

No.MCI-5(3)/2007-Med./**MEDICAL COUNCIL OF INDIA****EXECUTIVE COMMITTEE**

Minutes of the meeting of the Executive Committee held on 28th April, 2007 at 1.00 P.M in the Council Office at Sector 8, Pocket 14, Dwarka, New Delhi-110 077 where the members of the Adhoc Committee appointed as per the Hon'ble Supreme Court order dated 20.11.2002 were also present.

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Present:

Dr.P.C. Kesavankutty Nayar	] President (Acting),] Former Dean,] Govt. Medical College,] Trivandrum.
Prof. P.N.Tandon	] Former Prof. & Head of Neuro-] Surgery, A.I.I.M.S, New Delhi and] Member, Adhoc Committee] appointed by the Hon'ble Supreme Court.
Dr. (Mrs.) S. Kantha	] Former Vice-Chancellor,] Rajiv Gandhi University of Health] Sciences, Bangalore and] Member, Adhoc Committee] appointed by the Hon'ble Supreme] Court.
Dr. Ketan D. Desai	] Prof. & Head, Deptt. of Urology,] BJ Medical College, Ahmedabad.
Dr. K.P. Mathur	] Former Medical Superintendent,] Dr. Ram Manohar Lohia Hospital,] New Delhi,] 77, Chitra Vihar,] Delhi-110092.
Dr. Mukesh Kr. Sharma	] Deptt. of General Surgery,] S.M.S. Medical College,] Jaipur.
Dr. P.K. Sur	] Director,] I.P.G.M.E.R.,] Kolkatta.
Dr. Bhanu Prakash Dubey	] Prof. & Head of department of] Forensic Medicine, Gandhi] Medical College, Bhopal.
Dr. S.D. Dalvi	] Prof. & Head, Department of PSM,] Govt. Medical College,] Nanded (Maharashtra).
Dr. G.K. Thakur	] Head of the department of Radiology,] S.K.Medical College, Muzaffarpur.
Lt.Col. (Retd.) Dr. A.R.N. Setalvad	] Secretary, MCI.

The apologies for absence were received from Dr. N. Rangabashyam, member, Adhoc Committee and from Dr. V.N. Jindal & Dr. P.K. Das, members of the Executive Committee.

At the outset, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council discussed the issues pertaining to the surprise inspections. The Secretary informed the members of the Adhoc Committee and of the Executive Committee that when surprise inspections have to be carried out simultaneously in a greater number of colleges it becomes difficult to find out 3 inspectors who are in a position to go for inspection at a very short notice. It was decided by the members that as far as surprise inspections are concerned the office should make out efforts of sending the team of 3 inspectors. However, in case of non-availability of 3 inspectors, at least 2 inspectors out of whom one would be Whole-time/Zonal Inspector of the Council and another one from the panel of inspectors should be sent for surprise inspection, provided that one inspector should be from the clinical subjects.

CME Programmes:

It was decided to constitute a Sub-Committee comprising of (i) Dr. Ved Prakash Mishra, Chairman, PG Committee, MCI & Vice-Chancellor, Datta Meghe Instt. of Medical Sciences (Deemed University), Nagpur (ii) Dr. Ketan Desai, member, Executive Committee and (iii) Dr.(Mrs.) Sneha Bhargava, Former Director, AIIMS for devising a scheme by which the scope and objectives of the CME programmes can be broadened. The Secretary was directed to convene a meeting of the Sub-Committee at the earliest and submit the report to the Executive Committee at its next meeting.

1. Minutes of the Executive Committee Meeting held on 02/04/2007- 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 Executive Committee meeting held on 02.04.2007 with following modification:-

Item No. 54: Establishment of new medical college/increase in seats in MBBS courses/renewal of permission for the academic year 2007-08 and pending proposals for starting of new medical colleges – recommending regarding.

The word “after” appearing in the last line of the decision be corrected to read as “before”.

The corrected decision would read as under:-

“In view of above and in view of the directions of the Hon'ble Supreme Court to strictly adhere to the Time Schedule prescribed in the Regulation, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return those applications to the Central Government recommending disapproval of the scheme wherein the eligibility criteria which are mandatorily required to be fulfilled under the Establishment of Medical College Regulations, 1999 are not fulfilled as the required documents in the prescribed format have not been provided for inspection for LOP before the cut-off date i.e. 15th March, 2007.”

Office Note: The office was further directed to communicate to the Central Govt. the corrected decision along with a copy of the original decision for each college separately.

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 02/04/2007 along with the following modification:-

Item No. 25: Installation of Computerised Finger Print Based Attendance Recorder Machine in the Council Office.

The action taken in the matter was recorded as under:-

“Purchase process has been initiated and processing of the quotations is in progress.”

The action taken in the matter be read corrected as under:-

“The Computerised Finger Print Based Attendance Recorder Machine has been purchased and will be installed in the office of the Council.”

2(a) 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 decided to defer the consideration of pending items arising out of the decisions taken by the Executive Committee to the next meeting.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council took a serious view of the items pending since long and directed as under:-

- All the items which are pending for constitution of the Sub-Committee or for obtaining the report of the Sub-Committee; the Secretary is directed to convene a meeting of all the Sub-Committees and place the reports of such Sub-Committees for consideration of the Executive Committee at its next ensuing meeting.
- All the items which are pending for legal opinion; the Secretary is directed to obtain the legal opinion from the Council Advocates and place the same before the Executive Committee for its consideration at its next ensuing meeting.

3. Establishment of a new medical college at Warangal, by Medicare Educational Trust, Warangal.

Read: The Council Inspectors report (5th & 6th April, 2007) for establishment of new medical college at Warangal by Medicare Educational Trust, Warangal alongwith letter received from Dr. T. Laxmi Rama Devi, Original Trustee & Correspondent dated 6.4.2007.

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 (5th & 6th April, 2007) alongwith letter received from Dr. T. Laxmi Rama Devi, Original Trustee & Correspondent dated 6.4.2007 and noted the following : -

1. The shortage of teaching faculty is as under:-

(a) The shortage of teaching faculty is 25.45% as under:-

- | | | |
|-------|---------------------------|---|
| (i) | Professor | 2 (Anatomy 1 & Physiology 1) |
| (ii) | Professor/Associate Prof. | 1(Pharmacology 1) |
| (iii) | Associate Professor | 6(Anatomy 2, Physiology 2, Biochemistry 1 and Radiology 2) |
| (iv) | Assistant Professor | 5 (Anatomy 1, Lect. in Biophysics 1, Forensic Medicine 1, Radiology 1, Dentistry 1) |

(b) The shortage of Residents is 16.66% as under:-

- | | | |
|------|--------------|--|
| (i) | Sr. Resident | 5 (Medicine 1, OB & GY 1, Radiology 2 & Anaesthesiology 1) |
| (ii) | Jr. Resident | 2 (Medicine 1, Surgery 1) |

2. Clinical material is inadequate in terms of number of deliveries as under:-

	Daily Average	Day of inspection
Number of normal deliveries	01	00
Number of caesarian sections	01	01

Average daily deliveries, caesarean sections, radiological investigations and laboratory investigations are not commensurate with OPD attendance and bed occupancy.

- 3. Dr. Indira Narayana, Dean is also Professor and Head of Pharmacology Department, which is not permissible as per Regulations.
- 4. Accommodation is available for 14 Residents only against the requirement of 50 at this stage.
- 5. Accommodation is available for 33 Nurses only which is grossly inadequate.
- 6. Dr. Krishna Reddy K., shown as Medical Superintendent, is not qualified to hold the post as he has administrative experience of only 8½ years against the requirement of 10 years as per Regulations.
- 7. Audiometry room is sound proof, but air-conditioning is not working.
- 8. Duty roster of doctors is not available in casualty.
- 9. The indoor registration counter is not computerized or in central laboratories.
- 10. The trust has not submitted letter of authorization of the bank to permit the Council to make independent enquiry regarding the financial transaction of the applicant trust.
- 11. Other deficiencies/remarks are in the main report.

The members of the Adhoc Committee and of the Executive Committee of the Council also perused the letter received from Dr. T. Laxmi Rama Devi, Original Trustee & Correspondent, dated 6.04.2007 (copy annexed herewith as Annexure – I), the operative part of which reads as under:-

“The sale transaction violate section 81 of the Act 30 of 1987. Realizing the illegality, the said persons who are purchasers began describing Diocese Society itself as substitute of M.E.T. when this also was found violative of the provision of Act 30 of 1987, it began claiming that its members are nominees of the permanent trustees of MET. The above said different stands are subject matter of suit in O.S.203 of 2004 on the file of IInd Additional Senior Civil Judge, Warangal.

The MET served a notice on the union of India through its Secretary with a copy marked to MCI through registered post on 28.11.2005. All the facts were intimated. It was requested that the MCI should not recognize the body, which does not own property. Machinery which required for recognition of the college. The present persons in alleged management are imposters and have no right to use the property. This is to further inform and remind that if the MCI proceeds with its process records, it would amount to recognizing imposters which would result a party to the suit in grave prejudice to us and we may be forced to seek permanent injunction against Union of India & MCI and other course quintal relief as or deemed fit.”

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 issue Letter of Permission for establishment of new medical college at Warangal by Medicare Educational Trust, Warangal u/s 10A of the I.M.C. Act, 1956.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council further decided to obtain the complete case file of O.S.2003 of 2004 pending in the Court of Second Additional Senior Civil Judge, Warangal alongwith the copies of the orders passed by the Hon’ble Court in the above said suit, and also further decided to obtain the legal opinion in the matter after the relevant case file and the Court order are received.

4. **M.M. Instt. of Medical Sciences & Research Mullana, Ambala - Renewal of permission for admission of 5th batch of MBBS students for the academic session 2007-2008.**

Read: The Council Inspectors report (4th & 5th April, 2007) for renewal of permission for admission of 5th batch of MBBS students for the academic session 2007-2008 at M.M. Instt. 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 Council Inspectors report (4th & 5th April, 2007) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch of 150 MBBS students at M.M. Instt. of Medical Sciences & Research, Mullana, Ambala for the academic session 2007-08.

5. **G.S.L. Medical College & Hospital, Rajahmundry - Renewal of permission for admission of 5th batch of MBBS students for the academic session 2007-2008.**

Read: The Council Inspectors report (4th & 5th April, 2007) for renewal of permission for admission of 5th batch of MBBS students for the academic session 2007-2008 at G.S.L. Medical College & Hospital, Rajahmundry along with additional information submitted by the institution vide letter dated 27.04.2007.

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 April, 2007) along with additional information submitted by the institution vide letter dated 27.04.2007 and decided to verify the same by way of an inspection and to defer the consideration of the matter till then.

6. **Dr.Pinnamaneni Siddhartha Instt. of Medical Sciences & Research Foundation, Chinoutpally - Renewal of permission for admission of 5th batch of MBBS students for the academic session 2007-2008.**

Read: The Council Inspectors report (4th & 5th April, 2007) for renewal of permission for admission of 5th batch of MBBS students for the academic session 2007-2008 at Dr.Pinnamaneni Siddhartha Instt. of Medical Sciences & Research Foundation, Chinoutpally.

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 April, 2007) and noted the following : -

- 1. Hostel accommodation is available for 630 students only against the requirement of 750 students at this stage.
- 2. The Residents hostel is not fully furnished.
- 3. The Nurses Hostel is not fully furnished.
- 4. The clinical material is inadequate in terms of OPD attendance, number of deliveries and laboratory investigations as under:-

	Day of Inspection
O.P.D. Attendance	852
Number of normal deliveries	1
Number of Caesarian Sections	-
Laboratory Investigations	
Microbiology	7
Parasitology	-
Histopathology	1
Cytopathology	2

- i) OPD attendance is low for 150 admissions and 750 bedded hospital.
- ii) Bed Occupancy is 68%
- iii) Number of Major surgical operations is low.

- i) Whole blood units used in the hospital in the month of February 07 are 37 and in the month of March 47 and is not commensurate with the number of patients claimed to be attending OPD & indoor.
- v) X-rays taken in the hospital (OP+IP) are only 81 and is not commensurate with the number of patients claimed to be attending OPD & indoor.
- vi) Parasitological investigations are not done. Laboratory work is inadequate which is not commensurate with the operative workload claimed to have been performed in the hospitals.
- 5. In the department of Radiodiagnosis, instrumentation is inadequate as per minimum standard requirements for the medical colleges for 150 admissions annually Regulations, 1999.
- 6. There are 9 Operation Theaters against the requirement of 10 at this stage.
- 7. Dr. Anne Krishna, Medical Superintendent, is Head of Department of Paediatrics, which is not as per MCI norms.
- 8. Burns & obstetric ICU are not available.
- 9. Other deficiencies/remarks are in the main report.

In view of the above, the member 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 MBBS students for the academic year 2007-08 at Dr. Pinnamaneni Siddhartha Instt. of Medical Sciences & Research Foundation, Chinoutpally.

7. **Maharajah’s Institute of Medical Sciences, Nellimarla, Vizianagaram - Renewal of permission for admission of 5th batch of MBBS students for the academic session 2007-2008.**

Read: The Council Inspectors report (10th & 11th April, 2007) for renewal of permission for admission of 5th batch of MBBS students for the academic session 2007-2008 at Maharajah’s Institute of Medical Sciences, Nellimarla, Vizianagaram.

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 (10th & 11th April, 2007) and noted the following : -

- 1. The shortage of Teaching Faculty is 7.4 % as under:-
 - i) Professor 3 (Physiology, Forensic Medicine and PSM in each)
 - ii) Associate Professor 5 (Anatomy-2, Forensic Medicine-1 and General Medicine-2)
 - iii) Assistant Professor 1 (PSM-1)
- 2. Clinical material is inadequate in terms of operative workload and deliveries as under:

	Daily Average	Day of Inspection 10-04-2007
<u>Operative work</u>		
Number of major surgical operations	07-10	03
Number of normal deliveries	01-03	01
Number of caesarian Sections	00-01	00

- 3. In the department of Radiodiagnosis, instrumentation is inadequate as per Minimum Standard Requirements for the Medical Colleges for 100 Admissions Annually Regulations, 1999.
- 4. Other deficiencies/remarks are in the main report.

In view of the above, the member 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 100 MBBS students for

the academic year 2007-08 at Maharajah’s Institute of Medical Sciences, Nellimarla, Vizianagaram.

8. **Bhaskar Medical College, Yenkapally Village, Andhra Pradesh - Renewal of permission for admission of 3rd batch of MBBS students for the academic session 2007-2008.**

Read: The Council Inspectors report (17th & 18th April, 2007) for renewal of permission for admission of 3rd batch of MBBS students for the academic session 2007-2008 at Bhaskar Medical College, Yenkapally.

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 (17th & 18th April, 2007) and noted the following : -

- 1. (a) The shortage of teaching faculty is 14.45% as under:-
 - i) Associate Professor 12(1 anatomy, 1 Physiology, 1 Pharmacology, 1 Pathology, 1 Forensic, 2 PSM, 4 Medicine, 1 Anaesthesia)
 - ii) Assistant Professor 10(1 Physiology,1 Pharmacology, 1 PSM, 1 Epidem. Cum Lecturer, 1 Statistician, 1 Medical Officer cum Lecturer RHTC, 1 Medical Officer cum Lecturer UHC 1 Medicine, 1 ANMO, 1 MWO)
 - iii) Tutor 2 (Physiology)
- (b) The shortage of Residents is 25.66% as under:-
 - (i) Sr. Resident 11 (1 Medicine, 1 Dermatology, 1 Psychiatry, 1 Surgery, ENT, 3 Anaesthesia, 3 Radiology)
 - (ii) Jr. Resident 18 (10 Medicine, 4 Peadiatrics, 1 Psychiatry, 2 Orthopedic, 1 Ophthalmology)
- 2. Clinical material is inadequate in terms of bed occupancy, deliveries and special investigations as under:-

	Daily Average	Day of Inspection
Bed Occupancy %	82	69
Number of normal deliveries	3	0
Number of caesarian Sections	1	1
Special Investigations	18	0

- (a) In casuality on the day of inspection there were 11 patients out of that only 1 patient of unknown poisoning need causality admission.
 - (b) Only 3 Major and 9 Minor surgeries were done on 16th April 2007 (One day prior to inspection) and on the day of inspection 5 Major and 2 Minor Surgeries were performed.
 - (c) Blood Usage is less than 1 Unit per day in the hospital.
(December 2006 – 9 Units, January 2007 – 17 Units, February 2007-12 Units, March 2007 – 22 Units). This is not commensurate with the numbers of patients claimed to have been attending OPD & indoor.
 - (d) Bed Occupancy 65%.
 - (e) There was no patient in any of the ICU’s on the day of Inspection.
3. R.H.T.C.:- The Govt. of Andhra Pradesh vide R. C. No. 16444/P/3/2006 dated 14.8.2006 has intimated to the college that a fee of Rs. 30,000/- per head per annum has been fixed for utilization of Government Institutions by the Institution for their attachment programme for the students of MPHC’s. The College has not taken any action neither has paid the money to the Government as desired.

At Rural Health Training Centre (RHTC), Peddamangalaram, no record is available for students visit. No other clinical departments like Medicine, Paediatrics, Obstetrics & Gynaecology participate in the outreach teaching programmes. No lecturer cum medical officer having M.D.(PSM) is available. No Hostel is available for accommodating the students. No deliveries are conducted at RHTC. No vaccines are provided under UIP programme. Family welfare activities are not carried out.

4. At U.H.C. no students are posted. No lecturer cum medical officer having M.D.(P.S.M.) qualification is available.
5. Only 20 quarters are available for the teaching faculty in the campus, which is inadequate against the requirement of 36 for the present stage.
6. In the Radiodiagnosis department, CT Scan & 800 mA static, x-ray machine are old. Image intensifier is not functional on the day of inspection.
7. In CSSD, ETO is not available.
8. **Hostel:** (i) Gymnasium is located in basement of para clinical department building and only 3 weight lifting sets are available. (ii) The roads are not Pucca.
9. **ICU:** (i) Surgical ICU is non-AC. (ii) In the Medical ICU, Oxygen flow was not working on the day of inspection. (iii) There is no patient any of the ICU on the day of inspection.
10. Other deficiencies/remarks are in the main report.

In view of the above, the member 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 3rd batch of MBBS students for the academic year 2007-08 at Bhaskar Medical College, Yenkapally Village, Andhra Pradesh.

9. **Govt. Medical College, Surat – Renewal of permission for admission of 2nd batch of MBBS students against the increased intake i.e. from 120 to 150 for the academic session 2007-2008.**

Read: The Council Inspectors report (9th & 10th April, 2007) along with the additional information supplied by the Council Inspectors vide letter dated 26.04.2007 for renewal of permission for admission of 4th batch of MBBS students against the increased intake i.e. from 120 to 150 for the academic session 2007-2008 at Govt. Medical College, Surat.

The member of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (9th & 10th April, 2007) along with additional information supplied by the Council Inspectors vide letter dated 26.04.2007 and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch against the increased intake from 120 to 150 MBBS students for the academic session 2007-08 at Govt. Medical College, Surat.

10. **Pandit Deendayal Upadhyay Medical College, Rajkot – Renewal of permission for admission of 2nd batch of MBBS students against the increased intake i.e. from 50 to 100 for the academic session 2007-2008.**

Read: The Council Inspectors report (11th & 12th April, 2007) alongwith additional information supplied by the Council inspectors vide letter dated 26.04.2007for renewal of permission for admission of 2nd batch of MBBS students against the increased intake i.e. from 50 to 100 for the academic session 2007-2008 at Pandit Deendayal Upadhyay Medical College, 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 inspectors report (11th & 12th April, 2007) along with additional information supplied by the Council inspectors vide letter dated 26.04.2007 and noted the following: -

- 1 (a) The shortage of teaching faculty is as under:-
 - I. The following teachers are not available:-
 - (i) Assoc.Profs.-2 (Anatomy-1, Microbiology-1)
 - (ii) Asstt.Profs.-3 (Biochemistry-1, General Medicine-2)
 - (iii) Tutor-1 (Forensic Medicine -1)
 - II. In all 48 faculty members from different Government Medical Colleges in the State are transferred in and 8 have been transferred out of this Medical College in last three months. Out of the faculty who is transferred in to this college 31 have been posted on the basis of deputation and out of that 9 are deputed within five days prior to inspection. The staff on deputation cannot be computed.
 - III. In view of above, the shortage of teaching faculty is 35%.
- (b) The shortage of Residents is 24.5% as under:-
 - i) Sr. Resident – 12 (General Medicine-4, Skin & VD –1, Psychiatry – 1, General Surgery – 4, Ortho.-1, Ophthalmology-1)
 - ii) Jr. Resident – 2 (General Surgery –2)
2. Dr. V.A. Chhaya designated as Medical Superintendent has only 6 years of administrative experience and does not qualify to hold the post of Medical Superintendent.
3. In the central library the total number of journals subscribed are 56 Indian and 6 packages of E.Foreign journals till last year which is against the requirement of 70 Indian and 30 foreign journals in printed version.
4. Separate hostel for interns is not available.
5. Separate hostel for nurses is not available.
6. The number of books in departmental libraries of Radio-Diagnosis, Anaesthesia, TB, Skin & VD and Psychiatry are inadequate.
7. The general upkeep of intensive care areas is not as per Council norms, which needs to be rectified. The required resuscitation equipment needs to be provided in resuscitation areas.
8. Other deficiencies pointed out in the inspection report.

In view of the above, the member 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 2nd batch of MBBS students against the increased intake i.e. from 50 to 100 for the academic year 2007-08 at Pandit Deendayal Upadhyay Medical College, Rajkot.

11. Mamata Medical College, Khammam -Renewal of permission for admission of 2nd batch of MBBS students against the increased intake i.e. from 100 to 150 for the academic session 2007-2008.

Read: The Council Inspectors report (11th & 12th April, 2007) for renewal of permission for admission of 2nd batch of students against the increased intake i.e. from 100 to 150 for the academic session 2007-2008 at Mamata Medical College, Khammam.

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 (11th & 12th April, 2007) and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch of MBBS students against the increased intake i.e. from 100 to 150 at Mamata Medical College, Khammam for the academic session 2007-08.

12. Govt. Medical College, Bhavnagar – Renewal of permission for admission of 2nd batch of students against the increased intake i.e. from 50 to 100 for the academic session 2007-2008.

Read: The Council Inspectors report (13th & 14th April, 2007) along with additional information supplied by the Council Inspectors vide letter dated 26.04.2007 for renewal of permission for admission of 2nd batch of MBBS students against the increased intake i.e. from 50 to 100 for the academic session 2007-2008 at Govt. Medical College, Bhavnagar .

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 (13th & 14th April, 2007) along with additional information supplied by the Council Inspectors vide letter dated 26.04.2007 and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch of MBBS students against the increased intake i.e. from 50 to 100 at Govt. Medical College, Bhavnagar for the academic session 2007-08.

13. Sikkim Manipal Institute of Medical Sciences, Gangtok – Recognition of the college for the award of MBBS degree granted by Sikkim Manipal University of Health Medical & Technological Sciences, Gangtok – Compliance verification inspection thereof.

Read: The compliance verification inspection report (9th April, 2007) along with letter dated 09.03.2007 received from the Vice-Chancellor, Sikkim Manipal University of Health Sciences, Gangtok forwarded by the Central Govt. vide letter dated 09.03.2007 and letter dated 03.04.2007 from the Vice-Chancellor of the University for recognition of the college for the award of MBBS degree granted by Sikkim Manipal University of Health Sciences, Gangtok and the undertaking given by the Dean of the institute vide letter dated 09.04.2007 at the time of inspection.

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 09.03.2007 received from the Vice-Chancellor, Sikkim Manipal University of Health Sciences, Gangtok forwarded by the Central Govt. vide letter dated 09.03.2007 and observed that the operative part of the letter reads as under:-

“.....It is thus evident that, it is difficult to meet all the requirements for recognition u/s 11(2) of IMC Act, 1956 for 100 admissions at present. We have therefore decided to make our application for recognition u/s 11(2) of IMC Act for 50 admissions only. Further, we request you to grant recognition of all the admissions made till date. We undertake to admit only 50 students from academic year 2007-08 onwards. We shall make application for increase of seats as per provisions of IMC Act upon fulfillment of requirement for increase from 50 to 100 admissions.”

The members further noted the letter dated 03.04.2007 received from the Vice-Chancellor, Sikkim Manipal University of Health Sciences, Gangtok the operative part of which reads as under:-

“This has reference to our letter No. SMU/MOH&FW/2007-163 dated 9th March 2007, a copy of which was sent to you wherein we had communicated our decision to make our application for recognition under section 11(2) of IMC Act for 50 admissions only. Further we had requested for grant of recognition for all admissions made till date and we had given an undertaking to admit only 50 students from the academic year 2007-08 onwards.

In this regard, we had been communicated both from the Ministry as also from the Council, that there would be a need for another inspection to ascertain our faculty and

patient load to consider grant of recognition for 50 admissions. The University and SMIMS has been diligently addressing all deficiencies and concerns pointed out by MCI and we are now in a position to be inspected for the grant of recognition for 50 seats.”

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 (9th April, 2007) carried out by the Council Inspectors and observed that the institute has requisite facilities required for recognition of a college with annual intake of only 50 students as per the Minimum Standard Requirements for a Medical College for 50 Admissions Annually, 1999.

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 that MBBS degree granted by Sikkim Manipal University of Health Sciences, Gangtok in respect of students being trained at Sikkim Manipal Institute of Medical Sciences, Gangtok be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

However, the authorities be directed to restrict the number of admissions to 50 students annually from the next academic session i.e. 2007-08 as per the undertaking given by the institute vide letters dated 09.03.2007 & 03.04.2007. The institution may apply for increase of seats after fulfilling all the requirements, in case they so desire, as per provisions of Section 10A of the IMC Act, 1956.

In view of the undertaking given by the institute, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further decided to recommend to the Central Govt. to renew the permission for admission of next batch of 50 (fifty) MBBS students for the academic session 2007-08 at Sikkim Manipal Institute of Medical Sciences, Gangtok.

14. S.S. Institute of Medical Sciences and Research Centre, Davangere, Karnataka - Renewal of Permission for admission of 2nd batch of students for the academic session 2007-08.

Read: The letter dt. 16.04.2007 along with compliance report received from the Principal, S.S. Institute of Medical Sciences and Research Centre, Davangere, Karnataka.

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 16.04.2007 received from the Principal, S.S. Institute of Medical Sciences and Research Centre, Davangere, Karnataka pertaining to re-organisation of the units and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch of 150 MBBS students for the academic session 2007-08 at S.S. Institute of Medical Sciences and Research Centre, Davangere, Karnataka.

15. Establishment of a new medical college at Jorhat, Assam by Society for Medical Education.

Read: The letter dt. 10.04.2007 received from the Principal, Jorhat Medical College, Jorhat u/s 10A of the I.M.C. Act, 1956 requesting to consider their application to the next academic session 2008-2009.

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 10.04.2007 received from the Principal, Jorhat Medical College, Jorhat informing that the infrastructure and other facilities required are in the process of completion and it would require some time and requested to defer the LOI/LOP inspection of the college to the next academic session.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to reiterate its earlier decision taken in the meeting dated 02.04.2007 recommending disapproval of the scheme for establishment of new medical college at Jorhat u/s 10A of the IMC Act, 1956 and to return the file to the Central Government.

16. Establishment of new medical college at Lucknow by Sardar Patel Shikshan Samiti, Lucknow.

Read: The letter dt. 16.04.2007 received from the Chairman, Sardar Patel Shikshan Samiti, Lucknow with regard to consideration of their application for the academic year 2008-09.

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 16.04.2007 received from the Chairman, Sardar Patel Shikshan Samiti, Lucknow informing that they have not been able to procure the faculty for the proposed medical college and requested to carry forward the project of Medical College for the year 2008-09.

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 disapproval of scheme for establishment of new medical college at Lucknow by Sardar Patel Shikshan Samiti, Lucknow u/s 10A of the IMC Act, 1956 and to return the file to the Central Government.

17. Approval of Minutes of the Finance Committee held on 16th April, 2007.

Read : The minutes of the Finance Committee held on 16.04.2007.

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 Finance Committee meeting held on 16.04.2007.

The Secretary was directed to convene a meeting of the Sub-Committee comprising of the Chairmen, Building Committee and Finance Committee for devising the schemes for augmenting the income generation by the Council from various infrastructural facilities like auditorium, seminar hall, guest house etc. and also how the expenses can be reduced and submit the report before the Executive Committee at its next meeting.

18. Proposal for enactment of legislation entitled The Recognition of New System of Medicines Bill, 2006.

Read: The report of the Sub-Committee report with regard to Proposal for enactment of legislation entitled The Recognition of New System of Medicines Bill, 2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the report of the Sub-Committee with regard to Proposal for enactment of legislation entitled The Recognition of New System of Medicines Bill, 2006 which reads as under:-

"The present Committee came to be constituted in terms of the decision of the Executive Committee of the Council taken at its meeting held on 02.04.2007 in order to evaluate the proposal for enactment of legislation entitled the Recognition of New System of Medicines Bill 2006.

The meeting of the Committee was held on 17.04.2007 at 11.30 a.m. in the office of the Council.

The Committee noted that the Ministry of Health & F.W. has proposed a Bill titled "Recognition of New System of Medicines Bill, 2006" and the draft thereof has been forwarded to several agencies including Medical Council of India for its comments.

The justification for the proposal that have been brought out by the Ministry of Health & F.W. mainly is in terms of that they have been getting a number of proposals for recognition of different systems of medicines like electro homoeopathy etc. It is also brought out that during the hearing relating to one of such cases, the Hon'ble Supreme Court had directed the Ministry in November, 2004 that a legislation in this regard may be brought up by the Central Govt. Accordingly, draft of a comprehensive legislation to regulate such systems/therapies of medicine which have not been extended recognition by

the Govt. was prepared and placed before the Hon'ble Supreme Court by the Ministry wherein it was also submitted that the process of consultation with experts as well as the Deptt. of Law will have to be completed before the enactment of the Law. It is also stated that such a Bill would help in addressing various issues relating to recognition of different systems of medicines and penalizing those who indulge in undertaking unauthorized practice and teaching of these systems.

The Ministry as stated had sought comments from agencies like Ministry of Law, Justice & Company Affairs; Ministry of Human Resources Development; Medical Council of India; Deptt. of Ayush and Planning Commission.

The Committee also noted that Planning Commission in its observation is reported to have indicated in respect of para 9 of the proposed Bill to the effect that "No court shall take cognizance of an offence under this Act unless report is made by District Magistrate/Collector/Deputy Commissioner of the Police of the District" is not logical in as much as that the basis as to why court should not take cognizance of reporting by members of general public on violation of the Act is not brought out. The Committee concurs with the observation of the Planning Commission in this regard.

The Deptt. of Ayush in their observation have supported the Bill with the observation that the provisions should not impinge on the existing system of medicine. Though the exercise of framing the legislative proposal is in terms of the directions of the Hon'ble Supreme Court, yet care needs to be taken to ensure that the provisions in no manner impinge on the operation of the system which is already recognized.

Having regard to the observations brought out by aforesaid agencies, the Committee has looked into the draft of the Bill critically and has examined the same through an indepth analysis.

Upon critical perusal of the same, the Committee is pleased to observe that in terms of clause 3 a Central Committee has been provided for and the composition of the Committee is also given. In the said Committee a representative of the Medical Council of India needs to be included to ensure that the recommendations and decisions by the said Committee in no manner impinge upon the areas which are under the regulatory control and jurisdiction of the MCI in terms of the Parliamentary enactment.

Section 9 of the Act brings out that "No institution or individual shall run, or facilitate running of, any course in any manner, whether through classroom teaching or correspondence, for grant of degrees, diplomas or licences in an unrecognized system of medicines and/or any education/training course claiming to equip the student with skills for rendering medical treatment to patients."

The reference to the word "Licences" in the said clause is ambiguous. It is a settled mechanism in regard to the recognized systems of medicine as referred to in clause 4 of the draft Bill that the power of "Licence" shall be vested with the registering Council created for that purpose like MCI for modern medicine, Central Council for Homoeopathy for Homoeopathic Medicine, Central Council for Indian Medicine for Ashtang Ayurveda, Siddha and Unani systems of medicines etc.

The licences/privileges extendable to persons who are registered with the professional Councils in a mode and manner prescribed by the governing rules are upon the conferment of the registering qualification by a recognized teaching institution on the concerned applicant through the procedure of evaluation prescribed by the examining university. Such a conferred qualification ought to be "Recognized" in terms of the governing provisions of the Act whereby it is included in the specified Schedule appended to the concerned Act. In the present format of the Bill such a provision which ought to have been explicitly provided is missing and therefore the words degrees/diplomas are interchangeable used with the word 'Licence'.

In regard to the provisions at clause 13 of the proposed Bill to the effect that "No Court shall take cognizance of an offence under this Act except on a report made by the District Magistrate/Deputy Commissioner/Collector/Deputy Commissioner of Police of the

District”, the observation brought out by the Planning Commission of India are concurred by this Committee.”

19. Complaint against Dr. P.N. Kathuria as alleged by Mr. B.P. Maheswari.(F.No. 30/2005).

Read: The complaint against Dr. P.N. Kathuria as alleged by Mr. B.P. Maheswari, Additional Welfare Commissioner, Bhopal along with the recommendation of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee:-

“The Ethics Committee considered the complaint against Dr.P.N. Kathuria as alleged by Mr. B.P. Maheshwari, Addl. Welfare Commissioner, Bhopal Gas Victims, Bhopal and noted the legal opinion provided by the Council Advocate in this issue. So far as the further course of action in this case which reads as follows:-

“Despite giving several opportunities to the Medical Superintendent to appear before the Ethics Committee to furnish the details about the said concerned doctors in all the three complainant cases; he failed to turn up , therefore, in my opinion, it is advisable to send a team of two representatives of the MCI alongwith authorization letter personally to visit the said hospital at Bhopal and obtain the details of those doctors from the concerned authorities/Medical Superintendent of the Hospital and even in that case if the detail report/address if not submitted/provided by him/concerned authority then we should take the help of the Secretary, Health & F.W., Deptt. of the State Government by putting pressure upon them through our Ministry of Health & F.W.”

In view of above, Ethics Committee decided to request the Secretary, MCI to send a team of two officers from the MCI, one from the Legal Section and one from the Ethics Section to get the information as required by this Council and as has been recommended by the Council Advocate. However, if Secretary feels, he may send any person to collect this information.”

As per above decision, the file was put up to the Secretary/President (Acting) and nominated to Dr. P. Prasannaraj, Joint Secretary & Mr. Ashok Kumar Harit, Deputy Secretary to visit at Bhopal and the same were brought to the notice of both the officers Visit to Bhopal will be taken very shortly.

As per above directions, Dr. P.Prasannaraj, Joint Secretary & Mr. Ashok Kumar Harit, Deputy Secretary went to Bhopal in this context. Both officers have been prepared a detailed report.

The matter alongwith the above detailed report was considered by the Ethics Committee at its meeting held on 15.12.2006 and it was decided as under:-

“The Ethics Committee considered the matter with regard to complaint against Dr. P.N. Kathuria as alleged by Mr. B.P. Maheshwari and decided to ask Dr. P.N. Kathuria, 290, MIG Duplex Flats, Aish Bagh Colony, Bhopal, M.P. to appear before the Ethics Committee at 11.00 a.m. in its second next meeting.”

As per above decision, Dr. P.N. Kathuria was requested to appear before the Ethics Committee on 19.02.2007 at 11.00 a.m. vide Council’s letter dated 29.01.2007.

The matter was considered by the Ethics Committee at its meeting held on 19.02.2007 and it was decided as under:-

“The Ethics Committee considered the complaint against Dr. P.N. Kathuria as alleged by Mr. B.P. Maheshwari, Addl. Welfare Commissioner, Bhopal Gas Victims, Bhopal and noted that Dr. P.N. Kathuria was requested to appear before the Ethics Committee on 19.2.2007 at 11.00 a.m. but he did not appear.

In view of above, the Ethics Committee decided to call him at 11.00 a.m. in its next meeting, failing which the Ethics Committee will be constrained to take ex-parte decision.

As per above decision, Dr. P.N. Kathuria was requested to appear before the Ethics Committee on 19.03.2007 at 11.00.a.m failing which the Ethics Committee will be constrained to take ex-parte decision vide Council's letter dated 29.01.2007.

The matter was considered by the Ethics Committee at its meeting held on 19.03.2007 and it was decided as under:-

"The Ethics Committee considered the matter with regard to complaint against Dr. P.N. Kathuria as alleged by Mr. B.P. Maheshwari and noted that Dr. P.N. Kathuria was requested to appear before the Ethics Committee on 19.03.2007 and his deposition as follows:-

STATEMENT OF DR.P.N. KATHURIA

I, Dr. P.N.Kathuria did my MBBS in the year 1966 from Gandhi Medical College, Bhopal. My date of birth is 5th June, 1939. My registration number is 777 from M.P. Medical Council.

I was retired on 30th June, 1997. In my entire service, I had not committed any great mistake but by mistake or by human error I had prescribed a prescription to Smt. Shanti Bhai, a gas patient of MIC Bhopal which was printed in 1997 but by mistake I had issued the prescription in 1988.

I do admit that this particular prescription had been issued by me by human error. I do apologise before this Hon'ble Council that the Council may kindly excuse me for this human error and oblige.

*Sd/
(Dr.P.N.Kathuria)*

After detailed deliberation and taking into consideration the judgement of Hon'ble Welfare Commissioner, Bhopal Gas Victim, Bhopal, the deposition of Dr. P.N. Kathuria, the complaint of Mr. B.P. Maheshwari, Additional Welfare Commissioner, Bhopal Gas Victim, Bhopal and all other relevant documents, the Ethics Committee was of the unanimous opinion that Dr. P.N. Kathuria has done unethical job by issuing prescription after November, 1997 giving the date of 1988.

In view of above, the Ethics Committee unanimously recommends that the name of Dr. P.N. Kathuria may be erased from the Indian Medical Register for a period of 6 months for unethical act.

This may be placed before the Executive Committee & General Body of the Council for approval."

20. Shortage of faculty members in the Medical Education Section-Request for raising the retirement age from 65 years to 70 years along with the response received from various State Govt.

Read: The report of the Sub-Committee with regard to shortage of faculty members in the Medical Education Section-Request for raising the retirement age from 65 years to 70 years alongwith the response received from various State Govt.

Dr. K.P. Mathur and Dr. M.K. Sharma brought out that the words "and fascinating" which had inadvertently kept into the report may be deleted and the words "monitoring incentives" be corrected as "monetary incentives" and the report may be read after making the above mentioned alterations/corrections.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the report of the Sub-Committee after due corrections/alterations as above and approved the report of the Sub-Committee with regard to shortage of faculty members in the Medical Education Section which reads as under:-

“The matter regarding raising the age of medical teachers from 65 to 70 years was considered by the Executive Committee at its meeting held on 14th & 15th June, 2006 where the members of the Adhoc Committee appointed by the Hon’ble Supreme Court were also present and decided as under :

“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 25.4.2006 received from the Central Government for raising the retirement age of teachers from 65 years to 70 years and noted that the maximum age upto which a teacher can be permitted has been raised upto 65 years vide Notification dated 15th March, 2005.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided that it would be prudent to observe the effect of 2005 amendment raising the maximum age upto 65 years and directed the Secretary of the Council to obtain the details from all the State Governments/D.M.E.s as to whether the retirement age of medical teachers has been raised in conformity with the amended regulations and place the compiled information before the Committee after it is received for further consideration.”

The Central Govt. vide its letter dated 22/03/2007 has once again requested the Council to consider the matter with regard to increasing the retirement age of Medical teachers from 65 to 70 years in view of the urgency of the matter and raising of retirement age of the teachers by the Ministry of HRD from 62 to 65 and beyond. This letter was considered by the members of the Adhoc Committee appointed by the Hon’ble Supreme Court and the Executive Committee at its meeting held on 2nd April, 2007 wherein it was decided to constitute a Sub-Committee comprising of Dr.K.P. Mathur & Dr.Mukesh Kumar Sharma. The State Govts. were requested to provide the information regarding the following :-

- 1. *What is the age of retirement of medical teachers in your State?*
- 2. *Has the retirement age been raised or increased after the notification has been issued?*
- 3. *How many teachers have been retained/employed/re-employed in Govt. Medical Colleges after the age of retirement as prescribed by the State Govt. but upto the age of 65 years is permitted vide the above said notification?*

The Sub-Committee met in the office of the Council on 17th April, 2007 and deliberated upon the matter at length. Perusal of the responses received from the major States reveals that except for the State of Madhya Pradesh, no State has raised the retirement age of the medical teachers upto 65 years as directed under the Regulations. Only in 6 States the teachers are employed in Govt. Medical Colleges after retirement upto the age of 65 years. In 3 States – i.e. Maharashtra, Haryana & Gujarat, they are re-employed upto the age of 65 years in the State Govt. Medical Colleges, while in the State of Chhatisgarh, Punjab and Kerala, they are not re-employed. Even in those States where the teachers are re-employed after the prescribed age of retirement, the actual number of teachers re-employed or appointed is very small as can be seen in the table.

The detailed position regarding the retirement age and the re-employment of teachers is shown below:-

Status of retirement age and re-employment of medical teachers

S.No.	State	Retire-ment age of medical teachers	Has the retirement age been raised after the notification	Teachers retained/re-employed after the prescribed age of retirement.
1.	Tamilnadu	58 years	No	4.
2.	Karnataka	58 years	No	13
3.	Assam	59 years	No	8
4.	Gujarat	58 years	No	7

5.	Kerala	55 years	No	Nil
6.	Rajasthan	60 years	No	Nil
7.	Andhra Pradesh	58 years	No	varies
8.	West Bengal	60 years	No	20.
9.	Orissa	60 years	No	Nil
10.	Punjab	58 years	No	Nil
11.	M.P.	65 years	Yes	-
12.	Maharashtra	58 years	No	-
13.	Chhatisgarh	62 years	No	Nil
14.	Haryana	60 years	No	-
15.	U.P.	60 years	No	-

The report of the Committee formed by Govt. of India's order No.A.12034/5/2005-CHS.III, dated 8th September, 2005 under the Chairmanship of Shri Javed Choudhary, Former Health Secretary to the Govt. of India was also persued.

It was noted that in this report also the age of retirement of medical teachers of AIIMS & PGI, Chandigarh has been raised only upto the age of 65 years. Apart from raising the age of retirement of teachers of medical colleges, it is also necessary that some monetary incentives and betterment in their service condition may also be included so as to make their service more satisfying and to enable them to resist the allurements of the expanding private sector in the health field. A number of such recommendations have been incorporated in the above mentioned Expert Committee report which may be accepted and implemented immediately.

In view of above, the Sub-Committee is of the opinion that in the fitness of things let the States first raise the age of superannuation of medical teachers to 65 years and impact thereof be ascertained upon which it would be prudent to take stock of further raising it upto 70 years."

21. List of Ist year MBBS students admitted at Chennai Medical College & Research Instt., Chennai in the academic year 2006-07-Reg.

Read: The matter in respect of the medical colleges those who have not submitted list of Ist year MBBS students admitted at Chennai Medical College & Research Instt., Chennai in the academic year 2006-07.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that it at its meeting held on 02.12.2006 directed the office to issue a final warning notice for getting the list of the students admitted in the academic year 2006-07.

It was further noted that the last reminder dated 11.01.2007 was issued to Chennai Medical College & Research Instt., Chennai with the request to submit the list of students by 15.01.2007 but the Council office has not received the same as yet inspite of final reminder.

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 directed the office of the Secretary to write a D.O. letter to the Secretary (Health), Govt. of Tamil Nadu with the request to direct the authorities of Chennai Medical College & Research Instt., Chennai to submit the list of students admitted in the academic year 2006-07 immediately.

22. Admission of Ist year MBBS students made by various Medical Colleges/Institutions in excess of its Management Quota limit, for the academic year 2006-07.

Read: the matter with regard to admission made by various Medical Colleges/Institutions in Ist year MBBS course for the academic session 2006-2007 in excess of Management Quota limit.

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 admission made by various Medical Colleges/Institutions in Tamil Nadu in Ist year MBBS course for the academic

session 2006-2007 in excess of Management Quota limit and noted the operative part of the directions issued by the Hon'ble Supreme Court of India in W.P. [C] No. 306 of 2004 with nos. 308 and 345 of 2004 dated 12.01.2005 (Mridul Dhar (minor) & Another Vs. Union of India & Ors. which read as under:-

“

35. Having regard to the aforesaid, we issue the following directions:

.....

11. If any private medical college in a given academic year for any reason grants admissions in its management quota in excess of its prescribed quota, the management quota for the next academic year shall stand reduced so as to set off the effect of excess admission in the management quota in the previous academic years.

..... ”

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also noted that the Hon'ble Supreme Court in Writ Petition (Civil) No. 350 of 1993 – Islamic Academy of Education & Anr Vs. State of Karnataka & Ors. had directed as under:-

“..... At this juncture it is brought to our notice that several institutions, have since long had their own admission procedure and that even though they have been admitting only students of their own community no finger has ever been raised against them and no complaints have been made regarding fairness or transparency of the admission procedure adopted by them. These institutions submit that they have special features and that they stand on a different footing from other minority non-aided professional institutions. It is submitted that their cases are not based only on the right flowing from Article 30(1) but in addition they have some special features which requires that they be permitted to admit in the manner they have been doing for all these years. A reference is made to few such institutions i.e. Christian Medical College, Vellore, St. Johns Hospital, Islamic Academy of Education etc. The claim of these institutions was disputed. However, we do not think it necessary to go into those questions. We leave it open to institutions which have been established and who have had their own admission procedure for, atleast, the last 25 years to apply to the Committee set out hereinafter...”

“.....The Committee shall have power to permit an institution, which has been established and which has been permitted to adopt its own admission procedure for the last, atleast, 25 years, to adopt its own admission procedure and if the Committee feels that the needs of such an institute are genuine, to admit, students of their community, in excess of the quota allotted to them by the State Government....”

“.....It is also clarified that no institute, which has not been established and which has not followed its own admission procedure for the last, at least 25 years, shall be permitted to apply for or be granted exemption from admitting students in the manner set out hereinabove....”

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 after detailed deliberations decided that suitable communication be sent to the State Government of Tamil Nadu for the following medical colleges/institutions where the admissions have been made by them in excess of their management quota for the academic year 2006-07 and also in previous years i.e. 2004-05 and 2005-06, by calling upon them to correspondingly reduce the admissions in the management quota for those medical colleges for the academic year 2007-08 and for corresponding increased allocation of the free seat candidates by the concerned State Govt., for the academic year 2007-08 in those medical colleges/institutions so as to set-off the undue advantage gained by those medical colleges/institutions by making excess admissions in the management quota in the academic years 2004-05, 2005-06 and 2006-07:-

S.No.	Name of the Medical College/ Institution	Total No. of admissions made	Total No. of admissions permitted under Management quota	Total No. of admissions made under Management quota	Excess admission made under Management quota
1.	Sree Mookambika Instt. of Medical Sciences, Kulasekharam (Linguistic Minority Instt.)	100	50	57	07
2.	Chettinad Hospital & Research Institute, Kanchipuram	150	52	54	02

23. Upholding the standard and standards of Medical Education in the Country.

Read: the letter dt. 02.04.2007 received from Sh. Sahil Anand, Director, M/s Rasiltant Technologies, Mumbai with regard to preparation of RFID based Access Control Smart ID Cards for Medical Colleges faculty.

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 to adopt the system of RFID based Access Control Smart ID Card to be issued by the MCI after due verification. This card will have the Photo of the individual, degrees obtained by him, Signature of the individual and faculty number in that speciality allotted by MCI duly signed by the Authority of MCI. The expenses for this work can be collected from the individual concerned and the entire job can be outsourced, as has been done by the Dental Council of India.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council observed that the benefits which will accrue to the objective of providing quality medical education will be as under:-

1. This will avoid teachers with unrecognized postgraduate qualification getting employed as teacher.
2. This particular system of issuing teaching faculty number in those specialities issued by the MCI just like issuing PAN Card by the Income-tax Department will also eliminate a particular teacher being shown in more than one college.
3. This will also help the MCI inspectors to check and verify whether they are really qualified teachers from a recognized medical college.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to approve the proposal of M/s Rasilant Technologies, Mumbai on the same terms and conditions as approved by the Dental Council of India, New Delhi, subject to the modification that the cost of RFID based Smart ID Cards will be Rs.185/- (Rupees one hundred eighty five only) per card instead of Rs.200/- (Rupees two hundred only) per card approved by the Dental Council of India and quoted earlier by M/s Rasilant Technologies, Mumbai and accordingly directed the office to intimate all the medical institutions to get the faculty Smart ID card prepared from M/s Rasilant Technologies latest by 30.06.2007.

24. Establishment of new medical college at Bhubaneshwar by Kalinga Institute of Industrial Technology, Bhubaneshwar.

Read: The Council Inspectors report (17th & 18th April, 2007) for establishment of new medical college at Bhubaneshwar by Kalinga Institute of Industrial Technology, Bhubaneshwar u/s 10A of the I.M.C. Act, 1956.

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 (17th & 18th April, 2007) and decided to recommend to the Central Govt. to issue Letter of Permission for establishment of new medical college at Bhubaneshwar by Kalinga Institute of Industrial Technology, Bhubaneshwar with an annual intake of 100 (Hundred) MBBS students for the academic session 2007-08 u/s 10A of the I.M.C. Act,1956.

25. **Sri Aurobindo Instt. of Medical Sciences, Indore - Renewal of permission for admission of 4th batch of MBBS students for the academic session 2007-2008.**

Read: the Council Inspectors report (11th 12th April, 2007) for renewal of permission for admission of 4th batch of MBBS students for the academic session 2007-2008 at Sri Aurobindo Institute of Medical Sciences, Indore.

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 (11th & 12th April, 2007) alongwith the additional information submitted by the Council inspections and noted the following : -

- 1.(a) Dr. Ravindra Phulchandji Chordia, Prof. of TB & Chest had not produced relieving letter from Dr. Panjabrao alias Bhausahab Deshmukh Memorial Medical College, Amravati. Hence, he cannot be counted.
- (b) The following Sr. Residents have not been counted since they are not eligible as per MCI norms:-

Sl. No.	Name	Department	Remarks
1.	Dr. Pushpal Singh Gandhi	Anaesthesia	Does not possess 3 years experience as Jr.Resident.
2.	Dr. Harish Soni	Anaesthesia	Has 3 years of experience as Jr.Resident in the department of Surgery & not Anaesthesia.
3.	Dr. Basant Charawande	Anaesthesia	Does not possess 3 years experience as Jr.Resident.
4.	Dr. Sunita Thakur	Anaesthesia	Does not possess 3 years experience as Jr.Resident.
5.	Dr. Vivek Kumar Agnihotri	Anaesthesia	Does not possess 3 years experience as Jr.Resident.

- (c) In view of above, shortage of teaching faculty is 6.7% (8 out of 119) as under:-
 - i) Assoc.Professors-6 (Physiology-1, Forensic Medicine-1, Dermatology-1, TB & Chest-1, Psychiatry-1, Anaesthesia-1)
 - ii) Assistant Professors-2 (Lect. Biophysics-1 & Pharm. Chemist-1)
- 2. Clinical material is inadequate in terms of OPD attendance, Histopathology & Cytopathology as under:-

	Daily Average		Day of inspection	
OPD attendance	581		572	
<u>Laboratory Investigations</u>				
Histopathology	2	2	0	3
Cytopathology	2	1	4	1

- 3. There are only 7 major operation theatres against the requirement of 8 at this stage.

4. The college is allotting the students of BDS & B.Sc. nursing on the 3rd & 4th floor of the Girls Hostel which is located in the campus of medical college and is not as per Regulations.
5. Accommodation for only 28 residents is available which is grossly inadequate against the requirement of 114 residents at this stage.
6. Other deficiencies pointed out in the inspection report.

In view of the above, the member 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 year 2007-08 at Sri Aurobindo Instt. of Medical Sciences, Indore.

26. Pushpagiri Instt. of Medical Sciences & Research Centre, Tiruvalla - Renewal of permission for admission of 6th batch of MBBS students for the academic session 2007-2008.

Read: The Council Inspectors report (17th & 18th April, 2007) for renewal of permission for admission of 6th batch of MBBS students for the academic session 2007-2008 at Pushpagiri Instt. of Medical Sciences & Research Centre, Tiruvalla.

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 (17th & 18th April, 2007) and noted the following : -

- 1 The shortage of teaching faculty is as under:-

- (a) The following faculty has not been counted for reasons given as under:-

S.No.	Name	Designation	Department	Remarks
1.	Dr. P.S. Mathew	Professor	Radiology	His date of birth is 20.12.1941. He is above 65 years of age and therefore not counted.

- (b) In view of above, the shortage of teaching staff required at present stage is 5.8% (7 out of 121) as under:-

- ii) Professor-1 (Biochemistry-1)
- iii) Assoc.Profs.-2 (Pharmacology-1, Radio-Diagnosis-1)
- iv) Asstt.Profs.-4 (Physiology-1, Biochemistry-1, Comm.Medicine-2)
2. Dr. P.T. Thomas shown as Medical Superintendent has only 2 years and 4 months administrative experience which is not as per Regulations.
3. There are only 26 residential quarters for faculty within the campus and 34 quarters rented outside the campus, which is not as per Regulations.
4. In the department of Radiodiagnosis, instrumentation is inadequate as per minimum standard requirements for the medical colleges for 100 admissions annually Regulations, 1999.
5. The institution conducts DNB courses in most of the clinical subjects like General Medicine, General Surgery, Obst. & Gynae., Paediatrics, Orthopaedics, Radio-diagnosis, Anaesthesiology & Family Medicine, which is not permissible.
6. Number of books in the departmental libraries of TB & Chest, Skin & VD are inadequate.
7. Other deficiencies pointed out in the inspection report.

In view of the above, the member 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 6th batch of MBBS students for the academic year 2007-08 at Pushpagiri Instt. of Medical Sciences & Research Centre, Tiruvalla”.

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 institute be directed to stop the DNB courses with immediate effect and obtain an undertaking of the same from the institute before the compliance is considered.

27. **Amala Instt. of Medical Sciences, Amalanagar - Renewal of permission for admission of 5th batch of MBBS students for the academic session 2007-2008.**

Read: the Council Inspectors report (17th & 18th April, 2007) for renewal of permission for admission of 5th batch of MBBS students for the academic session 2007-2008 at Amala Instt. of Medical Sciences, Amalanagar

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 (17th & 18th April, 2007) and noted the following : -

1. Shortage of residents is 34.11% as under:-
 - i) Sr.Residents-10 (Paediatrics-1, TB & Chest-1, Dermatology-1, General Surgery-4, Orthopaedics-2, ENT-1).
 - ii) Jr.Residents-19 (General Medicine-6, Paediatrics-2, TB & Chest-2, Psychiatry-2, General Surgery-1, Orthopaedics-1, ENT-2, Ophthalmology-1, OBGY-2)
2. Clinical material is inadequate in terms of OPD attendance, bed occupancy as under:-

	Daily Average	Day of inspection
OPD attendance	550	560
Bed occupancy%	65%	74%
3. The placement of beds is not as per MCI norms as under:-
 - 7 TB chest patients (female) are placed in the female orthopaedic ward no. 31 and 13 TB chest patients (male) are placed in the male medical ward no. 38.
 - The male and female psychiatry patients are placed in the male medical ward no. 32.
 - The male and female skin & VD patients are placed in the medical ward no. 35.
 - Four gynaec. patients, 8 paediatrics patients and 22 general surgery patients are placed in the same ward i.e. ward no. 21.
4. The institute conducts DNB courses in the departments of General Medicine, Dermatology, Pediatric, Anaesthesia, General Surgery, OBGY, ENT, Ophthalmology, Orthopaedics, Pathology & Microbiology, which is not permissible.
5. Accommodation is available only for 43 residents, which is inadequate against the requirement of 114 at this stage.
6. Accommodation is available for 130 nurses only within the campus which is inadequate. There are 80 nurses accommodated in two halls which are overcrowded and not as per norms. The facilities available in terms of furniture and toilet facilities are inadequate.
7. In the department of Radiodiagnosis, instrumentation is inadequate as per minimum standard requirements for the medical colleges for 100 admissions annually Regulations, 1999.

8. In the department of Anatomy, the capacity of both the demonstration rooms is only 30 which is inadequate against the requirement of capacity of 50 for both the demonstration rooms.
9. Other deficiencies pointed out in the inspection report.

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 recommend to the Central Govt. not to renew the permission for admission of 5th batch of 100 MBBS students for the academic year 2007-08 at Amala Instt. of Medical Sciences, Amalanagar.

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 institute be directed to stop the DNB courses with immediate effect and obtain an undertaking of the same from the institute before the compliance is considered.

28. Bharati Vidyapeeth Deemed University Medical College & Hospital, Sangli - Renewal of permission for admission of 3rd batch of students for the academic session 2007-2008.

Read: the Council Inspectors report (18th & 19th April, 2007) for renewal of permission for admission of 3rd batch of MBBS students for the academic session 2007-2008 at Bharati Vidyapeeth Deemed University Medical College & Hospital, Sangli

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 (18th & 19th April, 2007) and decided to recommend to the Central Govt. to renew the permission for admission of 3rd batch of 100 (One hundred) MBBS students at Bharati Vidyapeeth Deemed University Medical College & Hospital, Sangli for the academic session 2007-08.

29. Jubilee Mission Medical College & Research Institute, Thrissur - Renewal of permission for admission of 5th batch of MBBS students for the academic session 2007-2008.

Read: The Council Inspectors report (19th & 20th April, 2007) for renewal of permission for admission of 5th batch of MBBS students for the academic session 2007-2008 at Jubilee Mission Medical College & Research Institute, Thrissur.

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 (19th & 20th April, 2007) and observed that -

- (i) The institute is conducting DNB courses in the subjects of Radiology, General Medicine, Pathology & Anaesthesiology, which is not permissible.
- (ii) In the department of Radiodiagnosis, instrumentation is inadequate as per minimum standard requirements for the medical colleges for 100 admissions annually Regulations, 1999.

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 defer the consideration of the matter till the undertakings on the above two points are received.

30. Malankara Orthodox Syrian Church Medical College, Kolencherry, Ernakulam Distt. - Renewal of permission for admission of 6th batch of MBBS students for the academic session 2007-2008.

Read: The Council Inspectors report (20th & 21st April, 2007) for renewal of permission for admission of 6th batch of MBBS students for the academic session 2007-2008 at Malankara Orthodox Syrian Church Medical College, Kolencherry, Ernakulam Distt.

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 (20th & 21st April, 2007) and decided to recommend to the Central Govt. to renew the permission for admission of 6th batch of 100 (One hundred) MBBS students at Malankara Orthodox Syrian Church Medical College, Kolencherry, Earnakulam Distt for the academic session 2007-08.

31. Action taken on the Recommendations of the National Rights Commission for the year 2005-2006.

Read: the Central Govt. letter dated 9th April, 2007 with regard to action taken on the Recommendations of the National Rights Commission for the year 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 Central Govt. letter dated 9th April, 2007 with regard to action taken on the Recommendations of the National Rights Commission for the year 2005-2006 and decided to constitute a Sub-Committee comprising of Dr. P.K. Sur, Director, I.P.G.M.E.R., Kolkatta and Dr. G.B. Gupta, Prof. of Medicine, Pt.JNM Medical College, Raipur and directed the office of the Secretary to convene a meeting of the Sub-Committee at the earliest so as to place the report of the Sub-Committee before the Executive Committee at its next meeting.

32. Estt.– H.S. Department – Posting of BAMS Internees in the Hospitals under Health Services Department.

Read: the letter dated 17.4.2007 received from the Dr. R. Ramesh, State Secretary, Indian Medical Association, Kerala State Branch, Thiruvanthapuram with regard to Estt. – H.S. Department – Posting of BAMS Internees in the Hospitals under Health Services Department.

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 noted that as per Section 2 of Indian Medical Degrees Act, 1916, the term 'western medical science' has been defined as under:-

"Western medical science" means the western methods of Allopathic medicine, Obstetrics and Surgery, but does not include the Homeopathic or Ayurvedic or Unani system of medicine".

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further noted that in the case of Poonam Verma Vs. Ashwin Patel & Ors. (CA No. 8856 of 1994), the Hon'ble Supreme Court had directed as under:-

".....41 A person who does not have knowledge of a particular system of Medicine but practices in that System is a Quack and a mere pretender to medical knowledge or skill, or to put it differently a Charlatan....."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also noted the provisions of Section 25(1) & (2) of the I.M.C. Act, 1956 pertaining to Provisional Registration which read as under:-

"25(1) A citizen of India possessing a medical qualification granted by a medical institution outside India included in Part II of the Third Schedule, who is required to undergo practical training as prescribed under sub-section 3 of section 13, shall, on production of proper evidence that he has been selected for such practical training in an approved institution, be entitled to be registered provisionally in a State Medical Register and shall be entitled to practise medicine in the approved institution for the purposes of such training and for no other purpose.

(2) A person who has passed the qualifying examination of any University or medical institution in India for the grant of a recognized medical qualification shall be entitled to be registered provisionally in a State Medical Register for the purpose of enabling him to be engaged in employment in a resident medical

capacity in any approved institution, or in the Medical Service of the Armed Forces of the Union, and for no other purpose, on production of proper evidence that he has been selected for such employment.”

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 that BAMS (Ayurveda) Internees, who being Ayurvedic graduates, are not the graduates trained in western medical science as defined in Section 2 of Indian Indian Medical Degrees Act, 1916 and hence could not be allowed to be posted in Govt. Hospitals for training in Allopathy and further decided to inform the Director of Health Services, Govt. of Kerala accordingly.

33. Report to Committee on Ragging for Curbing Ragging Activities- Regarding.

Read: the letter dated 3rd April, 2007 received from the Director, Department of Higher Education, Ministry of H.R.D., New Delhi regarding Report to Committee on Ragging for curbing Ragging Activities.

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 3rd April, 2007 received from the Director, Department of Higher Education, Ministry of HRD, New Delhi and decided to constitute a Sub-Committee comprising of Dr. Ved Prakash Mishra, Chairman, Postgraduate Committee, MCI & Vice-Chancellor, Datta Meghe Institute of Medical Sciences (Deemed University), Nagpur; Dr. Indrajit Ray, Principal, Medical College, Kolkata and Dr. B.P. Dubey, Prof. & Head, Department of Forensic Medicine, Gandhi Medical College, Bhopal and directed the office of the Secretary to convene a meeting of the Sub-Committee at the earliest so as to place the report of the Sub-Committee before the Executive Committee at its next meeting.

34. Prescribed the Minimum Standard Requirement for a medical colleges for 154 students per year – Consideration regarding.

Read: the letter dated 13th April, 2007 received from the Principal, University of College of Medical Sciences (University of Delhi), Guru Teg Bahadur Hospital, Dilshad Garden, Delhi with regard to prescribed the Minimum Standard Requirement for a medical colleges for 154 students per year.

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 noted that the issue being subjudiced in the Hon'ble Supreme Court of India, decided to defer the consideration of the matter till the orders are passed by the Hon'ble Court.

35. Estimate for additional requirement of DG Set to cater the load of HVAC and Guest House Complex load also.

Read: the matter with regard to Estimate for additional requirement of DG Set to cater the load of HVAC and Guest House Complex load also.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the purchase of 2 DG Sets – 1 of 400 KVA load and other for 125 KVA and directed the office of the Secretary to float the tenders for the same and process the tenders received and place the same before the Executive Committee at its next meeting for its consideration.

36. Award of Annual Maintenance Contracts for AC Plants, DG Set, Elevators and EPABX in the Council building and Guest House.

Read: the matter with regard to Award of Annual Maintenance Contracts for AC Plants, DG Set, Elevators and EPABX in the Council building and Guest House.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the award of Annual Maintenance Contracts for AC Plants, DG Set, Elevators and EPABX in the Council building and Guest House as under:-

Sl.No.	Item	Name of agency	Rates for AMC
1.	Siemens Telephone Systems (EPABX)	M/s Gurusons Communications Pvt. Ltd.	Rs.1,40,000/- (including Taxes)
2.	DG Set	M/s Thermal Power Plus	Rs.25,000/- (including Taxes)
3.	Air handling units/FCUs/Air washers	M/s Voltas Limited	Rs.1,65,000/- (including Taxes)
4.	A.M.C. – A/C Plant	M/s Voltas Limited	Rs.4,23,000/- (including Taxes)
5.	Lifts – Main Building	M/s Kone Elevator India Private Limited	Rs.1,57,699/- (including Taxes)
6.	Lifts – Guest House Complex	M/s Kone Elevator India Private Limited	Rs.69,337/- (including Taxes)

37. Sri Lakshmi Narayan Institute of Medical Sciences, Pondicherry- Renewal of permission for admission of 2nd batch of MBBS students for the academic session 2007-2008.

Read: The Council Inspectors report (18th & 19th April, 2007) for renewal of permission for admission of 2nd batch of MBBS students for the academic session 2007-2008 at Sri Lakshmi Narayan Institute of Medical Sciences, Pondicherry.

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 (18th & 19th April, 2007) and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch of 150 (One hundred fifty) MBBS students at Sri Lakshmi Narayan Institute of Medical Sciences, Pondicherry for the academic session 2007-08.

38. Sri Manakula Vinayagar Medical College & Hospital, Pondicherry- Renewal of permission for admission of 2nd batch of MBBS students for the academic session 2007-2008.

Read: The Council Inspectors report (20th & 21st April, 2007) for renewal of permission for admission of 2nd batch of MBBS students for the academic session 2007-2008 at Sri Manakula Vinayagar Medical College & Hospital, Pondicherry.

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 (20th & 21st April, 2007) and decided to recommend to the Central Govt. to renew the permission for admission of 2nd batch of 150 (One hundred fifty) MBBS students at Sri Manakula Vinayagar Medical College & Hospital, Pondicherry for the academic session 2007-08.

39. Increase of MBBS seats from 100 to 150 at Narayana Medical College, Nellore.

Read: The Council Inspectors report (23rd & 24th April, 2007) alongwith additional information supplied by Council Inspector vide letter dated 26.4.2007 for increase of MBBS seats from 100 to 150 at Narayana Medical College, Nellore.

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 (23rd & 24th April, 2007) alongwith additional information supplied by Council Inspector vide letter dated 26.4.2007 and decided to recommend to the Central Govt. to issue Letter of Permission for increase of seats in MBBS course from 100 to 150 at Narayana Medical College, Nellore for the academic session 2007-2008 u/s 10A of the IMC Act, 1956.

40. J.N. Medical College, Swangi, Wardha – Renewal of permission for admission of 5th batch of MBBS students against the increased intake i.e. from 100 to 150 for the academic session 2007-2008.

Read: The Council Inspectors report (23rd & 24th April, 2007) for renewal of permission for admission of 5th batch of MBBS students against the increased intake i.e. from 100 to 150 for the academic session 2007-2008 at J.N. 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 Council Inspectors report (23rd & 24th April, 2007) and decided to recommend to the Central Govt. to renew the permission for admission of 5th batch of MBBS students against the increased intake i.e. from 100 to 150 at J.N. Medical College, Swangi, Wardha for the academic session 2007-08.

41. Approval of Dr. S. Nijalingappa Medical College & Hospital, Bagalkot for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore.

Read: The compliance verification inspection report (24th April, 2007) for approval of Dr. S.Nijalingappa Medical College & Hospital, Bagalkot for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore.

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 (24th April, 2007) and decided to recommend that Dr. S.Nijalingappa Medical College & Hospital, Bagalkot be approved for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Karnataka with an annual intake of 100 (hundred) students.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further decided to recommend to the Central Govt. to renew the permission for admission of next batch of 100 (one hundred) MBBS students at Dr. S.Nijalingappa Medical College & Hospital, Bagalkot for the academic session 2007-08.

42. SDM College of Medical Sciences & Hospital, Dharwad - Renewal of permission for admission of 4th batch of students for the academic session 2007-08.

Read: The compliance verification inspection report (23rd April, 2007) for renewal of permission for admission of 4th batch of students for the academic session 2007-2008 at S.D.M. College of Medical Sciences & Hospital, Dharwad.

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 (23rd April, 2007) and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of 100 (One hundred) MBBS students at S.D.M. College of Medical Sciences & Hospital, Dharwad for the academic session 2007-08.

43. Dr. Somervel Memorial, C.S.I. Medical College & Hospital, Karakonam- Renewal of permission for admission of 6th batch of students for the academic session 2007-2008.

Read: The Council Inspectors report (24th & 25th April, 2007) for renewal of permission for admission of 6th batch of MBBS students for the academic session 2007-2008 at Dr. Somervel Memorial, C.S.I. Medical College & Hospital, Karakonam.

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 (24th & 25th April, 2007) and noted the following : -

1. Dr. V.S. Venugopal, designated as Medical Superintendent has only 4 years of administrative experience. Hence, he is not qualified to hold the post of Medical Superintendent.

2. The clinical material is inadequate in terms of laboratory investigations as under:-

<u>Laboratory Investigations</u>	Daily Average		Day of inspection	
	OP	IP	OP	IP
Parasitology	1	3		
Histopathology	-	6	-	7
Cytopathology	4	-	6	-

- 3. In the department of Radiodiagnosis instrumentation is inadequate as per minimum standard requirements for the medical colleges for 100 admissions annually Regulations, 1999.
- 4. In the departmental library of TB & Chest, the number of books are inadequate.
- 5. Accommodation for nurses is available only for 96 nurses which is inadequate for the present stage as per Regulations.
- 6. Only 33 quarters are available within the campus for the faculty against the requirement of 60.
- 7. The capacity of one lecture theatre is 200 against the requirement of 250 and is inadequate.
- 8. Other deficiencies/remarks in the report.

In view of the above, the member 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 6th batch of MBBS students for the academic year 2007-08 at Dr. Somervell Memorial, C.S.I. Medical College & Hospital, Karakonam.

44. Uttanchal Forest Hospital Trust Medical College, Haldwani - Renewal of permission for admission of 4th batch of students for the academic session 2007-2008.

Read: The Council Inspectors report (24th & 25th April, 2007) for renewal of permission for admission of 4th batch of MBBS students for the academic session 2007-2008 at Uttaranchal Forest Hospital Trust Medical College, Haldwani along with letter dated 15.7.2004 from the Joint Secretary, Govt. of India, Ministry of Health & F.W.

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 (24th & 25th April, 2007) along with letter dated 15.7.2004 from the Joint Secretary, Govt. of India, Ministry of Health & F.W. and decided to recommend to the Central Govt. to renew the permission for admission of 4th batch of 100 (One hundred) MBBS students at Uttaranchal Forest Hospital Trust Medical College, Haldwani for the academic session 2007-08.

45. Establishment of new medical college at Walayar, Kerala by V.N. Public Health & Educational Trust.

Read: The letter dated 25.4.2007 received from Dr. O. Kannappan, Managing Trustee Secretary, V.N. Public Health & Educational Trust, Theni requesting to consider their application to the next academic session 2008-2009.

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 25.4.2007 received from Dr. O. Kannappan, Managing Trustee Secretary, V.N. Public Health & Educational Trust, Theni and decided to reiterate its earlier decision taken at its meeting held on 2.4.2007 which reads as under:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the Central Govt. letter dated 12.01.2007 with regard to establishment of new medical college at Walayar, Kerala by VN Public Health & Educational Trust and

observed that in the 'Essentiality Certificate' dated 24.1.2004 issued by the Govt. of Kerala at point (d) it is mentioned that "the applicant proposes to make available adequate clinical materials as per the norms of Medical Council of India." This is at variance with the format of the Essentiality Certificate wherein at point (d) it is required to be certified that "adequate clinical material as per Medical Council of India norms is available."

Thus, the Committee observed that Essentiality Certificate available with the institute is deficient in terms of the following qualifying criteria 2(3) wherein a valid Essentiality Certificate in the prescribed format is mandatorily required to be submitted along with the application laid down in the Establishment of Medical College Regulations, 1999:-

"2(3) that Essentiality Certificate in Form 2 regarding No objection of the State Government/Union Territory Administration for the establishment of the proposed medical college at the proposed site and availability of adequate clinical material as per the Council regulations, have been obtained by the person from the concerned State Government/Union Territory Administration."

In view of above, whereby it has been found that the applicant has failed to fulfill the Qualifying Criterion of having a valid Essentiality Certificate in the prescribed format as laid down in the Establishment of Medical College Regulations, 1999, 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 30.12.2006 to return the application to the Central Govt. recommending disapproval of scheme for establishment of a new medical college at Walayar, Kerala by V.N. Public Health & Educational Trust for the academic year 2007-08."

46. Request for conduct a Seminar in the Council Auditorium.

Read: The matter with regard to conduct a Seminar in the Council Auditorium.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council accepted the proposal in principle of renting out the infrastructural facilities in the Council like auditorium, seminar hall, guest house and also asked the Secretary to device a monitoring system for checking the credential of the hirers and also to obtain rates from organizations like Indian Medical Association, India Habitat Center, India International Center, INSA, IHU etc., and submit the report before the Executive Committee at its next meeting.

47. Removal of name of Dr. Praveen Jain from the Indian Medical Register.

Read: The letter dated 11.4.2007 received from the Rajasthan Medical Council with regard to Removal of name of Dr. Praveen Jain from the Indian Medical Register.

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 11.04.2007 received from the Registrar, Rajasthan Medical Council intimating that Dr. Praveen Jain bearing Regn. No. 18854, dated 13.03.1999 has expired on 9.4.2007 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.

48. Proposal of new Medical School in Bangalore from queen Mary University of London.

Read: The interim report of the Sub-Committee meeting held in the Council office on 27th April, 2007 with regard to proposal of new Medical School in Bangalore from Queen Mary University of London.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council accepted the interim report of the Sub-Committee meeting comprising of Dr. Sneha Bhargava, Chairperson, Dr. D.K. Sharma & Dr. Mukesh Kumar Sharma, Members held in the Council office on 27th April, 2007 which reads as under:-

"The Sub-Committee as constituted by the Executive Committee of the Council at its meeting held on 14th and 15th June, 2006 where the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present, met in the Council Office on 27th April, 2007. After perusing the letter sent by Govt. of India, Ministry of Health & F.W. dated 26th May, 2006 enclosing therewith a copy of letter dated 29.4.2006

from Queen Mary University of London for a new Medical School in Bangalore, it was decided to request Dr. Devi Shetty, Chairman of Naryana Hrudayalaya to appear personally in the Council Office to sort out the following queries of the Sub-Committee:-

1. How will Govt. of India and the public of India gain by permitting this collaboration?
2. What will be the criteria for admission and fee structure.
3. Detailed project report and relationship with the MCI, if any?
4. Number of students proposed to be admitted and their Nationalities, if foreign student are going to be admitted?
5. Where in Bangalore the Institution be housed?
6. Status of the recognition of the degrees awarded?
7. Possibility of a Public Health School and Nursing School attached to be clarified?
8. Whether they will have a teacher's training center in the institution?
9. Financial agreements by Queen Mary University of London and the Indian Counterparts.
10. Financial status of sustaining the 5 year course.

The Sub-Committee further directed that a letter on the above lines be sent immediately to Dr. Devi Shetty, Chairman of Naryana Hrudayalaya with copy to Govt. of India, Ministry of Health & F.W., New Delhi and a separate letter may be sent asking whether Queen Mary University of London is U.K Government's own organization or a private organisation.

The Sub-Committee directed the Secretary, MCI to coordinate the convenient date & time for clarifying the above queries by Dr. Devi Shetty in the Council Office."

In view of the interim report of Sub-Committee, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council directed the office to request Dr. Devi Shetty, Chairman of Naryana Hrudayalaya to visit the Office of the Council at a mutually convenient date for resolving the queries raised by the Sub-Committee.

49. **Armed Forces Medical College, Pune – Increase in the annual intake from 140 to 200.**

Read: The letter dated 20th April, 2007 received from Col. S. Bajpai, Dir. AFMS (Plg & Trg), Ministry of Defence, New Delhi regarding increase in the annual intake from 140 to 200 at Armed Forces Medical College, Pune.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council observed that the relevant portion pertaining to the General considerations and Teaching Approach in the Regulations on Graduate Medical Education, 1997 reads as under-

“-----

(11) Lectures alone are generally not adequate as a method of training and are a poor means of transferring/acquiring information and even less effective at skill development and in generating the appropriate attitudes. Every effort should be made to encourage the use of active methods related to demonstration and on first hand experience. Students will be encouraged to learn in small groups, through peer interactions so as to gain maximal experience through contacts with patients and the communities in which they live. While the curriculum objectives often refer to areas of knowledge or science, they are best taught in a setting of clinical relevance and hands on experience for students who assimilate and make this knowledge a part of their own working skills.

(12) The graduate medical education in clinical subjects should be based primarily on out-patient teaching, emergency departments and within the community including peripheral health care institutions. The out-patient departments should be suitably planned to provide training to graduates in small groups.

(13) *Clinics should be organised in small groups of preferably not more than 10 students so that a teacher can give personal attention to each student with a view to improve his skill and competence in handling of the patients.*

(16) *Every attempt is to be made to encourage students to participate in group discussions and seminars to enable them to develop personality, character, expression and other faculties which are necessary for a medical graduate to function either in solo practice or as a team leader when he begins his independent career. A discussion group should not have more than 20 students."*

It was also noted that Section 10A alongwith Section 33 of the I.M.C. Act, 1956 as amended from time to time and noted that since promulgation of Section 10A in the Act, the New Medical Colleges are being established with the annual intake capacity of 50 or 100 or 150 students at the time of starting the course or where the existing intake capacity is sought to be increased and further noted that accordingly the Minimum Standard Requirements for the Medical College for 50/100/150 admissions annually Regulations, 1999 were notified and are in force.

It was also noted that the proposal submitted by MCI for amendment of Graduate Medical Education Regulations, 1997 alongwith Minimum Standard Requirements for the Medical College for 50/100/150 admissions annually Regulations, 1999 in the year 2004 (the proposals were submitted after holding 3 regional conferences with the Vice-Chancellors of the Health Universities, Director of Medical Education of the States, Deans of Medical Colleges and other Senior Academicians at Mumbai, Kolkata and Bangalore followed by a National Workshop at New Delhi). In the proposed amendments the intake capacity other than 50/100/150 was not proposed.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also noted the orders passed by the Hon'ble Supreme Court in 2001 which states as follows:-

"It is not disputed that the Medical Council of India, constituted under the Indian Medical Council Act, 1956 (hereinafter referred to as "the Act") is a statutory body which is charged with an obligation to ensure maintenance of highest standards of medical education in the country. Whereas prior to 1993, a medical college could be established without seeking any permission from any central authority or the MCI, but with a view to check unregulated and uncontrolled mushroom growth of medical colleges and institutions in the country certain amendments came to be made by the Parliament in the Act through Medical Council of India (Amendment) Act, 1993 and Sections 10A, 10B and 10C were introduced. Regulations were also amended. Explanation 2 to Section 10A (1) of the Act provides that for the purposes of Section 10A "admission capacity" in relation to any course of study or training (including postgraduate courses of study or training) in medical courses means the maximum number of students that may be fixed by the Council from time to time for being admitted to such courses or training. Section 10A of the Act further lays down that no medical colleges can be opened or higher courses of study or training introduced which would enable a student of such course or training to qualify himself for the award of any recognized medical qualification and further that no medical college shall increase its admission capacity, except with the previous permission of the Central Govt. obtained in accordance with the provisions of the Act.

The Medical Council of India being an expert body, after applying its mind to all relevant considerations, has come to the conclusion that admissions upto 150 only would be in the interest of object sought to be achieved under the Act i.e., for maintenance of the highest standards of medical education in the

country. It was after taking all these factors into consideration that the Division Bench of the High Court in the impugned judgement upheld the decision of the Medical Council to fix the intake capacity at 150 under Section 10A of the Act. The Division Bench has further observed by way of a safeguard for the appellant.

“It is also to be noticed that the fixation of 150 as maximum capacity is not a permanent feature. As and when the MCI comes to conclusion or brought to its notice that the requirement for increase of seats is necessary, in the interest of medical education. It is empowered to amend the regulation to suit the future situation.”

The Division Bench rightly did not sit in ‘appeal’ over the expert opinion of MCI, to fix the intake capacity of the appellant after taking note of only relevant factors into consideration. The opinion of the MCI is based on cogent grounds and is in accordance with the mandate of the statute. No fault can be found with the order of the MCI.

After hearing learned counsel for the parties and going through the record and for what we have said above, we are not persuaded to take a view different than the one taken by the Division Bench of the High Court.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council after due deliberations and taking into consideration the aforesaid factors, was of the opinion that it is not only the infrastructural facilities or proportionate prorata increase of beds or teaching faculty, other factors like the training of the students specially the quality of the teaching is the most important factor. The teaching imparted in a medical college is usually didactic lectures, tutorial classes, demonstration classes in the form of micro teaching, bed side clinics for proper teaching and training. In case the number of students are increased, there is every likelihood of compromising the quality of teaching and the very purpose of micro teaching and the hands on training would be affected. The Clinical material is also an important component to be taken into consideration for training of the students.

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 that the proposal of Armed Forces Medical College, Pune for increase of seats in MBBS course from 140 to 200 is not permissible, as per Regulations.

50. Establishment of new medical college at Jammu by Krishna Hiranand Memorial Society, Jammu.

Read: The letter of the Govt. of India, Ministry of Health & F.W. dated 20th March, 2006 alongwith the legal opinion of the Council Advocate.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the order passed by the Hon'ble High Court in O.W.P. No. 726/2001 and the legal opinion of the Council Advocate in the matter and further observed that after the order of the Hon'ble High Court of Jammu & Kashmir, the institute has not submitted any fresh document showing ownership and possession of a plot of land ad-measuring 25 acres in area and hence the applicant trust has not fulfilled the qualifying criterion 2(2) laid down in the “Establishment of Medical College Regulations, 1999”, which is as under:-

2(2) *“that a suitable single plot of land measuring not less than 25 acres is owned and possessed by the person or is possessed by the applicant by way of 99 years lease for the construction of the college”.*

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return the application to the Central Government recommending disapproval of the scheme for establishment of new medical college at Jammu by Krishna Hiranand Memorial Society, Jammu u/s 10A of the Indian Medical Council Act, 1956 as the applicant-institution is not fulfilling the Qualifying Criteria laid down under the statutory Regulations of the Council viz., "Establishment of Medical College Regulations, 1999" .

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

New Delhi, dated the
28th April, 2007

A P P R O V E D

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