee and Adhoc Committee has already been sent by the Council office in the matter.

35. Recommendation of MCI for withdrawal of recognition of MBBS degree granted by MAHE in respect of Kasturba Medical College at Manipal and Mangalore – representation of MAHE reg.

Read: The representation of MAHE received through the Central Govt. with regard to withdrawal of recognition of MBBS degree granted by MAHE in respect of Kasturba Medical College at Manipal and Mangalore .

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

"The Council received Govt.of India's letter No.V.11015/17/2004-ME(P-I), dated 10th Feb.,2005 sending therewith copy of another Govt. of India letter bearing the date as 31.1.05 alongwith a letter dated 20.7.2004 of Manipal Academy of Higher Education. In this regard, it is noticed that in the meeting of the Executive Committee of the Council presided over by Maj. Gen. (Retd.) S.P. Jhington, the Administrator appointed by the Hon'ble Delhi High Court, held on 22.05.2002, upon consideration of certain relevant facts regarding admissions, deficiencies pointed out in the inspection report and the legal opinion obtained, a recommendation was made to the General Body of the Council for initiating action under section 19 of the IMC Act of 1956 for withdrawal of recognition of the MBBS degree granted by Manipal Academy of Higher Education for the students trained at its both the medical colleges at Manipal and Mangalore on the ground of not following the orders of the Hon'ble Supreme Court with regard to admission of students for the NRI quota of 15% and further that approximately 50% of the total seats being filled up by the NRI/foreign students each year at the Kasturba Medical College, Manipal being in total violation of the NRI quota fixed by the Hon'ble Supreme Court for any particular medical college.

The above mentioned recommendation of the Executive Committee dated 22.05.2002 was considered by the General Body of the Council in its meeting held on 27.08.2002 presided over by Maj.Gen. (Retd.) S.P. Jhington, the Administrator appointed by the Hon'ble Delhi High Court. This recommendation was approved by the General Body of the Council and was sent to the Central Government on 27.09.2002 for further appropriate action in accordance with the Act. The final decision is pending with the Central Government.

The Ministry's letter dated 31.12.2004 seeking to send therewith the letter dated 20.7.2004 of Manipal Academy of Higher Education seems not to have been received in the office of the Council. However, it is stated that another letter of the Manipal Academy of Higher Education dated 21.12.2004 sent to the Council, when seen in the light of the copy of their letter dated 20.7.2004 received in this office on 10.2.2005, is having similar contents.

Pursuant to the MCI's communication asking for details of the admissions made in the MBBS course for the present academic year, Manipal Academy of Higher Education had sent the response on 28.10.2004. The office of the Council, after receipt of the information with regard to admissions, informed MAHE on 30.11.2004 as under -

"No.MCI-34(MC)/2004-KAR-16/21849 Dated : 30.11.2004

Speed Post

To

The Registrar
Manipal Academy of Higher Education
University Building, Madhav Nagar
Manipal-576104 (Karnataka).

Subject: Admission of 1st Year MBBS students under the category of NRI/ Foreign / PIO at Kasturba Medical College, Manipal in the Academic Year 2004-05.

Sir,

This is in reference to your letter no. MAHE/REG/ADMISSIONS-MCI/8212/04 dated 28.10.2004 forwarding therewith a list of 250 students admitted by Kasturba Medial College, Manipal for the Academic Year 2004-5.

On perusal of the list of admitted students submitted by you reveals that the college has admitted a total of 140 students under the category of Foreign/ NRI/ PIO applicant out of the sanctioned intake capacity of 250 students. This amounts to admission to nearly 56% of the students under the category of Foreign/ NRI/ PIO.

(i) In this matter of Islamic Academy of Education & ANR Vs. State of Karnataka & Ors. bearing IA No.34-35 in Writ Petition (Civil) No.350/1993, the Hon'ble Supreme Court has passed an Order on 09.08.2004. The operative part of the orders reads as under: -

'The applicants have sought clarification of the judgement dated 14.08.2003 passed in the matter of Islamic Academy of Education and ANR Vs. State of Karnataka & Ors. which has since been reported in 2003(6)SCC697. The clarification which has been sought in this application pertains to the right of the management of private unaided colleges to admit NRI/ Foreign students upto 15% of the seats reserved for the management quota and to allow them to have a separate system of judging the merit of such students to have fees fixed as far as the students were concerned.'

..... Having regard to the circumstances of the case and considering that even the restrictions imposed by the decision of this Court in Unnikrishna Vs. State of A. P. and Ors. 1993 (*4) SCC 645 (which have been held to be undue restrictions in the Decision in TMA Pai Foundation Vs. State of Karnataka (2002(8)SCC 481) has allowed the admission of NRI students against the management quota we pass an interim order allowing the applicants to admit NRI students against its quota as prayed for.'

Copy of the order dated 09.08.2004 passed by the Hon'ble Supreme Court is enclosed.

ii) in the case of KARNATAKA R.L. MINORITY PROF. COLLEGE ASSN. Vs. STATE OF KARNATAKA & ORS. bearing IA. No.19-20 SLP (Civil) No.11244/2004, the Hon'ble Supreme Court has passed an orders on 30.08.2004. The operative part of the order reads as under:

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'..... The application has been made by an association of minority unaided professional college. The prayer is for being permitted to admit NRI/ Foreign students against 15% of the management quota seats in respect of medical, engineering and dental courses. Following the reasoning of this Court in the order dated 09.08.2004. The prayer is allowed.'

Copy of the order dated 30.08.2004 passed by the Hon'ble Supreme Court is enclosed.

(ii) In the case of ISLAMIC ACADEMY OF EDUCATION & ANR Vs. STATE OF KARNATAKA & ORS. wherein IA No.41 & 48 in W.P. (Civil) No.350/993, the Hon'ble Supreme Court has passed an order on 17.09.2004. The operative part of the order reads as under: -

'.....From the averments made in the application, it appears that provisional admission have been granted by the applicants in the NRI/ Foreign quota to the extent of 15% of the Management quota. If that is so, the question of grant of such admissions should be considered after the matter is decided by the larger Bench. We express no opinion for the present. The applications are adjourned.'

Copy of the order dated 17.09.2004 passed by the Hon'ble Supreme Court is enclosed.

(iii) Recently, the Hon'ble Calcutta High Court passed the judgement on 29.09.2004 in the case of The Guardians Forum & Ors. Vs. The State of West Bengal & Ors. - WP No.18693/2003 and other connected writ petitions. The State of West Bengal had made 104 admissions in the NRI quota for 2 medical colleges having the annual sanctioned intake capacity of 100 admissions each in the MBBS course. Thus, against total of 200 MBBS seats in these two colleges, 104 admissions had been made in the NRI quota. This was challenged. The Hon'ble Calcutta High Court has set aside the admission of students in the foreign/NRI/NRI sponsored candidates and has made observations to the effect that there is no justification in granting admissions to Indian students in this category by charging a higher fee, when the Indian students who are included in the merit list are willing to pay higher fee but were not able to obtain sponsorship certificate from NRIs. It was also observed that the NRI sponsored candidates were not required to be dependent on or even closely related to their sponsors. Even the tuition fee to be paid by such NRI sponsored candidates was not required to be paid in foreign exchange. This judgement was followed in another judgement of the Hon'ble High Court in WP No.18135/2003 and WP No.17017/2003. SLPs have been filed before the Hon'ble Supreme Court. In the case of State of West Bengal & Ors. Vs. Mr. Chayan Kumar Roy & Ors. bearing SLP21532-215354/2004, the Hon'ble Supreme Court has passed an order on 29.10.2004. The operative part of the order reads as under:-

'..... By the impugned judgement, the High Court has quashed the NRI/NRI sponsored quota. In that quota, in two colleges where the total intake of students is 200, 104 students have been admitted under NRI quota which means more than fifty per cent admissions have been granted to students under that quota. Insofar as the merits of the petitioners are concerned, we are of the view that the petitions require deeper examination. Accordingly, we grant leave and direct these matters to be tagged on the matters referred to larger Bench.

Regarding the interim arrangement to be made, we are of the view that no case has been made out to grant complete stay of the impugned judgement of the High Court. However, having regard to the facts and circumstances of the case, we permit admission to NRI students in these two colleges to the extent of fifteen per cent of the seats, that is, fifteen students in each of the two

colleges, out of the 104 candidates who have been granted admission. To this extent, on merits, the admission of 30 students in all can continue subject to further orders that may be passed while disposing of the matter. Those 30 students who are higher in merit would be continued with the admission in two colleges.....'

Copy of the order dated 29.10.2004 passed by the Hon'ble Supreme Court is enclosed.

In view of above, you are requested to kindly furnish : -

- (i) a copy of Prospectus for admissions in MBBS course of your Institution for the academic year 2004-05 including the provisions in respect of the candidates admitted under NRI/ Foreign/ PIO category;
- (ii) submit in relation to all 140 students admitted by your Institution in this category - the sponsorship letters, receipts of payment of fees, mode of payment of fees, i.e., foreign exchange or in Indian currency,; and
- (iii) to clarify as to why NRI/Foreign/ PIO students have been admitted in excess 15% of management quota.

You are requested to furnish the information alongwith required documents within 07 days from the date of receipt of this letter to enable this Council to take further necessary action in the matter.

Yours faithfully,

Sd/-
Lt.Col.Dr. A.R.N.Setalvad(Retd)
Secretary"

In response to this communication dated 30.11.2004, the Manipal Academy of Higher Education has sent a communication dated 21.12.2004 received by the MCI on 27.12.2004. It is reiterated that the contents of the communication of the MAHE dated 21.12.2004 is similar to the contents of its earlier communication dated 20.07.2004 received by the Council only in February 2005 when forwarded by the Central Govt. In the last para, the Academy has expressed its regret for the delay in sending the reply. It has, inter-alia, been contended by the Academy in its response communication dated 21.12.04 that : -

- (1) None of the cases and the orders which have been referred to by the MCI in its communication dated 13.11.2004 relate either to Govt. Colleges or deemed universities or university colleges.
- (2) Reference has been made to the judgement of the Hon'ble Supreme Court in the case of Bharti Vidyapeeth & Ors. Vs. State of Maharashtra, judgement of the Hon'ble Supreme Court in Unnikrishnan's case to contend that deemed universities are created under special circumstances and the scheme framed by the Hon'ble Supreme Court in Unnikrishnan's case is not applicable.
- (3) The cases of minority institutions covered by Article 30 of the Constitution of India were not heard by the Constitution Bench of the Hon'ble Supreme Court alongwith Unnikrishnan's case.
- (4) Though the Unnikrishnan's case was not applicable to minority professional institutions, yet certain Governments sought to apply the scheme in Unnikrishnan's case to these institutions which were challenged before the Hon'ble Supreme Court.

- (5) Various orders have been passed by the Hon'ble Supreme Court from time to time and these orders were purely tentative and varied from year to year. The scheme under Unnikrishnan's judgement or the interim orders were never made applicable to the deemed universities or the university colleges.
- (6) Insofar as medical education is concerned, Manipal Academy of Higher Education comprises of Kasturba Medical College, Manipal and Kasturba Medical College, Mangalore apart from two Dental Colleges and one Nursing College.
- (7) The Hon'ble Karnataka High Court had decided in favour of Manipal Academy and held that inclusion of deemed universities is ultravires. State of Karnataka had filed an SLP against the said judgement. The judgement of the Hon'ble High Court was not stayed and the past practice being followed by this deemed university was continued in the matter of admissions.
- (8) Finally, the Hon'ble Supreme Court has given its judgement dated 26.02.2004 dismissing the appeal of the State of Karnataka and affirming the judgement of the Hon'ble High Court that all aspects of deemed university are regulated by the UGC and not by the State of Karnataka.
- (9) That neither scheme of Unnikrishnan's judgement nor any of the orders passed by the Hon'ble Supreme Court from time to time had been made applicable to Manipal Academy of Higher Education and there is no question of applying any of the orders of the Hon'ble Supreme Court in the case of private unaided professional colleges to deemed universities who are solely under the control of the UGC.
- (10) The Manipal Academy of Higher Education is not receiving any maintenance or recurring grant either from the Central Govt. or from the State Govt. or from the UGC.
- (11) A Committee headed by Mr. Justice P.P. Bopanna, a retired Judge of the Hon'ble Karnataka High Court, had examined the question of fees to be charged by universities from the students for pursuing various professional courses and also fixed the NRI Quota. Fees fixed by the Committee and charged by the university is much less than what has been fixed by the Central Govt./MCI or the Hon'ble Supreme Court.
- (12) This deemed University is strictly following the said quota fixed by that Committee and has not violated any orders of any court which is operating against it.
- (13) There is no order of the Hon'ble Supreme Court prescribing quota or fees or admission procedure to be adopted by the deemed university and, therefore, there is no violation of the order of the Hon'ble Supreme Court by the deemed University.
- (14) There is no provision in the IMC Act, 1956 which permits the Council to fix fees and/or to prescribe the source through which the students shall be admitted into a college imparting professional courses leading to award of MBBS degree.
- (15) In the light of the 11 Judges' judgement of the Hon'ble Supreme Court in TMA Pai's case, the decision in Unnikrishnan's case and directions given to the MCI are overruled.

- (16) Reference has been made to para 68 of the 11 Judges' judgement of the Hon'ble Supreme Court in TMA Pai's case that certain percentage of seats can be reserved for admission by the management which led to challenge in Islamic Academy of Education.
- (17) In Islamic Academy of Education, most of the petitioners were unaided professional education institutions (both minority and non-minority), the Hon'ble Supreme Court has passed directions for constitution of Committees to oversee the fees fixed by each professional college. The said Committees constituted under the judgement of the Hon'ble Supreme Court in Islamic Academy of Education's case are not to regulate the fees of the Govt. colleges and the university colleges.
- (18) In none of the aforesaid two matters, i.e., TMA Pai and Islamic Academy of Education, the Govt. colleges, deemed universities or the university colleges were parties and there is no discussion or reference in that regard in these two judgements in Bharti Vidyapeeth's case. It has been held by the Hon'ble Supreme Court that observation made in TMA Pai and Islamic Academy of Education cases have no relevance or regulation in the case of deemed university.

It is observed that certain issues emanating from the judgements of the Hon'ble Supreme Court in TMA Pai's case and Islamic Education Academy's case, including the issue of 15% NRI quota stands referred to a larger Bench and the matter is sub judice. This institution has not substantiated that how it has been making admissions in the NRI quota over and above the proportion of 15% fixed by the Hon'ble Supreme Court. It appears that this Institution had been referring to some permission by the Hon'ble Supreme Court to do so but no such details have been given in its letters dated 20.07.2004 or 21.12.2004. It is also not shown that how any committee could permit a higher proportion for NRI quota which is more than the proportion fixed by the Hon'ble Supreme Court. It is further to be seen that there is no answer as to how all the NRI admissions/candidates are put only in one of the two institutions of this Deemed University.

However, the perusal of the letter of the MCI dated 30.11.2004 and the communication of Manipal Academy of Higher Education dated 21.12.2004 show that there is no response to the orders of the Hon'ble Supreme Court dated 29.10.2004 in SLP21532-215354/2004 - State of West Bengal & Ors. Vs. Chayan Kumar Roy & Ors. wherein the following observations had been made : -

“..... By the impugned judgement, the High Court has quashed the NRI/NRI sponsored quota. In that quota, in two colleges where the total intake of students is 200, 104 students have been admitted under NRI quota which means more than fifty per cent admissions have been granted to students under that quota. Insofar as the merits of the petitioners are concerned, we are of the view that the petitions require deeper examination. Accordingly, we grant leave and direct these matters to be tagged on the matters referred to larger Bench.

Regarding the interim arrangement to be made, we are of the view that no case has been made out to grant complete stay of the impugned judgement of the High Court. However, having regard to the facts and circumstances of the case, we permit admission to NRI students in these two colleges to the extent of fifteen per cent of the seats, that is, fifteen students in each of the

two colleges, out of the 104 candidates who have been granted admission. To this extent, on merits, the admission of 30 students in all can continue subject to further orders that may be passed while disposing of the matter. Those 30 students who are higher in merit would be continued with the admission in two colleges.....”

It is to be seen that both the colleges involved in this case of West Bengal, are Govt. colleges. The State of West Bengal had contended that there are 7 Govt. medical colleges in that State. By applying the principle of 15% quota for NRI students, the State of West Bengal had granted all the 104 admissions in the NRI quota in these 2 Govt. medical colleges for the academic year 2004-05. It has been the case of the Govt. of West Bengal before the Hon'ble Supreme court that applicability of 15% rule for NRI quota, to all the 7 Govt. medical colleges in the State of West Bengal would permit the State of West Bengal to make total 105 admissions in the NRI quota, i.e., 15% of 700 total seats in all the 7 Govt. medical colleges.

These 104 admissions made by the State of West Bengal in these 2 Govt. medical colleges, was put in question before the Hon'ble Calcutta High Court. The Hon'ble Calcutta High Court quashed those admissions. The Hon'ble Supreme Court thereafter only permitted 15 seats each in both these Govt. medical colleges for the NRI quota. Thus, the intention of the Hon'ble Supreme Court is clear that any such quota of NRI students is meant for a particular college and that college only. It is obvious that the Hon'ble Supreme Court by its order dated 29.10.2004 has applied the yardstick of 15% NRI quota also to the Govt. medical colleges, though this case is pending final adjudication before the Hon'ble Supreme Court.

One of the issues which is being considered by the Hon'ble Supreme Court is with regard to the clarification whether the management of any private unaided college has any right to admit NRI/foreign students upto 15% of the seats reserved for management quota. However, the fact remains that the Hon'ble Supreme Court vide its order dated 29.10.2004 in the case of 2 Govt. colleges in the State of West Bengal, has actually applied the yardstick of 15% of NRI quota even to the Govt. colleges and the admissions, over and above the 15% quota, have not been protected and in fact, have been cancelled. The contempt proceedings have been taken out against the officials of the State of West Bengal for not carrying out the order of the Hon'ble Supreme Court dated 29.10.2004.

It is also noticed that in the response dated 21.12.2004, the reference has been made to a Committee headed by Justice P.P. Bopanna and fixation of the NRI quota for this Academy, however, no details thereof have been given. In any case, there is no order by the Hon'ble Supreme Court in favour of this Academy which has been indicated in this response dated 21.12.2004 which goes to show that after the judgement of the Hon'ble Supreme Court in TMA Pai and Islamic Academy of Education, the Manipal Academy of Higher Education has been permitted by the Hon'ble Supreme court to make admissions in the NRI quota over and above the stipulation of 15%.

The entire basis of the communication dated 21.12.2004 of Manipal Academy of Higher Education appears to be that none of the orders of the Hon'ble Supreme Court with regard to the stipulation of 15% of NRI admissions in the MBBS course, has been applied to any Govt. medical college or university college or deemed university. This entire basis is contrary to the order dated 29.10.2004 passed by the Hon'ble Supreme Court in the case of 2 Govt. medical colleges in the State of West Bengal.

From the records of the Council, it appears that Manipal Academy of Higher Education has made 500 admissions in both the medical colleges, in the 1st year of the MBBS course for the academic year 2004-05. These admissions have been made before 30.09.2004. However, it has been shown that Manipal Academy of Higher Education has made 140 admissions in only one of its medical college having annual intake capacity of 250 admissions for the MBBS course. No admission in the NRI category has been made by Manipal Academy of Higher Education in its 2nd medical college, also having the annual intake capacity of 250 admissions for the MBBS course.

In other words, as per the yardstick of 15% NRI quota, also made applicable to the Govt. medical colleges by the Hon'ble Supreme Court vide its order dated 29.10.2004 in the case of 2 Govt. medical colleges in the State of West Bengal, the Manipal Academy of Higher Education could not have had made more than 37 admissions in the NRI category in each of its two medical colleges, i.e., only upto the extent of 15% of its annual intake capacity of 250 admissions each for the MBBS course in both of its medical colleges.

It is also to be seen that the judgement of the Hon'ble Supreme Court dated 26.2.2004 in Bharti Vidyapeeth's case does not give any permission to any deemed University to make admissions in the NRI category to the extent of 56% of its annual intake capacity for admissions in MBBS course.

It is further stated that this issue pertaining to the subject mentioned above with reference to admissions made in Kasturba Medical College Manipal in the NRI/Foreign category beyond the permissible limit of 15% of the annual intake capacity of the said institution, was taken up by the Executive Committee at its meeting held on 31.01.2005 wherein the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present. The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council deliberated upon the matter at length and decided that:-

"Manipal Academy of Higher Education could not have made more than 37 admissions in the NRI category in each of its medical colleges. Therefore, as 103 students have been admitted in excess in the NRI category in Kasturba Medical College, Manipal, the academy should be required to ensure that it shall not make any admission in the NRI category in the next three academic years i.e. 2005-06 (37 seats), 2006-07 (37 seats) and 2007-08 (29 seats) in Kasturba Medical College, Manipal so as to offset the undue advantage gained by it by admitting 103 students in the NRI category in excess permissible 15% intake of 37 seats in any given academic year."

The decision of the Executive Committee was communicated to the authorities of Manipal Academy of Higher Education vide Council letter dated 08.02.2005.

After consideration of the above-mentioned relevant aspects, the members of the Executive Committee and of the Ad-hoc Committee appointed by the Hon'ble Supreme Court at its meeting held on 24-03-2005 resolved as under : -

- (i) Both the constituent colleges of this Deemed University had been inspected in the year 2000. They are now due, after 5 years, for inspection for continuation of recognition. The inspection of both these

institutions be carried out by panel of five inspectors comprising of two Whole-time Inspectors of the Council, one Vice-Chancellor of the University who is otherwise eligible to become an inspector and two Professors from institutions of All India character.

- (ii) The inspection reports be placed before the EC for consideration.
- (iii) Thereafter, the matter to be placed before the General Body of the Council so that if there are no deficiencies with regard to minimum infrastructural, teaching and other facilities, the General Body of the Council to take an appropriate view in that regard for suitable recommendations to the Central Govt.
- (iv) Require MAHE to comply with the above-mentioned decision of the EC of the Council dated 31.01.2005 towards requisite adjustments for future admissions in the NRI quota and further to strictly follow the proportion of NRI quota as fixed by the Hon'ble Supreme Court from time to time while making admissions in the MBBS course in both of its constituent colleges.

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

36. To note the letter of Intent/Permission/Renewal of permission issued by the Central Govt. for establishment of Medical Colleges/increase of seats in 1st MBBS Course for the academic session 2005-2006.

The members of the Adhoc Committee and of the Executive Committee of the Council noted the letter of Intent/Permission/Renewal of permission issued by the Central Government for establishment of medical colleges/increase of seats as under:-

Name of the College	Date of issue of letter of Intent/permission/renewal of permission
Theni Govt. Medical College, Theni	LOI dated 24 th February, 2005 for establishment of New Medical College with an annual intake of 100 students for the academic session 2005-2006.
Bhaskar Medical College at Yenkapally, A.P.	LOI dated 24 th February 2005 for establishment of new medical college with an annual intake of 150 students for the academic session 2005-2006.
Konaseema Institute of Medical Sciences & Research Foundation, Amalapuram.	LOI dated 24 th February 2005 for establishment of new medical college with an annual intake of 150 students for the academic session 2005-2006.
Govt. Medical College, Vellore	LOI dated 24 th February 2005 for establishment of new medical college with an annual intake of 100 students for the academic session 2005-2006.
Shadan Instt. of Medical Sciences, Research and Teaching Hospital at Peerancheru, R.R. Distt. (A.P.).	LOI dated 24 th February 2005 for establishment of new medical college with an annual intake of 150 students for the academic session 2005-2006.
Shanthiram Medical College at Nandyal, (A.P.)	LOI dated 24 th February, 2005 for establishment of new medical college with an annual intake of 100 students for the academic session 2005-2006.
Shri Ram Murti Smarak Instt. of Medical Sciences at Bareilly, (U.P.).	LOI dated 24 th February, 2005 for establishment of new medical college with an annual intake of 100 students

	for the academic session 2005-2006.
SRM Medical College Hospital & Research Centre at Kattankulathur, (Tamilnadu)	LOI dated 24 th February, 2005 and LOP dated 10 th March, 2005 for establishment of new medical college with an annual intake of 150 students for the academic session 2005-2006.
Rajarajeswari Medical College & Hospital at Bangalore (Karnataka)	LOI dated 2 nd March 2005 for establishment of new medical college with an annual intake of 100 students for the academic session 2005-2006.
Agartala Medical College at Agartala, Tripura	LOI dated 24 th February, 2005 for establishment of new medical college with an annual intake of 100 students for the academic session 2005-2006.
GSL Medical College, Venkatapuram, Rajahmundry, (A.P.)	Letter dated 27 th January/2 nd February, 2005 for Renewal of Permission for admission of 3 rd batch of 150 MBBS students during the academic year 2005-2006.
Prathima Instt. of Medical Sciences, Nagunur, Karimnagar Distt. (A.P.).	Letter dated 24 th February, 2005 for Renewal of Permission for admission of 3 rd batch of 150 MBBS students during the academic year 2005-2006.
Katuri Medical College & Hospital, Guntur	Letter dated 24 th February, 2005 for Renewal of Permission for admission of 4 th batch of 100 MBBS students during the academic year 2005-2006.
Chelmada Anand Rao Institute Medical Sciences, Karimnagar by Arihant Educational Society (Hyderabad)	Letter dated 24 th February, 2005 for Renewal of Permission for admission of 3 rd batch of 150 MBBS students during the academic year 2005-2006
MNR Medical College, Sangareddy, (A.P.)	Letter dated 1 st March, 2005 for Renewal of Permission for admission of 4 th batch of 100 MBBS students during the academic year 2005-2006

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

Read: The letter dated 3.3.2005 received from the Registrar, Rajasthan Medical Council intimating that Dr.Satya Deo Arya bearing Regn.No.88 dated 7.7.1960 has expired on 1.3.2005 as per the news published in the Daily News Paper Rajasthan Patrika and his name has been removed from the Register of the Registered Medical Practitioners.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the letter dated 3.3.2005 received from the Registrar, Rajasthan Medical Council intimating that Dr. Satya Deo Arya (Registration No.88, dated 7.7.1960) has expired on 1.3.2005 and his name has been removed from the Register of Registered Medical Practitioners. The Committee decided to remove the name of above-mentioned doctor from the Indian Medical Register and also give intimation in this regard to all the State Medical Councils in the country.

38. Request letter dated 28.2.2005 of Dr.K.K.Arora, Deputy Secretary regarding withdrawal of Voluntary Retirement.

Read: The letter dated 28.2.2005 of Dr.K.K.Arora, Deputy Secretary regarding withdrawal of Voluntary Retirement.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to obtain legal opinion in the matter.

39. Establishment of new medical college (Career Institute of Medical Sciences & Hospital, Sitapur, Lucknow) by Career Convent Educational & Charitable Trust u/s 10A of the IMC Act, 1956.

Read : The inspection report (15th & 16th March, 2005) for establishment of proposed medical college (Career Institute of Medical Sciences & Hospital, Sitapur, Lucknow).

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report 17th & 18th March, 2005 and noted the following :-

1. Dental College and Medical College are in the same building complex well connected with each other. O.P.D. facilities are on the ground floor of the under construction adjacent building. OPD complex is still not furnished and non-functional. There is only one temporary registration counter in the building under construction. The entries are made in the ordinary register manually by the same clerk in medical college. Rooms provided for specialities are not well furnished. Rooms for examination of patients and accommodation for the doctors are yet to be ready. Teaching facilities like patient couch, X-ray, view box, examination tray etc. are not provided in each room. Teaching area are yet to be earmarked. Dressing room, Plaster room, ECG room, audiometry room, immunization room, family welfare clinic, dark room refraction room, minor O.T. are not available.
2. The teaching hospital has only 257 teaching beds. However, by physical verification 174 beds to be verified. Remaining beds are in the under construction floor of the building. No unit demarcation is available.
3. In the Central Library no journals are available.
4. In the clinical material, daily average figures have not been provided by the Institute for the past six months inspite of repeated request by the Inspectors.
5. On the day of inspection it was found that Radiological and other investigations are inadequate.
6. Manual entry in OPD register shows on 14.3.2005, medical cases only 20 and dental 50. On 16.3.05 medical 27 and dental 59. On the day of inspection i.e. 17.3.2005 upto 11.50 a.m. medical OPD registration were 378. The above data shows a wide variation from early dates and only the day of inspection. On random checking the most of the patient seems to be normal having vague complaints.
7. In the MRD section, ICD classification is not done. It is not computerized.
8. In the casualty area no other facilities except cots are available. Casualty beds are lying in a under construction area.
9. Nursing staff are grossly inadequate.
10. Kitchen is not available.
11. Central Laundry is not available.
12. Incinerator is not available.
13. In the college building lecture theatres are yet under construction.

14. In the Deptt. of Anatomy, cooling cabinets are not available. There are no catalogues available in the departmental museum. Teaching material like X-ray, MRI, CT Scans and catalogue are not available in the museum. Audio-visual aids are not available in one demonstration room. Departmental library has only 35 books which is grossly inadequate.
15. In the Deptt. of Physiology, Demonstration rooms are under construction. Only two laboratories are available against the requirement of four. Departmental library is under construction. Research Lab. is not available. Amphibian and Mammalian labs. are not available.
16. In the Deptt. of Biochemistry, gas connection is not provided. Preparation room does not have any wash basin. Number of books in the departmental library are inadequate. Research Lab. is not available.
17. Para-clinical and clinical departments are not available.
18. Teaching facilities in the Clinical departments are not available.
19. Other deficiencies/remarks are in the inspection report.

In view of above, whereby it has been found that the applicant has failed to fulfill the mandatory and statutory precondition of owning and managing of a functional hospital of 300 beds as laid down in the Establishment of Medical College Regulations 1999 and other gross deficiencies shown above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt to disapprove the scheme for establishment of new medical college (Career Instt. of Medical Sciences & Hospital, Sitapur, Lucknow) by Career Convent Educational & Charitable Trust received u/s 10A of the IMC Act, 1956.

40. Maharajah's Institute of Medical Sciences, Nellimarla, Vizianagaram Distt., A.P. Renewal of permission for admission of 3rd batch of students for the academic session 2005-2006.

Read: The inspection report (16th & 17th March, 2005) for renewal of permission for admission of 3rd batch of students for the academic session 2005-2006 at Maharajah's Institute of Medical Sciences, Nellimarla, Vizianagaram Distt., A.P.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report(16th & 17th March, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of 100 students in the 1st MBBS course for the academic session 2005-2006 at Maharajah's Institute of Medical Sciences, Nellimarla, Vizianagaram.

41. Era Lucknow Medical College, Lucknow - Renewal of permission for admission of 6th batch of students for the academic session 2005-2006.

Read: The inspection report (15th & 16th March, 2005) for renewal of permission for admission of 6th batch of students for the academic session 2005-2006 at Era Lucknow Medical College, Lucknow was carried out by the Council Inspectors.

The members of the Adhoc. Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (15th & 16th March, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 6th batch of 100 students in the 1st MBBS course for the academic session 2005-2006 at Era Lucknow Medical College, Lucknow.

42. Vydehi Institute of Medical Sciences & Research Centre, Bangalore - Renewal of permission for admission of 4th batch of students for the academic session 2005-2006.

Read: The inspection report (3rd & 4th February, 2005) for renewal of permission for admission of 4th batch of students for the academic session 2005-2006 at Vydehi Institute of Medical Sciences & Research Center, Bangalore.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report 3rd & 4th February, 2005 and noted the following :-

1. Shortage of teaching staff is as under:-

The Shortage of teaching faculty is 7.5% (9/119) as under :

- i) Professor: 1 (Radiodiagnosis-1)
- ii) Associate Professor : 4 (Pathology: 1, TB & Chest: 1, Anaesthesia: 2)
- iii) Assistant professor: 4 (Anatomy:1, Pharmacology: 1, M.O. cum Lecturers at RHTC/UHC- 1, psychiatry : 1)
- iv) Tutor: Nil

(a) Perusal of the declaration forms reveals as under:

- (i) Dr. Vani Vijay Rao, shown, as Lecturer of Anatomy, possess only 1 year and 2 months of teaching experience as Tutor and cannot be considered as Lecturer.
- (ii) Dr. R.N. Vishveshwara, Professor of Pathology, possess teaching experience of 8 years and 2 months as Assistant Professor and no experience in a recognized/permitted medical college in India as Associate Professor and thus can only be considered as Associate Professor.
- (iii) Dr. G.L.N. Swamy, Professor of Pathology does not possess experience in the hospitals recognized as Armed Forces' teaching hospitals.
- (iv) Dr. Julie S. Vyas, Lecturer of Pathology possess only 1 year experience as Tutor/Demonstrator/Registrar/Sr. Resident as shown in the declaration form.
- (v) Dr. Shashidhar H.P., Lecturer in Pharmacology, does not possess any teaching experience in the Deptt. Of Pharmacology and thus cannot be considered as Lecturer.
- (vi) Dr. Chidananda M.G., shown as Sr. Resident in Medicine, possess only 6 months of experience in the Deptt. Of Medicine and 8 months of experience in the Deptt. Of Neurology. Remaining experience is in other departments except Medicine.
- (vii) Dr. S. Vijay, Lecturer in Psychiatry does not possess any teaching experience as shown in Declaration Form.
- (viii) Dr. Mahesh, Sr. Resident in Skin & VD does not possess any experience in the Deptt. Of Skin & VD as shown in the Declaration Form.
- (ix) Dr. Easwarappa, shown as Professor of Surgery is not qualified to hold the post of Professor as he has only 4 ½ years of experience as Assistant Professor and 1 year experience as Associate Professor. He has held the post of Professor for 3 ½ years. Thus, he has a total experience of 8 ½ years after PG and thus, can only be considered as Associate Professor.
- (x) Dr. N. Satish, shown as Lecturer of Surgery does not possess any teaching experience as Tutor/Demonstrator/Registrar/Sr. Resident as shown in the Declaration Form.
- (xi) Dr. Balakrishna S.N., shown, as Lecturer of Surgery does not possess any teaching experience as Tutor/Demonstrator/Registrar/Sr. Resident as shown in the Declaration Form.
- (xii) Dr. Sumanth Kaiwar, Sr. Resident in Orthopaedics, does not possess any experience in the deptt. Of Orthopaedics as shown in the Declaration Form.
- (xiii) Dr. B. Raghav, Professor of Radiodiagnosis possess only 3 years and 9 months experience as Associate Professor and thus cannot be considered as Professor.

- (xiv) Dr. S. Gopal, Professor of Anaesthesia, possess experience only in Armed Forces Hospitals, out of which 6 years experience as Lecturer, 1 year experience as Associate Professor and 1 year experience as Professor in a recognized teaching hospital. He also possesses 3 years and 3 months experience as Professor in recognized/permitted medical colleges .
- (xv) Dr. C.N. Dinesh, Associate Professor of Anaesthesia, does not possess any experience in a recognized teaching hospital in Army and thus cannot be considered as Associate Professor of Anaesthesia.
- (b) In view of the above, the shortage of teaching faculty is 7.5 % (9/119) as under:
- i) Professor: 1 (Radiodiagnosis: 1)
 - ii) Associate Professor: 4 (Pathology:1, TB & Chest: 1, Anaesthesia: 2)
 - iii) Assistant Professor: 4 (Anatomy:1, Pharmacology:1, M.O. cum Lecturers at RHTC/UHC-1, Psychiatry:1)
 - v) Tutor: Nil
- (C) The shortage of Residents is 9.4% (8/85) as under :-
- i) Sr. Resident : 4 (Gen. Med-2, TB Chest-1, Dermatology-1,)
 - ii) Jr. Residents:4:- (O.G.- 4)

2. The Clinical material is inadequate as under:-

	Daily Average		Day of Inspection 3 rd Feb., 2005	
OPD attendance	723		457	
Casualty attendance	27		09	
Bed occupancy %	80		60	
<u>Operative Work</u>				
Number of major surgical operations	8		03	
Number of minor surgical operations	13		06	
Number of normal deliveries	5		02	
Number of caesarian sections	0.7		Nil	
<u>Radiological Investigations</u>	O.P.	I.P.	O.P.	I.P.
X-ray	47	28	22	12
Ultrasonography	33	20	14	04
Special Investigations	13	07	04	03
CT Scan	22	04	01	02
<u>Laboratory Investigation</u>				
Biochemistry	152	71	117	45
Microbiology	14	18	08	05
Serology	25	22	14	08
Parasitology	11	12	09	05
Haematology	346	308	225	143
Histopathology	1	3	1	01
Cytopathology	3	0.3	1	01
Others	120	30	20	05

3. Dental College & Nursing College operate from the premises of the Medical College. The medical college premises is used both for teaching of medical and dental students. The staff of medical college also teach the dental students.
4. All the hostels in the campus are shared by the students of Medical & Dental colleges. The total accommodation in Boys & Girls hostel is 403. However, considering that the Dental College students are staying in the same hostels and sharing the same accommodation. Separate mess for boys & girls hostel are not available.

5. The issue of notification for affiliation by Rajiv Gandhi University of Health Sciences for the academic year 2005-2006 is under process.
6. In the Central library, Medlar facilities are not available.
7. Residential accommodation and mess facilities are not available at RHTC. Audio-visual aids have not been provided at RHTC. Beds have been provided but are not in use.
8. In the Medical Record Section ICD X Classification is not followed for indexing.
9. No separate Ultrasound is given to Obst. & Gynae. Department.
10. Sterilization facilities are not available in operation block.
11. Nursing Staff is inadequate is as under:-

Nursing Supdt.	-2
Dy. Nursing Supdt.	-1
Matron	-1
Asstt. Nursing Supdt.	-2
Nursing Sisters	-4
Staff nurses	-94
12. Books in the Departmental libraries of TB & Chest, Skin & VD, Psychiatry, ENT, Radio-diagnosis & Anesthesia are inadequate.
13. Other deficiencies/remarks are in the inspection report.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 4th batch of MBBS students for the academic session 2005-2006 at Vydehi Instt. of Medical Sciences & Research Centre, Bangalore .

43. N.K.P. Salve Institute of Medical Sciences, Nagpur – Renewal of permission for admission of 5th batch of students against the increased intake i.e. from 50 to 100 for the academic session 2005-2006.

Read: The inspection report (17th & 18th March, 2005) for renewal of permission for admission of 5th batch of students against the increased intake i.e. from 50 to 100 for the academic session 2005-2006 at N.K.P. Salve Institute of Medical Sciences, Nagpur.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report(17th & 18th March, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch of students against the increased intake i.e. from 50 to 100 in the 1st MBBS course for the academic session 2005-2006 at N.K.P. Salve Institute of Medical Sciences, Nagpur.

44. Estt. Of Sree Balaji Medical College & Hospital, Chennai – Tamil Nadu – non-fulfilment of norms of MCI – reg.

Read: The letter dated 15.3.2005 received from the Govt. of India, Ministry of Health & F.W. seeking comments of the Council on the subject mentioned above alongwith the inspection report of Sree Balaji Medical College & Hospital, Chennai conducted by Govt. of Tamil Nadu and the inspection reports of the MCI carried out in January, 2004 and December, 2004.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report of the

officers of Govt. of Tamil Nadu dated 02.01.2004 and noted that the inspection report now submitted by the Govt. of Tamil Nadu with its letter dated 07.01.2005 is more than one year old. Thereafter two inspections dated 28th & 29th January, 2004 and 21st & 22nd Dec., 2004 have been carried out by the Council wherein the deficiencies which were found by the inspection team of the Govt. of Tamil Nadu have not been shown in the inspection reports of the inspections carried out by the Council Inspectors.

After considering all the inspection reports shown above and deliberating upon the matter at length the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision taken at its meeting held on 30.12.2004 to recommend to the Central Govt. to renew the permission for admission of 3rd batch of 100 (one hundred) MBBS students for the academic session 2005-06 at Sree Balaji Medical College & Hospital, Chennai.

45. Matter raised under Rule 377 by Smt. D. Purandeshwari, MP, regarding 'need' to have a separate Geriatric Department in all the major Government hospitals and introduce a course on Geriatric Medicine as a part of MBBS curriculum – Reg.

Read: The letter dated 17.3.2005 received from the Govt. of India, Ministry of Health & F.W. to seeking comments of the Council on the subject mentioned above.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to refer the matter to the Curriculum Committee of the Council.

46. Undertaking given by medical teachers for working in more than one medical college simultaneously.

Read: The matter with regard to undertaking given by medical teachers for working in more than one medical college simultaneously.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the Ethics Committee noted that the Scrutiny Committee of the Monitoring Cell of the Council has referred 29 more cases of teachers who were found working in more than one medical college simultaneously during the academic year 2003-04 with the request to take necessary action according to the Code of Medical Ethics.

The Committee also noted that the following 2 teachers were present before the Ethics Committee on 3.1.2005:-

1. Dr. I.V. Ramachandra Rao
2. Dr. B.R. Santhil Kumar

The Committee further noted the statement of above mentioned two doctors. Relevant part of the statement is recorded as under:-

Dr. I.V. Ramachandra Rao:

".....I have never attended any MCI inspection in any other medical college and not so in Navodaya Medical College, Raichur on 6.9.2003. The photograph alongwith my bio-data was given by me to the authorities of Navodaya Medical College while they asked for the post of Asstt. Professor of Medicine in the same college and they must have put my photograph there at in the declaration form. The declaration form is not filled up by me and not signed by me and as stated in that declaration form I have never worked in different medical colleges. As such I have not done anything wrong."

Dr. B.R. Santhil Kumar:

".....I am not registered with any Medical Council of the Modern Medicine. I was not present during the MCI inspection at Chalmeda Institute of Medical Sciences, Karimnagar and the photograph, signature, handwriting and

qualifications are not of myself. At present, I am working as a lecturer at GSL Medical College & Hospital, Rajamundari after resigning from the MNR Medical College, Sangareddy."

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to obtain the comments from the Principal, Navodaya Medical College, Raichur and Chalmeda Institute of Medical Sciences, Karimnagar for further consideration in the matter.

47. Jawaharlal Nehru Medical College, Swangi, Wardha – Renewal of permission for admission of 3rd batch of students against the increased intake i.e. 100 to 150.

Read: The inspection report (21st & 22nd March, 2005) for renewal of permission for admission of 3rd batch of students against the increased intake i.e. 100 to 150 at Jawaharlal Nehru Medical College, Swangi, Wardha.

The members of the Adhoc. Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (21st & 22nd March, 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of students against the increased intake i.e. from 100 to 150 in the 1st MBBS course for the academic session 2005-2006 at Jawaharlal Nehru Medical College, Swangi, Wardha.

48. Increase of MBBS seats from 50 to 100 at Santosh Medical College & Hospital Ghaziabad u/s 10A of the IMC Act, 1956.

Read: The inspection report (21st & 22nd March, 2005) of Santosh Medical College, Ghaziabad for increase of seats in 1st MBBS course for 50 to 100.

The members of the Adhoc. Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (21st & 22nd March, 2005) and decided to recommend to the Central Govt. to issue Letter of Permission for increase of seats in 1st MBBS course from 50 to 100 at Santosh Medical College & Hospital, Ghaziabad for the academic session 2005-2006 u/s 10A of the IMC Act, 1956.

49. Increase of MBBS seats from 100 to 150 at Padmashree Dr. D.Y. Patil Medical College, Navi Mumbai u/s 10A of the IMC Act, 1956.

Read: The inspection report (21st & 22nd March, 2005) of Padmashree Dr. D.Y. Patil Medical College, Navi Mumbai for increase of seats in 1st MBBS course for 100 to 150.

The members of the Adhoc. Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (21st & 22nd March, 2005) and decided to recommend to the Central Govt. to issue Letter of Permission for increase of seats in 1st MBBS course from 100 to 150 at Padmashree Dr. D.Y. Patil Medical College, Navi Mumbai for the academic session 2005-2006 u/s 10A of the IMC Act, 1956.

50. Continuance of recognition of MBBS degree/restoration of admissions in 1st MBBS course for the academic session 2005-2006 at Adichunchanagiri Instt. of Medical Sciences, Mandya Distt. Karnataka.

Read: The inspection report (21st & 22nd March, 2005) of Adichunchanagiri Instt. of Medical Sciences, Mandya Distt. Karnataka for continuance of recognition of MBBS

degree/restoration of admissions in 1st MBBS course for the academic session 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (21st & 22nd March, 2005) and decided to recommend that MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore be continued in respect of students being trained at Adichunchanagiri Instt. of Medical Sciences, Mandya Distt., Karnataka with an annual intake of 100 (Hundred) students.

51. Continuance of recognition of MBBS degree/restoration of admissions in 1st MBBS course for the academic session 2005-2006 at Kempegowda Instt. of Medical Sciences, Bangalore.

Read: The inspection report (21st & 22nd March) of Kempegowda Instt. of Medical Sciences, Mandya Distt. Karnataka for Continuance of recognition of MBBS degree/restoration of admissions in 1st MBBS course for the academic session 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive of the Council considered the inspection report (21st & 22nd March, 2005) of Kempegowda Institute of Medical Sciences, Bangalore and noted as under :

1. The shortage of teaching staff required at present stage is as under:-

(a) The following Asst. Professors do not have the requisite 3 years teaching experience as Senior Resident. Thus, they have been counted as Senior Residents instead of Asst. Professors.

<u>S. No.</u>	<u>Name</u>	<u>Dept.</u>	<u>Exp. as Sr. Res.</u>
1	Dr. Suja Ajay Kumar	Pathology	Nil
2.	Dr. Swati Rajnish	Radio-Diagnosis	Nil
3.	Dr. A. M. Radhakrishna	Orthopaedics	1.9 years
4.	Dr. T. S. Chinnappa	Orthopaedics	1.9 years
5.	Dr. Rajnish H.	Medicine	1.11 years
6.	Dr. N. Venkataswamy	Medicine	1.9 years
7.	Dr. Raghunath N.	Anaesthesia	1.1 month
8.	Dr. Rajesh H. C.	Anaesthesia	2.5 years
9.	Dr. Madhava Reddy R.	Anaesthesia	2.5 years
10.	Dr. Sanjay T. V.	Com. Med.	2.3 years

(b) The shortage of teaching faculty is as under:-

(I) The shortage of teaching faculty is 6.9 % (i.e. 14/203)

- i) Professor : 2 (1 Biochem., 1 TB & Chest)
- ii) Assoc. Prof. - Nil
- iii) Asst. Prof.: 9 (1 Pathology, 1 Forensic Med., 1 TB & Chest, 1 Com. Med., 1 Gen. Med., 4 Anaesthesia)
- iv) Tutor: : 3 (2 Physiology, 1 PSM)

(II) Resident 27.17% (i.e. 25 out of 92)

- i) Sr. Resident: 16 (3 Medicine, 3 Paediatrics, 1 TB Chest, 5 Gen. Surg., 1 Ortho., 1 ENT, 2 OBGY)
- ii) Jr. Resident: 9 (3 Medicine, 3 TB Chest, 2 Dermatology, 1 Surgery)

2. (a) Clinical Material is inadequate in terms of X-ray & laboratory investigations as under :

	Daily		Average		Day of Inspection	
<u>Radiological Investigations</u>	O. P.	I. P.	O. P.	I. P.	O. P.	I. P.
X-ray	42	17	37	21	37	21
Ultrasonography	7	3	22	8	22	8
Special Investigations	3	2	4	3	4	3
<u>C.T. Scan</u>	7	3	5	3	5	3
<u>Laboratory Investigations</u>						
Biochemistry	123	254	119	236	119	236
Microbiology						
Serology	39	86	78	162	78	162
Parasitology						
Haematology	95	184	74	216	74	216
Histopathology	1	11	2	7	2	7
Cytopathology	2	4	3	7	3	7
Others	0	0	0	0	0	0

(b) On verification the following data were available in the computer.

- i. OPD on 18-3-05 a total of 469 new cases
19-3-05 a total of 325 new cases
21-3-05 (up to 10-30 AM) 136 new cases
- ii. Indoor Admission : 18-2-05 a total of 62 admissions
19-2-05 a total of 40 admissions
21-2-05 a total 105 admissions
18-3-05 a total of 70 admissions
19-3-05 a total of 70 admissions
21-3-05 (Up to 10-30 AM) 38 admissions
- 3. TV with Camera attachment is not available for the OT's.
- 4. OPD's of major departments like Medicine, Surgery, Paediatrics, Obstetrics & Gynaecology and Orthopaedics are overcrowded and the waiting area for patients is not adequate.
- 5. Lecture theatres are inadequate as under:-

	College	Hospital
Number	5 and 6 th floor of Dental College building 1. Capacity 200-gallery type 2. capacity – 96 – gallery type 3. capacity 39 flat type 4. capacity 60 – flat type 5. capacity 72-flat type	Nil
A.V.Aids	Not used at the time of inspection while one lecture was going on.	

- 6. Accommodation available in the hostels for the students is only 450 against the requirements of 600. Separate accommodation for interns and residents is not available and they are accommodated in a part of UG hostel for total 60 interns residents which is inadequate, as accommodation is to be provided for 120 interns and 114 residents i.e. total 234. Recreation facilities are not available in the hostel.
- 7. Accommodation for nurses is not available.
- 8. Staff quarters are not available.

9. Building : The medical College is located in 2 different place separated by a distance of 4.5 kms. With pre-clinical departments of Anatomy, Physiology and Biochemistry are located separately in a build up area of 4.200 sq. mtr. In a land of 6 acres which also houses the Pharmacy college runs the same management. Hostels for boys & girls is located right across the block in an area of 7049 sq.m. Hospital is spread over and area of 20488 sq.m. This land is occupied by the colleges of Dental Sciences, College of Nursing, College of Physiotherapy, BIT and Engg. College, College of Sciences, College of Arts & Commerce, College of Law, Arts & Science & Pre University college running to a total students strength of 6650 at any given time. The proposed extension of the building is at the foundation stage.
10. Central Library – Library is located at 3 different places. One is at the basement of para-clinical building which functions as the main library, second one is located at the hospital building which is named as P.G. library and as text books and journals of clinical subjects only under the caption of individual clinical departments:- third library is located at the pre-clinical block located 4.5 away and consists of all pre-clinical subjects. Reading rooms for staff and PG students are not in closed rooms, situated in passage.
11. Kengeri PHC, developed as RHTC is in a rented building. Separate blocks for accommodating 5 boys in 1 room & 3 girls in 1 room are available at RHTC. Lecture hall cum seminar room is having only 15 seats, it is to be increased. Hostel facilities for 120 seats of the Medical College are very small. The indoor facilities and surgical facilities are not available. Labour room is not having any antenatal beds.

U.H.C: U. H. C. is in a asbestos sheet roofing chawl house rented by the Institution located behind the KIMs campus. The accommodation is very small. There are no facilities for Labour Room, minor surgical procedures, teaching and Laboratories. Only 2 Interns are posted on ration. No fridge for storing drugs, vaccines, blood samples is available. Signed boards are not adequately displayed. Daily 30 to 40 patients attend the Urban Health Center. On the day of inspection at 9-45 AM there was no patient.
12. Paramedical & nursing staff are inadequate for college of 120 students with postgraduate teaching.
13. Sports and recreation facilities: Ground is available but not leveled and being used.
14. Other deficiencies and remarks in the report.

In view of the above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive of the Council decided to reiterate its decision to permit the institution to make 50 admissions in 1st year of the MBBS course for the academic year 2005-06.

52. Consideration of recommendation of DPC for the post of Additional Secretary in the Council office.

Read : The recommendation of the DPC for the post of Additional Secretary in the Council office.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the recommendations of the DPC and decided to approve the recommendations of the DPC that Dr. P. Kumar, Joint Secretary be promoted to the post of Additional Secretary in accordance to the recruitment rules.

53. Consideration of recommendation of DPC for granting higher pay scale to Sh. A.K. Ahluwalia, Accounts Officer.

Read : The recommendation of the DPC for granting higher pay scale to Sh. A.K. Ahluwalia, Accounts Officer.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the recommendations of the DPC and decided to approve the recommendations of the DPC that Shri A.K. Ahluwalia be placed in the higher scale of Rs. 10,000-15,200/- w.e.f. 04.03.2004 onwards.

54. Minutes of the Building Committee meetings held on 3rd March, 2005 & 17th March, 2005.

Read: The minutes of the Building Committee meetings held on 3rd March, 2005 & 17th March, 2005.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the minutes of the Building Committee meetings held on 3rd March, 2005 & 17th March, 2005.

55. Continuance of recognition of MBBS degree/restoration of admission in the 1st MBBS course for the academic session 2005-2006 at Dr. B.R. Ambedkar Medical College, Bangalore.

Read: The Council's inspectors report (Sept., 2004) carried out for continuation of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Dr. B.R. Ambedkar Medical College, Bangalore alongwith letter signed jointly by the Principal & Chairman of the Governing Council of the college.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (September, 2004) and observed that gross deficiencies of teaching faculty, clinical material and infrastructure were received in the report.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also perused the letter dated 21st March, 2005 signed jointly by the Principal & Chairman of the Governing Council of the college and noted that in the said letter, no compliance in respect of any of the deficiency has been furnished.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council in view of the above, therefore decided to recommend to the Central Government to de-recognise the institution for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore u/s 19 of the Indian Medical Council Act, 1956 and further to request the Central Government to ask the institution to stop admissions with immediate effect for the academic year 2005-06.

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

New Delhi, dated the
24th March, 2005

A P P R O V E D

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

Office Note:

After the meeting of the Executive Committee and of the Adhoc Committee but before communicating the decision of the Executive Committee and of the Adhoc Committee to the Central Govt., on 27.03.2005 President (Acting) had telephonic conversation with the Secretary on issue pertaining to certain reports appearing in one of the electronic media in respect of Dr. D.Y. Patil Medical College, Navi Mumbai. President (Acting) also informed the Secretary that he had discussed the matter with Dr. P N Tandon , Member of Adhoc Committee appointed by the Hon'ble Supreme Court and other Executive Committee Members. The President (Acting) accordingly directed to withhold the communication regarding the decision of Executive Committee to the Central Govt. He further directed that as an abundant caution an immediate inspection of the said college be caused for inspecting teaching facilities to set at rest any/all speculations.

In accordance with the said direction the communication of the decision of the Adhoc Committee and of the Executive Committee has been withheld. An inspection of the college was conducted on 29th March, 2005 and the inspection report is being placed before the members of the Executive Committee and of the Adhoc Committee for consideration in the matter.

60. Minutes of the Building Committee meetings held on 29th December, 2004, 3rd March, 2005 & 17th March, 2005.

Read: The minutes of the Building Committee meetings held on 3rd March, 2005 & 17th March, 2005.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the minutes of the Building Committee meetings held on 3rd March, 2005 & 17th March, 2005.