

No. MCI-5(3)/2016-Med.Misc./
MEDICAL COUNCIL OF INDIA
NEW DELHI

EXECUTIVE COMMITTEE

Minutes of the meeting of the Executive Committee held on 27th February, 2016 at 11:00 a.m. in the Council Office at Sector 8, Pocket 14, Dwarka, New Delhi.

Present:

Dr. Jayshree Mehta	President Medical Council of India, Former Professor of Surgery, Govt. Medical College, Vadodara, Gujarat.
Dr. C.V. Bhirmanandham	Vice-President, Medical Council of India, Former Vice-Chancellor of Dr. M.G.R. Health University, Tamil Nadu
Dr. Baldev Singh Aulakh	Professor of Urology and Transplant Surgery, Head Transplant Unit, Dayanand Medical College, Ludhiana
Dr. Radha Madhab Tripathy	Professor and Head, Department of Community Medicine, MKCG Medical College, Berhampur.
Dr. Ravindra H.N.	Kalashree Nilaya, Krishna Nagar, Near Railway Station, Pandavapura Tq., Pandavapur, Mandya Dist., Karnataka.
Dr. Vijay Prakash Singh	Professor & Head, Department Of Gastroenterology, Patna Medical College, Patna, Bihar
Dr. Viney N. Jindal	Medical Director & Consultant Neurosurgeon, Apollo Victor Hospital 18, GOMECO Housing Society, Bambolim, Goa.

Dr. Reena Nayyar, Secretary I/c.

Apology for absence was received from Dr. G.B. Gupta and Dr. Anil Mahajan.

1. Minutes of the Executive Committee Meeting held on 30th January, 2016 – Confirmation of.

The Executive Committee of the Council while confirming the minutes of the Executive Committee meeting held 30th January, 2016 noted that in item no. 36, Sl.No.2 i.e. Case # 20. "Appeal filed by Shri R.M. Das against order of W.B. Medical Council & Dr. A.K. Ghosh v/s UOI & ors. W.P. # 5851(w)/2015 in Hon'ble Calcutta High Court", the name of doctor had been inadvertently mentioned as Dr. Atul Kumar Ghosh instead of Dr. Ashok Kumar Ghosh.

The Committee further noted that in item no. 84, it was decided to give final opportunity to the college authorities for submission of compliance for rectification of deficiencies within one month for further consideration by the Council. However, the Committee also noted that in similar cases wherein multiple opportunities had been given to the college authorities to rectify the deficiencies, the Executive Committee had decided to place the matter before the General Body of the Council. In view of above, the decision of the following item may also be read as under:

"84. Compliance Verification Assessment of the physical and the other teaching facilities available for 100 MBBS seats at Maharajah's Institute of Medical Sciences, Vizianagaram under NTR University of Health Sciences, Vijayawada.

Read: the matter with regard to compliance Verification Assessment of the physical and the other teaching facilities available for 100 MBBS seats at Maharajah's Institute of Medical Sciences, Vizianagaram under NTR University of Health Sciences, Vijayawada.

The Executive Committee of the Council considered the compliance verification assessment report (20.01.2016) along with assessment report (20.08.2015, 20th May, 2015 & 5th & 6th December, 2014) conducted for verification of available facilities of faculty, Residents, infrastructure and other requirements for recognized intake of 100 students and noted the following:-

- 1. Deficiency of faculty is 16.03 % as detailed in the report.*
- 2. Shortage of Residents is 13.43 % as detailed in the report.*
- 3. Bed occupancy is 33 % on day of assessment.*
- 4. There were NIL patient in SICU & only 2 patients in ICCU on day of assessment.*
- 5. Other deficiencies as pointed out in the assessment report.*

In view of the above, the Executive Committee of the Council decided to reiterate its earlier decision with regard to application of clause 8(3)(1)(c) of Establishment of Medical College Regulations (Amendment), 2010(Part II), dated 16th April, 2010 .

The Executive Committee of the Council further decided that since the gross deficiencies of teaching faculty, residents, & infrastructure are still persisting inspite of repeated opportunities being given to the institute to rectify the same over a period of time, why the recognition for the award of MBBS degree granted by under NTR University of Health Sciences, Vijayawada in respect of students being trained at Maharajah's Institute of Medical Sciences, Vizianagaram be not withdrawn u/s 19 of the IMC Act, 1956. It was further decided that the institute be directed not to make further admissions from the academic year 2016-17 onwards.

The Committee further decided to place the matter before the General Body of the Council."

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

The Executive Committee of the Council noted the action taken on the minutes of the Executive Committee meeting held on 30th January, 2016.

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

The Executive Committee of the Council noted the pending items arising out of the decisions taken by the Executive Committee.

4. Minutes of the meeting of the Sub-Committee constituted by the Executive Committee held on 27.11.2015 to discuss and decide on the exemption from personal appearance to Resource faculty, observers, National Consultants and participants to MCI Faculty Development Programmes, held on 15.01.2016-approval of.

Read: the matter with regard to minutes of the meeting of the Sub-Committee constituted by the Executive Committee held on 27.11.2015 to discuss and decide on the exemption from personal appearance to Resource faculty, observers, National Consultants and participants to MCI Faculty Development Programmes, held on 15.01.2016.

The Executive Committee of the Council approved the minutes of Sub-committee and further approved that any faculty attending these Faculty Development Programmes organized on behalf of MCI shall be considered as on duty for the purpose of MCI assessment.

5. Recommendation of the meeting of the Sub-committee of the Executive Committee held on 28.10.2015, regarding publication of AT-COM Module and copyright: decision of the Council to obtain legal opinion from Law Officer of the Council regarding obtaining copyright.

Read: the matter with regard to Recommendation of the meeting of the Sub-committee of the Executive Committee held on 28.10.2015, regarding publication of AT-COM Module and copyright: decision of the Council to obtain legal opinion from Law Officer of the Council regarding obtaining copyright.

The Executive Committee of the Council observed that legal opinion had been sought on the following specific point as shown below:

".....Whether publication of AT-COM Module without waiting for copy-right at this stage would infringe the rights of MCI for obtaining copyright at a later stage or not"....

The Executive Committee further observed that the Law officer has not given any opinion on this specific point. The opinion reads as under:

"I have perused the recommendation of the meeting of Sub-Committee Item no.62 Recommendation of the meetings of the Sub-Committee of Executive Committee held on 28.10.2015 regarding publication of AT-COM Module and Copyright. The Sub-Committee has recommended that the AT-COM Module with appropriate revision be published without waiting for obtaining copyright since this would take considerable time.

I respectfully agree with the recommendation of the Sub-Committee. Obtaining Copyright is time consuming procedure. Hence, the AT-COM Module may be published further without obtaining copy right."

In view of above, the Executive Committee of the Council decided that Law Officer of the Council be asked to submit Legal Opinion on the specific issue as shown above and directed that the matter be placed before the next meeting along with the legal opinion.

6. **Report of the Committee on Deployment of fresh Medical Graduates for Rural Service: decision at the meeting of the Board of Governors dated 19.11.2012& 04.12.2012 and 07.05.2013.**

Read: the matter with regard to report of the Committee on Deployment of fresh Medical Graduates for Rural Service: decision at the meeting of the Board of Governors dated 19.11.2012& 04.12.2012 and 07.05.2013.

The Committee observed that the minutes of the meeting of the Board of Governors dated 07.05.2013, agenda item 2.9 under Review of status of proposal of One-year Rural service as Medical Officers as a prerequisite of Post Graduate Admission showed approval of the proposal in principle and Board of Governors decided that a draft Regulation in this regard should be sent to the Ministry.

The Committee further observed that it is not shown why the report of the Sub-Committee and the decision of Board of Governors(BOG) appointed by Government of India are placed before Executive Committee after lapse of 2 years 9 months. It is also not shown why the decision of Board of Governors which was taken on 07.05.2013 and BOG was looking after the affairs of MCI till November 2013 was not implemented at that time.

The Executive Committee also recalled that earlier when the duration of MBBS course was sought to be extended by 6 months to make it a 5 year course, Ministry of Health & FW had returned the proposal under the pretext that it would be too lengthy a course. The proposed amendment would also make it a lengthier course for which no proper justification is given by Sub-Committee constituted by the Board of Governors appointed by Government of India.

The Executive Committee further observed, with regard to report of Sub-Committee appointed by BOG as under:

- (1) If Rural Posting is to be made compulsory, there cannot be any weightage in PG entrance examination as this would be uniformly applicable to all candidates. Evaluation of performance during rural posting would lead to subjectivity in matter and it cannot be combined with PG entrance examination which is purely objective and was introduced to eliminate subjective bias.
- (2) The report envisages well co-ordinated programme by Central & State Govts. for successful implantation. However, nothing is stated how organizational problems would be resolved. Also, E.g. in a State where number of MBBS seats, and consequently MBBS graduates are more than requirement of doctors, the problem of how and where to allocate surplus doctors also remains to be resolved. Conversely, in a State where number of MBBS seats, and consequently MBBS graduates are less than requirement of doctors, the problem of how and from where to get deficit doctors also remains to be resolved.
- (3) Although a major component of the programme is to be implemented through State Govts, it is not evident from report whether opinion of State Govts. have been obtained on the draft proposals as many proposals are directly dependent on acceptance and implementation by State Govts.

In view of above, the Executive Committee of the Council decided to place the report of Sub-Committee of BOG alongwith above observations before the Academic Committee of the Council advice to consult all State Governments before taking any decision in the matter for further consideration in the matter. The Academic committee is also advised to obtain the opinion of all State Governments before recommending any decision.

7. Minutes of TEQ Sub-Committee at its meeting held on – 27.1.2016 - consideration of.

Read: the matter with regard to minutes of TEQ Sub-Committee at its meeting held on – 27.1.2016.

The Executive Committee of the Council perused the minutes of TEQ Sub-Committee meeting held on 27.1.2016 and approved the item nos. 4,7,9,10.

With regard to item no.5 the Committee approved the recommendations of the TEQ Sub-Committee that Dr. Girish P. Vakarani is not eligible for the post of Asstt.Prof. in the deptt. of Nephrology as candidate does not possess DM(Nephrology) which is the only qualification required as per the TEQ Regulation 1998 as amended and not because the special training done by him is in a MCI non-recognised/permitted institute.

With regard to Item No.11 the Committee decided to broaden the Sub Committee as under:

1. Dr. S B Siwach – Chairman
2. Dr. Raj Bahadur
3. Dr. Rani Nayar
4. Dr. T S Dogra
5. Dr. Keshav Agarwal

With regard to the rest of the items, the Committee observed as under:-

Item No.3

Request for confirmation of eligibility for the post of Assistant Professor in the department of Surgical Gastroenterology in respect of Dr. Pankaj Kumar in a Medical College.

Not approved as he has to have 05 years (03 years as Junior Resident and 02 years as Special training) experience to be eligible as Asstt. Prof. in Surgical Gastroenterology

Item No. 6.

Inclusion of eligibility criteria for teaching faculty for DM (Pulmonary Medicine) course in the Minimum Qualifications for Teachers in Medical Institutions Regulations, 1998 as amended.

Not approved. Minimum qualifications are already prescribed in the TEQ Regulations.

Item No. 8

Confirmation of eligibility for the post of Assistant Professor in the department of Biochemistry in respect of Dr. Garima Baradia in a medical college.

Not Approved. It is not permissible for the institute to rearrange experience retrospectively.

Item No.12

Complaint made by Dr. Amal Kumar Bhattacharya with regard to fraud committed on MCI through forgery and false declaration by teachers and Dean of M. P. Shah Medical College and others violation of MCI rules and regulations by them.

The Executive Committee observed that in the above matter the TEQ Committee had not gone through the records carefully and the Committee had referred the entire matter to the Ethics Committee.

The Executive Committee further observed that of the 13 teachers mentioned in the various complaints only in 02 case there is allegation of violation of Code of Medical Ethics Regulations, 2002 while in all the other cases the allegation is of non fulfillment of the requisite eligibility as per TEQ norms.

In view of above, the Executive Committee decided to refer back the matter to the TEQ Sub-Committee to determine the eligibility of the faculty named in the complaint and only the matters pertaining to submission of fake and forged documents be referred to Ethics Committee.

The TEQ Committee is further advised that before making recommendations the agenda should be read carefully and deliberated in depth to avoid any further delay and embarrassment.

OFFICE NOTE:

The Committee directed the office that with regard to those matters which are referred back by the Executive Committee, the history along with prior decision of the Executive Committee are not reflected in the minutes. This needs to be rectified and minutes of meeting should incorporate the entire previous history along with decision of Executive Committee in those matters which are referred back.

8. Ex-post facto approval to Mr. Hans Raj for undergone internship training from 11.11.2013 to 07.11.2014 at Narinder Mohan Hospital and Heart Centre, Ghaziabad.

Read: the matter with regard to Ex-post facto approval to Mr. Hans Raj for undergone internship training from 11.11.2013 to 07.11.2014 at Narinder Mohan Hospital and Heart Centre, Ghaziabad.

The Executive Committee of the Council perused the letter dated 21.11.2015 from the Medical Superintendent, Narinder Mohan Hospital & Heart Centre, Ghaziabad and other relevant documents and after due deliberations decided not to grant post facto approval to Mr. Hans Raj for undergoing internship training from 11.11.2013 to 07.11.2014 at Narinder Mohan Hospital and Heart Centre, Ghaziabad.

9. Admission of MBBS student at K.D. Medical College Hospital & Research Centre, Mathura for the Academic Year 2015-16.

Read: the matter with regard to Admission of MBBS student at K.D. Medical College Hospital & Research Centre, Mathura for the Academic Year 2015-16.

The Executive Committee of the Council approved the decision of the Monitoring Sub-Committee taken at its meeting held on 08.02.2016 to issue show cause notice to the college for discharge of the 150 students admitted without following the rules of admission as laid down in Graduate Medical Education Regulation, 1997.

The Executive Committee of the Council further decided that the Dean of the Institute be directed to submit the compliance within 02 weeks. A copy of the letter be also sent to Secretary (ME), DME, Affiliating

University, U.P. Medical Council and also to the representative of Govt. of U.P. in the Council.

10. Admission of MBBS Student at Various Medical Colleges in India for Academic year 2015-16.

Read: the matter with regard to admission of MBBS Student at Various Medical Colleges in India for academic year 2015-16.

The Executive Committee of the Council deliberated upon the matter and decided that a final notice be issued to the medical colleges to submit the list of admitted students online as well as in physical form within 02 weeks, failing which the section is directed to issue discharge notice to all such colleges who do not comply. A copy of the discharge notice be also sent to Secretary (ME), DME, Affiliating University, State Medical Council and also to representative of the respective State Govt. in the Council.

11. Consideration of Compliance Verification Assessment with regard to Continuance of recognition of MBBS degree granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Konaseema Institute of Medical Sciences & Research Foundation, Amalapuram.

Read: the matter with regard to consideration of Compliance Verification Assessment with regard to Continuance of recognition of MBBS degree granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Konaseema Institute of Medical Sciences & Research Foundation, Amalapuram.

The Executive Committee of the Council considered the compliance verification assessment report (2.2.2016) along with the previous assessment report (10th & 11th July, 2015) and noted the following:-

1. Deficiency of faculty is 22.6 % as detailed in the report.
2. Shortage of Residents is 15.29 % as detailed in the report.
3. Bed occupancy is 35 % (i.e. 284 out of 790) as per the observations of assessors.
4. None of the Declaration Forms were signed by Declarant, HOD & Dean of the Institute.
5. Majority of forms did not have Form 16 / salary certificate.
6. Many D.F. did not have photographs; whichever forms had photographs those were not attested.
7. Good number of patients in Medical & Surgical wards do not require hospitalization.
8. ICUs: There were only 2 patients in ICCU who did not merit admission in ICCU – one was having VSD and another one was having seizures.
9. OPD attendance figures submitted by college appear to be inflated as per observation of assessors.
10. Data of operations, Radiological workload & Laboratory investigation workload appear to be inflated.

11. Although rooms are available, to accommodate 3 students would amount to overcrowding in each room. Further, each room does not have individual tables & chairs. Deficiency is partially rectified.
12. Nurses' Hostel: It is in poor state. In a room of 15 sq.m., 6 Nurses are staying. It is highly overcrowded with poor ventilation, no almirahs, no tables & poor toilets.
13. Wards: Nursing station is not available in all the wards. It is only namesake with a small table and chair. There are no emergency tray or ambu bags in these stations. Pantry is not in satisfactory condition.
14. RHTC: There is no generator; hence functioning of cold chain equipment is doubtful.
15. Examination Hall: Many chairs did not have strip tables or tables with tops. Plastic chairs were kept only to add to the count. Deficiency remains as it is.
16. Other deficiencies as pointed out in the inspection report.

In view of the above, the Executive Committee of the Council decided not to recommend continuance of recognition of MBBS degree granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Konaseema Institute of Medical Sciences & Research Foundation, Amalapuram and further decided that the institute be asked to submit the compliance after rectification of the above deficiencies within one month. The Committee further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <80%, such an institute will not be considered for processing applications for postgraduate courses in the Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses."

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2016-17) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by the institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

12. Consideration of Compliance Verification Assessment with regard to continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at M.S. Ramaiah Medical College, Bangalore.

Read: the matter with regard to consideration of Compliance Verification Assessment with regard to continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at M.S. Ramaiah Medical College, Bangalore.

The Executive Committee of the Council considered the compliance verification assessment report (3.2.2016) along with the previous assessment report (26th Aug, 2014) and noted the following:-

1. Shortage of Residents is 8.23 % as detailed in report.
2. Residential quarters for non-teaching staff are not available. Providing 40 rooms cannot be substitute for quarters. Deficiency remains as it is.
3. RHTC: Administrative control of RHTC has been allotted by Director of Health & Family Welfare for a period of 1 year only to provide training to medical students. There is no long term arrangement.
4. Other deficiencies as pointed out in the inspection report.

In view of above, the Executive Committee of the Council decided not to recommend continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at M.S. Ramaiah Medical College, Bangalore and further decided that the institute be asked to submit the compliance after rectification of the above deficiencies within one (01) month.

13. Continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at J.J.M. Medical College, Davangere.

Read: the matter with regard to continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at J.J.M. Medical College, Davangere.

The Executive Committee of the Council considered the assessment report (8th February, 2016) and noted the following:-

1. OPD: In Medicine & many allied departments, teaching area is not adequate. A single room is used as Injection room & pain clinic. Separate injection rooms for males/females are not available.
2. Wards: Wards of General Medicine, Paediatrics, Tb& Chest & Psychiatry at Bapuji Hospital – i.e. own hospital – do not have Demonstration rooms.
3. ICUs: ICCU at Bapuji Hospital is non-functional. PICU at CGH is very primitive. There was NIL patient in PICU on day of admission.
4. Out of 4 mobile X-rays available, 2 are non-functional on day of assessment resulting in deficiency of 4 mobile X-rays.

5. Out of 7 static X-rays available, 3 are non-functional on day of assessment resulting in deficiency of 2 static X-rays.
6. CSSD: Receiving & Distribution points are not separate. ETO Sterilizer is not available.
7. Central Library: It is not air-conditioned.
8. Administrative experience of Dr. D. Mallikarjun, Medical Superintendent is not shown; hence it cannot be verified whether he is eligible to hold the post or not.
9. Audiometry & Speech therapy rooms are under renovation.
10. MRD: It is partly computerized.
11. Central clinical Laboratory: Separate sections for Pathology, Microbiology, Haematology, Biochemistry are not available at Chittageri general Hospital.
12. Central Kitchen: There is no kitchen at Bapuji hospital & food is not provided to patients.
13. RHTC: Specialists' visits are not organized.
14. In departments of Paediatrics, Skin & VD & ENT, there are 2 excess PG admissions in each department looking at faculty, Unit composition & available beds.
15. Other deficiencies as pointed out in the inspection report.

In view of above, the Executive Committee of the Council decided not to recommend continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at J.J.M. Medical College, Davangere and further decided that the institute be asked to submit the compliance after rectification of the above deficiencies within one (01) month.

The Executive Committee of the Council further decided to place the matter before the Monitoring Committee of the Council with regard to 02 excess PG admissions in the department of Paediatrics, Skin VD & ENT.

14. Review of Qualification for Admission in MBBS course.

Read: the matter with regard to review of qualification for admission in MBBS course.

The Executive Committee of the Council considered the letter dated 17/12/2015 received from the Joint Secretary, Central Board of Secondary Education (CBSE), New Delhi with regard to review of qualification for admission in MBBS course and decided to refer the matter to the Academic Committee of the Council.

15. Upper Age Criteria for the participating States/Institutions.

Read: the matter with regard to Upper Age Criteria for the participating States/Institutions.

The Executive Committee of the Council observed that the matter of conduct of entrance examination in the States falls within purview of the respective State Govts. Whether prescribing modalities for these examinations would fall into purview of MCI and if so, should a decision in this regard be taken without taking all stakeholders into confidence needs to be examined.

In view of above, the Executive Committee decided to refer the matter to Academic Committee with an advice to consult all State Governments before taking any decision in the matter.

16. Application of Dhananjay Kumar of Nalanda Medical College, Patna regarding Re-admission in MBBS Course.

Read: the matter with regard to application of Dhananjay Kumar of Nalanda Medical College, Patna regarding Re-admission in MBBS Course.

The Executive Committee of the Council on going through the relevant papers of Shri Dhananjay Kumar noted that he was admitted in MBBS course in 2009 and didn't attend the class of 1st MBBS (batch 2009) regularly and remained absent in all semester examinations. After a long gap, the student had submitted an application (received by their institution on 22.03.2015), seeking permission for attending the classes.

The Committee further perused the letter dated 09.01.2016 of the Principal, Nalanda Medical College, Patna alongwith photocopies of necessary documents i.e. Admission Letter, Intimation Letter of the Principal, Medical Certificate submitted by Dhananjay Kumar, Attendance of the Dhananjay Kumar in pre clinical department as well as the application of Dhananjay Kumar.

In view of above, the Executive Committee of the Council decided to allow Sh. Dhananjay Kumar to resume his studies (MBBS course) from the point from where he had left the course at Nalanda Medical College, Patna, as has been done in similar cases in past. The course can be completed by him after meeting the attendance requirement.

17. Matter of re-admission of Shri Shan. V. James in MBBS course at Pushpagiri Institute of Medical Sciences, Thrissur.

Read: the matter with regard to matter of re-admission of Shri Shan. V. James in MBBS course at Pushpagiri Institute of Medical Sciences, Thrissur.

The Executive Committee of the Council on going through the relevant papers of Shri Shan. V. James noted that he was admitted in MBBS course in 2002 and cleared the first MBBS examination in 2006 and attended the course programme till the seventh semester.. On medical grounds Shri James could not complete the entire programme within the stipulated duration. The student has now applied for condonation of break of studies

The Committee further perused the letter dated 21.01.2016 of the Registrar, Kerala University of Health Sciences, Thrissur alongwith relevant documents i.e. Admission Certificate, NOC of Mahatma Gandhi University and medical certificate.

In view of above, the Executive Committee of the Council decided to allow Shri Shan. V. James to resume his studies (MBBS course)) from the point from where he had left the course at Pushpagiri Institute of Medical Sciences, Thrissur as has been done earlier in similar cases. The course can be completed by him after meeting the attendance requirement.

18. Establishment of new medical college at Coimbatore, Tamilnadu by Govt. of Tamilnadu with an annual intake of 100 MBBS students under The Tamilnadu Dr. M.G.R Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.

Read: the matter with regard to establishment of new medical college at Coimbatore, Tamilnadu by Govt. of Tamilnadu with an annual intake of 100 MBBS students under The Tamilnadu Dr. M.G.R Medical University, Chennai u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.

The Executive Committee of the Council considered the letter dated 28.01.2016 received from the Central Govt., Ministry of Health & Family Welfare, New Delhi forwarding the representation/compliance dated 17.01.2016 submitted by the Dean, Govt. Medical College & ESIC Hospital, Coimbatore for review.

The Executive Committee of the Council noted the observations/recommendations of the Committee constituted by the Ministry which is as under:-

"The college has now been taken over by the Govt. of Tamilnadu. The deficiencies are now claimed to have been met.

In view of the compliance and documents furnished by the college, recommended for review by MCI."

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

".....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of

affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage....”

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015- Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr..:-

16. *In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:*

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned Medical College should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above, the Executive Committee of the Council decided to reiterate earlier decision conveyed to the Central Government vide letter dated 31.12.2015 to return the application for establishment of new medical college at Coimbatore, Tamilnadu by Govt. of Tamilnadu under The Tamilnadu Dr. M.G.R Medical University, Chennai to the Central Govt. recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2016-17, as the applicant did not meet the necessary requirement of owning and managing a 300 bedded hospital at the time of application.

19. Establishment of New Medical College at Modinagar, District Ghaziabad, Uttar Pradesh (Divya Jyoti Institute of Medical Sciences & Research) by Jassar Dental Medical Education Health Foundation (JDMEHF) Modinagar, Ghaziabad u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

Read: the matter with regard to establishment of New Medical College at Modinagar, District Ghaziabad, Uttar Pradesh (Divya Jyoti Institute of Medical Sciences & Research) by Jassar Dental Medical Education Health Foundation (JDMEHF) Modinagar, Ghaziabad u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Executive Committee of the Council considered the letter dated 28.01.2016 received from the Central Govt., Ministry of Health & Family Welfare, New Delhi forwarding the representation/compliance dated 20.01.2016 submitted by the Chairman, Jassar Dental Medical Education Health Foundation, Modinagar for review and observed that there is no change in the position so far as plan approval is concerned.

The Executive Committee of the Council also observed that Reviewing Committee appointed by Ministry of Health & Family Welfare has also held as under:

"..... Change has already been permitted. It is further contended that building plan approval is not specifically mentioned in MCI regulations as a requirement. The contention of the Foundation is not tenable as the land, building etc. should have all necessary clearances as required under law.

MCI has given multiple opportunities to the Foundation to submit the building plan approvals."

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

".....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage...."

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015- Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

"(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant

fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned Medical College should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned."

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process."

In view of above, the Executive Committee of the Council decided to reiterate earlier decision taken at its meeting held on 28.12.2015 to return the application for establishment of new medical college at Modinagar, District Ghaziabad, Uttar Pradesh (Divya Jyoti Institute of Medical Sciences & Research) by Jassar Dental Medical Education Health Foundation (JDMEHF) Modinagar, Ghaziabad to the Central Govt. recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

20. To seek guidance from the Executive Committee of the Council on the notification dated 07.03.2008 issued by the Govt. of India, Ministry of Health & F.W regarding recognition of Postgraduate Medical Qualifications awarded in USA, UK, Canada, Australia & New Zealand.

Read: the matter with regard to seek guidance from the Executive Committee of the Council on the Notification dated 07.03.2008 issued by the Govt. of India, Ministry of Health & F.W regarding recognition of Postgraduate Medical Qualifications awarded in USA, UK, Canada, Australia & New Zealand.

The Executive Committee of the Council perused the opinion of Law Officer which reads as under:

“....

2. *Be that as it may, by virtue of this notification, the Central Government had added in Part II of the Third Schedule:*

“All post graduate medical qualifications awarded in Australia and recognized for enrolment as medical practitioners in the concerned specialties in that country.

“All post graduate medical qualifications awarded in Canada and recognized for enrolment as medical practitioners in the concerned specialties in that country.

“All post graduate medical qualifications awarded in New Zealand and recognized for enrolment as medical practitioners in the concerned specialties in that country.

“All post graduate medical qualifications awarded in United Kingdom and recognized for enrolment as medical practitioners in the concerned specialties in that country.

“All post graduate medical qualifications awarded in United States of America and recognized for enrolment as medical practitioners in the concerned specialties in that country.”

3. *Consequently, such blanket notification enables the holder of a “Postgraduate Medical Qualification” from Australia, Canada, New Zealand, United Kingdom and United States of America, irrespective of nomenclature of such qualification, provided it is recognized for enrolment as medical practitioner in the concerned specialties in that country for registration of his additional qualification as laid down in s. 26 of the Indian Medical Council Act, 1956. Thus, once an Indian citizen obtains postgraduate medical qualification from any of these five English speaking countries and that qualification is recognized for enrolment as medical practitioner in the concerned specialty in that country he is entitled in terms of notification dated 07.03.2008 for grant of additional registration as also the rights and privileges that flow out of the registration of additional qualification under the Indian Medical Council Act, 1956 and the Regulations made thereunder.”*

After due & detailed deliberations, the Executive Committee of the Council decided to obtain opinion from the Additional Solicitor General/Solicitor General of India in the matter.

21. Implementation of Sexual Harassment of Women at Workplace: (Prevention, Prohibition and Redressal) Act, 2013 by the Council.

Read: the matter with regard to implementation of Sexual Harassment of Women at Workplace: (Prevention, Prohibition and Redressal) Act, 2013 by the Council.

The Executive Committee of the Council decided to constitute a Committee as under:

- (1) Mrs. S. Savitha, Assts. Secretary, Presiding Officer
- (2) Mr. Shikhar Ranjan, Law Officer, Member
- (3) Mrs. Prem Lata, P.S.

(4) Ms. Pratiksha Baxi, Assoc. Prof., JNU, New Delhi

The Committee further decided that the Presiding Officer and every Member of the Internal Committee shall hold office for three years from the date of the issue of the office order.

The Committee further decided that the Member appointed from amongst the Non-Governmental organizations or Associations shall be paid a fee of Rs. 2000/-for holding the proceedings of the Internal Committee in the MCI.

22. Establishment of new medical college at Saharsa, Bihar(Shree Narayan Medical College, Saharsa, Bihar) by Shree Narayan Foundation, Saharsa, Bihar u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

Read: the matter with regard to establishment of new medical college at Saharsa, Bihar (Shree Narayan Medical College, Saharsa, Bihar) by Shree Narayan Foundation, Saharsa, Bihar u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Executive Committee of the Council considered the letter dated 28.01.2016 received from the Central Govt., Ministry of Health & Family Welfare, New Delhi forwarding the representation/compliance dated nil submitted by the Sri Narayan Medical College & Hospital, Saharsa, Bihar for review.

The Executive Committee of the Council also noted the observations/recommendations of the Committee constituted by the Ministry which is as under:-

"The Trust should have furnished requisite documents while making the application for establishment of new medical college.

But they have now submitted Form-5 certified by Circle Officer which mentions that land measuring 20.99 acres is registered in the name of the Trust.

The document furnished by the college may be referred to MCI."

The Executive Committee of the Council further noted the legal opinion of the Law Officer of the Council which reads as under:

".....

2. I have perused the documents furnished by the applicant Trust. The Trust has accepted the contention of the Council that the land owned by it is in the name of Shree Narayan Medical Institute & Hospital; Shri Narayan Foundation and Smt. Kameshwari Kumari. This it states is as Shree Narayan Institute & Hospital (SNMI &H) and Kameshwari Kumari owe their existence to the Bye laws of the applicant Trust "Shree Narayan Foundation" Further, to put an end to the presence of three distinct legal entities, a lease deed has been executed for 99 years in favour of the applicant Trust. A perusal of the photocopy of the certificate in Form 5 dated 15.01.16 issued by Circle Officer, Saharsa demonstrates that certain lands are registered in the name of K. Kumari, R.K. Singh and R.K. Mukund. The date of registration in respect of these lands is stated in the certificate to be 12.01.16. Further, in the photocopy of the Due Diligence Certificate issued by Advocate on 15.01.16 against these entries a footnote is

added stating that "Registered lease deed of 99 years to SNF Trust". The date of registration is stated to be 12.01.16.

3. The above clearly brings out that on the date of making application Sri Naryan Foundation Trust did not own and possess 20 acres of single and contiguous piece of land as required by the Establishment of Medical College Regulations, 1999. Thus, the submission made by the applicant Sri Narayan Foundation during the course of hearing is unacceptable and it fails to fulfill the qualifying criteria of owning and possessing 20 acres of land at the time of making application. Hence, the application may be recommended for disapproval. "

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

".....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage...."

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015- Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

"(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned Medical College should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned."*

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process."

In view of above and after due & detailed deliberations, the Executive Committee of the Council decided to approve the opinion of the Law officer and reiterated earlier decision conveyed to the Central Government vide letter dated 31.12.2015 to return the application for establishment of new medical college at Saharsa, Bihar (Shree Narayan Medical College, Saharsa, Bihar) by Shree Narayan Foundation, Saharsa, Bihar to the Central Govt. recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2016-17 as the applicant trust was not having 20 acres of land in the name of the trust at the time of making the application required as per section 3(2)(2) of Establishment of new medical college regulations 1999.

23. Misbehavior of Management trustee during UG assessment of the physical and other teaching facilities available for establishment of a new medical college at Jabalpur, Madhya Pradesh by Gyanjeet Sewa Mission Trust , Jabalpur(150 seats) on 7th & 8th of Jan., 2016.

Read: the matter with regard to misbehavior of Management trustee during UG assessment of the physical and other teaching facilities available for establishment of a new medical college at Jabalpur, Madhya Pradesh by Gyanjeet Sewa Mission Trust , Jabalpur(150 seats) on 7th & 8th of Jan., 2016.

The Executive Committee of the Council perused the letter of Assessors dated 8th January, 2016, operative part of which reads as under:

".... On the second day of assessment on 08/01/2016 at about 10 am while the Principal was signing on the All form in her chambers confidentially after going through the report, the main trustee forced his way into the room along with a videographer and directed the Principal to write her comments about the assessment in form All. This was politely refused by the assessors following which he directed her to stop signing on the All form and started abusing the assessors and threatened us of dire consequences if the Dean was not allowed to write her comments in All form. He also stated that he had spent Rs. 400 Crores and that we had no right to stand on his property. He also made adverse comments about the Medical Council of India.

Following this episode we the assessors collected all the documents including the partially signed All form and started leaving the college premises. While we were leaving he obstructed our way and made improper body contact with the coordinator with harmful intent, following which faculty members and office staff pulled him away.

The college authorities then requested us to continue with the assessment process and the Principal signed on the All forms. The college authorities then

requested us to forward a letter to the Council about the assessment which has been enclosed with the assessment report. However it may be noted that the letter is signed by a trustee and only forwarded by the Principal as she refused to address the letter herself. We would also like to bring to your notice that though the report was prepared in a pen drive attached to a personal laptop, we have a suspicion that the college authorities came to know about the report during the printing process due to some software in the computer systems there."

In view of above, the Executive Committee of the Council decided to call the Dean of the Institute in the office of the Council with all documents within 02 weeks. It was also decided to seek an explanation from the Chairman of applicant trust within 02 weeks.

24. Increase of seats in MBBS course from 150-250 for the academic session 2016-17 at Dr. D. Y. Patil Medical College, Navi Mumbai.

Read: the matter with regard to increase of seats in MBBS course from 150-250 for the academic session 2016-17 at Dr. D. Y. Patil Medical College, Navi Mumbai.

The Executive Committee of the Council considered the letter dated 28.01.2016 received from the Central Govt., Ministry of Health & Family Welfare, New Delhi forwarding the representation/compliance dated 20.01.2016/ 03.02.2016 submitted by the Dean, Dr. D. Y. Patil Medical College, Navi Mumbai for review.

The Executive Committee of the Council noted the observations/recommendations of the Committee constituted by the Ministry which is as under:-

"In view of the compliance and documents furnished by the college, recommended for review by MCI."

The Executive Committee of the Council also perused the legal opinion of the Ld. Addl. Solicitor General of India and decided to accept it, which reads as under:-

"..... The querist Medical Council of India [MCI] has sought my opinion on the question as to whether, upon an inspection of any applicant- Medical College, if it is found that the applicant-Medical College neither owns nor possess a suitable plot of land with requisite area and / or does not own or manage a 300-bed hospital or not meeting with mandatory essential qualifying criterion for being considered for approval, is the querist permitted to reconsider its recommendation based upon the subsequent attempts made by the applicant seeking to show change of facts and subsequent acquisition of the eligibility criteria in the form of the compliance submitted in respect of such subsequently acquired eligibility criteria....."

5. So far as the present query is concerned, the most essential part of the scheme must be the qualifying criteria, in absence of which the Central Government cannot consider the application for further processing the same by sending it to the querist for its recommendation.....

6. Once the Applicant submits a scheme giving details of the claim made by him of having fulfilled the mandatory qualifying criterion, the next stage is contemplated under Section 10A[2][a] of the Act under which the Central Government sends the scheme, with particulars supplied by the applicant showing his claim of having fulfilled the qualifying criteria, to the

querist for its recommendations.

7. When the querist receives such an application / scheme for the purpose of taking a decision as to what recommendations should be made keeping the object and purpose of the Act in mind, the querist conducts a physical inspection / verification of the applicant's land, hospital, institute etc.. Though there is no specific provision mandating the querist to make a physical inspection / verification in Section 10A of the Act, the same is provided for under Regulation 6 that the querist can satisfy itself with the factors stipulated under Section 10A[7] of the Act which is not possible without physical inspection / verification.

8. It cannot be gainsaid that without such physical inspection / verification, the querist cannot discharge the function entrusted to it and achieve the objects as enumerated under the IMC Act, 1956 and the Regulations made thereunder.

9. When the querist, after following the procedure takes a decision to send its recommendation, it is required of the querist to give a reasonable opportunity to the Applicant Institute only in the cases where the querist found either the scheme to be "defective or not containing any necessary particulars". If the querist finds on physical inspection that the institution is not meeting with the qualifying criteria as stipulated under Regulation [2] itself, the same cannot be said to be a "defect in the scheme or absence of necessary particulars".

10. Having inspected the applicant medical college by way of physical verification and considering the factors stipulated in Section 10A[7], the querist is required to send its recommendation to the Central Government.

11. For the purpose of the present query, it can be seen that the role of the querist under Section 10-A is over at the stage when it sends its recommendation, be it positive or negative to the Central Government.

12. It is only the Central Government, thereafter who can take steps as stipulated under Section 10[4] of the Act without any role of the querist in any of the steps contemplated under section 10A[4] of the Act.

13. In light of the above referred statutory scheme, it is clear that if the querist finds, on physical verification, that the concerned applicant medical college is not meeting with the mandatory qualifying criteria as stipulated under Regulation [2] which are in the nature of very essential criterion to be treated as mandatory at the very threshold, the querist has no option but to send a negative recommendation to the Central Govt. In my opinion, non-fulfillment of such mandatory and threshold criterion which disentitles an applicant medical college to even make an application / file a scheme in the first instance, cannot be termed to be a "defect in the scheme or absence of any necessary particulars"; for the rectification of which the querist could give any opportunity to the applicant medical college.

14. In other words, if the querist, on physical inspection / verification finds that the applicant neither owns nor possess a suitable single plot of land as per the Regulation or in the alternative does not possess suitable single plot of land by way of lease of 99 years for construction of a medical college, the querist will have no option but to send a negative recommendation since non-fulfillment of this mandatory criteria can never be termed as a "defect or not containing necessary particulars". Similarly, if on physical inspection, the querist finds that the applicant does not have 300-bed Hospital, it will have no option but to send a negative recommendation to the Central Government and in any other case where the querist finds the qualifying criterion not being fulfilled, it is only the Central Government who will have to take a decision considering the recommendation of the querist under section 10A[4] without the involvement of the querist.

15. In my opinion, if the application is found to be not fulfilling the aforementioned mandatory eligibility criteria and the querist sends its negative

recommendation to the Central Govt., there is no statutory provision which permits such an applicant, which is found to have made a false disclosure at the outset in the scheme, to acquire the eligibility criteria subsequently and insist for processing of his application based upon such subsequently acquired qualification under the guise of compliance of the defects.

16. If the provisions of the Act and the Regulations are not construed in the manner in which it is construed hereinabove, the very sanctity of the contents of the scheme would be compromised and the applicants would be encouraged to make false disclosures which, after and if found false by the querist, would be corrected at a subsequent point of time defeating the very object of a self-contained scheme. If the applicant, in fact, acquires these mandatory qualifying criteria subsequently, there is no provision in the Act which prevents such an applicant to file a fresh scheme under Section 10A of the Act which can be considered by the Central Government and the querist as per the procedure stipulated under Section 10A as per the time schedule, based upon newly acquired eligibility criteria.

17. On true and purposeful interpretation of Section 10A[3][a] of the Act, in my opinion, the querist has the jurisdiction to permit the applicants to rectify only the "defects and provide necessary particulars". The querist will have no jurisdiction to permit the applicant -Medical College to subsequently acquire mandatory qualifying criteria enabling the applicant, by way of compliance, to get its application processed which was initially based upon false disclosure and was not entertainable at the outset. Any other interpretation, in my opinion, would encourage mischief and would be against the spirit of the Act.

18. In view of the above referred facts, in my opinion, if the querist, on physical inspection / verification, comes to the conclusion that the applicant college has made a false disclosure in the scheme submitted to the Central Government and is attempting to overcome the mandatory and threshold requirements as prescribed in 'The Establishment of Medical College Regulations, 1999', then the querist will have to send negative recommendation to the Central Government so as to ensure that the very object and the purpose of the Act is not frustrated and if the concerned applicant acquires such mandatory qualifying criteria thereafter, such applicant can submit a fresh scheme to the Central Government under section 10A of the Act which can be again considered as per the procedure contemplated under Section 10A[2], [3] and [4] of the Act from the date of submission of such new scheme as per law."

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

".....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage...."

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015- Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

“(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned Medical College should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above, the Executive Committee of the Council decided to reiterate its earlier decision conveyed to the Central Government vide letter dated 31.12.2015 to return the application for increase in MBBS seats from 150 to 250 at D.Y. Patil Medical College, Navi Mumbai under Dr. D Y Patil University (Deemed), Navi Mumbai to the Central Govt. recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2016-17 as the Qualifying Criteria 6(b)(i) , 6(b)(ii) & 6(b)(iii) of Opening of New or Higher Courses of Study or Training (including Postgraduate Course of Study or Training) and increase of Admission Capacity in any course of Study or Training (including Postgraduate Course of Study or Training) (Amendment) Regulations, 2009 (Part-III) as number of teaching beds, OPD attendance and Bed occupancy were not fulfilled at the time of making the application.

25. Chhattisgarh Institute of Medical Sciences, Bilaspur – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2016-17.

Read: the matter with regard to Chhattisgarh Institute of Medical Sciences, Bilaspur – Renewal of Permission for admission of 4th Batch of MBBS students against the increased intake i.e. from 100-150 for the academic session 2016-17.

The Executive Committee of the Council considered the assessment report (5th and 6th February, 2016) and noted the following:-

1. OPD attendance is 732 against requirement of 1,200; it is even less than minimum 800 required for a recognized college with 100 intake.
2. Examination Hall: Capacity of 2nd Examination hall is only 70 against requirement of 250.
3. Lecture Theaters: E class facility is not available. Hospital lecture Theatre is not of gallery type.
4. Central Library: Available area is 650 sq.m. against requirement of 2,400 sq.m. Capacity of Students' reading room (Outside) & Students' reading room (Inside) is 30 & 50 respectively against requirement of 150 each. Room for Residents/PG is not available. Only 10 Internet Nodes are available against requirement of 40.
5. Common Rooms for Boys & Girls are smaller than required.
6. Students' Hostels: Available accommodation is 256 against requirement of 452.
7. Residential quarters for Faculty & Non-teaching staff are not available in the campus.
8. Wards: Capacity of Demonstration Rooms is inadequate.
9. ETO Sterilizer is not available.
10. Central Research Laboratory: facilities are not adequate.
11. Capacity of Demonstration Rooms is inadequate in Demonstration rooms of Anatomy, Physiology, Forensic Medicine & Community Medicine departments. There is only 1 Demonstration room available in Biochemistry & Pathology against requirement of 2; its capacity is inadequate. NIL Demonstration Room is available in Microbiology department. No chairs are available in the Demonstration rooms of Pharmacology department. Audiovisual aids are not available in many Demonstration rooms.
12. Physiology department: Capacity of Haematology laboratory is only 40 which is inadequate.
13. Pharmacology department: Experimental Pharmacology laboratory is non-functional. Clinical Pharmacology laboratory capacity is inadequate. There are no chairs in Departmental Library. In Museum, models & catalogues are not available.
14. Other deficiencies as pointed out in the inspection report.

In view of above, 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 against the increased intake i.e. from 100 to 150 u/s 10A of the IMC Act, 1956 in respect of Chhattisgarh Institute of Medical Sciences, Bilaspur under Chhattisgarh Ayush & Health Sciences University, Raipur for the academic year 2016-2017.

26. **Recognition/approval of K.S. Hegde Medical Academic, Mangalore for the award of MBBS degree granted by Nitte University, Mangalore against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.**

Read: the matter with regard to recognition/approval of K.S. Hegde Medical Academic, Mangalore for the award of MBBS degree granted by

Nitte University, Mangalore against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment reports (16th December, 2015 and 2nd & 3rd February, 2016) and decided to recommend to the Central Government for recognition/approval of K.S. Hegde Medical Academic, Mangalore for the award of MBBS degree granted by Nitte University, Mangalore against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee further decided that the attention of the institute be drawn to Sections 8(3)(2), 8(3)(3) & 8(3)(4) of the Establishment of Medical Colleges Regulations (Amendment), 2010 (Part II) dated 16th April 2010 and act accordingly at appropriate time, which reads as under:-

8 (3) ...

(2) The recognition so granted to an Undergraduate Course for award of MBBS degree shall be for a maximum period of 5 years, upon which it shall have to be renewed.

(3) The procedure for 'Renewal' of recognition shall be same as applicable for the award of recognition.

(4) Failure to seek timely renewal of recognition as required in sub-clause (a) supra shall invariably result in stoppage of admissions to the concerned Undergraduate Course of MBBS at the said institute."

The Committee decided to place the matter before the General Body of the Council.

27. Increase of seats in MBBS course from 150-250 for the academic session 2016-17 at Smt. NHL Municipal Medical College, Ahmedabad.

Read: the matter with regard to increase of seats in MBBS course from 150-250 for the academic session 2016-17 at Smt. NHL Municipal Medical College, Ahmedabad.

The Executive Committee of the Council considered the Council Assessors report (22nd and 23rd January, 2016) alongwith the letter dated 08.02.2016 received from the Dean, Smt. N.H.L. Municipal Medical College, Ahmedabad and letter of Chief Secretary, Government of Gujarat dated 22.02.2016 and noted the following:

1. Lecture Theaters: lecture Theaters of capacity 300 are under construction.
2. Other deficiencies as pointed out in the assessment report.

In view of above, the Executive Committee of the Council decided to recommend to the Central Govt. not to grant Letter of Permission for increase of seats from 150 to 250 u/s 10A of the IMC Act, 1956 in respect

of Smt. NHL Municipal Medical College, Ahmedabad under Gujarat University, Ahmedabad for the academic year 2016-2017.

28. Local visit of the Department related Parliamentary Standing Committee on Health & Family Welfare.

The Executive Committee of the Council observed that the submissions made before Parliamentary Standing Committee, some of which are factually incorrect or not based upon latest developments. E.g.

- (1) It is stated that it is difficult to fulfill requirement of Senior Resident since the qualification for Asst. prof. and Senior Resident is same. This is not factually correct as the qualification for Asst. Prof. M.D./M.S. while the qualification for Senior resident is M.B;B.S. Further, the recommendation does not take into account that the proposed amendment of making 01 year of Senior Residency mandatory for appointment as Asst. Prof. has already been recommended to the Central Government.

Further the total requirement was reduced vide amendment dt. July 2015 as under:-

Deptt.	Intake of 250 MBBS seats	Intake of 200 MBBS seats	Intake of 150 MBBS seats	Intake of 100 MBBS seats	Intake of 50 MBBS seats
Gen. Med.	07	05	04	02	02
TB Chest	01	01	01	01	01
DVL	02	01	01	01	-
Psychiatry	02	01	01	01	01
Paediatrics	04	02	02	01	02
Gen. Sur	07	05	04	02	02
Orthopaedics	03	02	02	01	02
ENT	01	01	01	01	01
Ophthalmology	01	01	01	01	01
OBG	03	02	02	01	01
Radio-Diagn.	05	03	02	03	01
Anaesthesiology	10	08	08	05	03
Dentistry	05	04	04	01	01
TOTAL	51	36	33	21	18

- (2) With regard to faculty for UG/PG courses, the suggestion is that there should be no need to increase teaching staff in Preclinical & Paraclinical departments. This suggestion does take into account the fact that requirement of additional staff for PG courses has already been abolished by MCI way back in 2009 by amending PG Medical Education Regulations and notifying in the Gazette after obtaining prior approval of Central Govt. Hence presently requirement of faculty is same for UG as for PG courses in Preclinical & Paraclinical departments since 2009.
- (3) It was further observed that many recommendations / suggestions are such that wider consultation amongst all stakeholders is required.

In view of above, the Executive Committee of the Council decided to place the report before full Academic Committee of the Council with a request to make its recommendations at the earliest.

29. Proposal to amend Establishment of Medical College Regulations, 1999.

Read: the matter with regard to proposal to amend establishment of Medical College Regulations, 1999.

The Executive Committee of the Council perused the letter of the Central Government, Ministry of Health & F.W., dated 13th July, 2015, the relevant portion of which reads as under:-

".....that the DGHS is also of the view that a 300 bedded hospital must successfully run for 3 years with adequate amount of clinical output before it may be considered for permission to establish a medical college attached to it."

In view of above, the Executive Committee of the Council decided to accept the proposal and directed the office to prepare a draft regulation accordingly and to place the same before the General Body of the Council.

30. Continuance of recognition of MBBS degree granted by Kerala University of Health & Allied Sciences, Thrissur (Previously University of Calicut) in respect of students being trained at Amala Institute of Medical Sciences, Thrissur, Kerala – consideration of Compliance Verification Assessment report.

Read: the matter with regard to continuance of recognition of MBBS degree granted by Kerala University of Health & Allied Sciences, Thrissur (Previously University of Calicut) in respect of students being trained at Amala Institute of Medical Sciences, Thrissur, Kerala – consideration of Compliance Verification Assessment report.

The Executive Committee of the Council considered the compliance verification assessment report (10th February, 2016) along with the previous compliance verification report (6th July, 2015) and the previous assessment report (2nd & 3rd September, 2014) and decided to recommend that recognition of MBBS degree granted by Kerala University of Health & Allied Sciences, Thrissur (Previously University of Calicut) in respect of students being trained at Amala Institute of Medical Sciences, Thrissur, Kerala be continued restricting the number of admission to 100 (One Hundred) students.

31. Transfer of affiliation of institutions in Telangana State under Dr. NTR University of Health Sciences to KNR University of Health Sciences, Warangal.

Read: the matter with regard to transfer of affiliation of institutions in Telangana State under Dr. NTR University of Health Sciences to KNR University of Health Sciences, Warangal.

The Executive Committee of the Council considered the letter dated 10.02.2016 received from the Vice Chancellor, KNR University of Health Sciences, Telangana stating that Kaloji Narayana Rao University of Health Sciences has been established by the Government of Telangana vide G.O. Ms. No. 20 Health Medical & Family Welfare (C1), Dated: 26.09.2014 adaptation to the State of Telangana, the NTR University of Health Sciences Act, 1996.

The Vice Chancellor further stated that all the colleges situated in Telangana State and admitted to the privileges of NTR University of Health Sciences should be disaffiliated from NTR University and affiliated to KNR University of Health Sciences and they are prepared to take the students from the academic year 2016-17.

The Committee observed that the Executive Committee at its meeting held on June 1988 had decided as under:-

"No inspection is required where there is change of name and change of affiliation of the University or the college whose medical qualifications are already recognized and included in the 1st schedule to the IMC Act, 1956 unless the Executive Committee decided otherwise".

In view of above, the Executive Committee of the Council noted the request of the Vice Chancellor, KNR University of Health Sciences, Telangana with regard to transfer of affiliation of Institutions in Telangana State under Dr. NTR University of Health Sciences to KNR University of Health Sciences, Warangal.

The Committee further decided to direct the Institutes to apply to the Central Government for recognition u/s 11(2) of the Indian Medical Council Act, 1956 through KNR University of Health Sciences when the first batch permitted appears for final examinations in respect of UG/PG courses permitted u/s 10A under NTR University.

32. Recognition/Approval of Gold Field Institute of Medical Sciences & Research, Faridabad, Haryana for the award of MBBS degree (100 seats) granted by Pt. B.D. Sharma University of Health Sciences, Rohtak, Haryana u/s 11(2) of the IMC Act, 1956 for the academic year 2016-2017.

Read: the matter with regard to recognition/approval of Gold Field Institute of Medical Sciences & Research, Faridabad, Haryana for the award of MBBS degree (100 seats) granted by Pt. B.D. Sharma University of Health Sciences, Rohtak, Haryana u/s 11(2) of the IMC Act, 1956 for the academic year 2016-2017.

The Executive Committee of the Council considered the assessment report (17.12.2015) and assessment report (11th & 12th February, 2016) as well as letter/representation dated 22/01/2016 received from the students of Gold Field Institute of Medical Sciences & Research, Ballabgarh,

Faridabad (2014-15 batch) and email letter dated 15/02/2016 received from Dr. Shiv Shanker, Ex-Principal, Gold Field Institute of Medical Sciences & Research, Faridabad, Haryana and noted the following :-

1. Dr. Shiv Shankar officiated as Principal on 11/02/2016 – i.e. 1st day of assessment but resigned from the post of Dean on 11/02/2016 at 3 p.m. and refused to give Declaration Form. Dr. Parduman Singh was appointed as Principal on 12/02/2016 & officiated as Principal on 2nd day of assessment (but not on 1st day of assessment).
2. Deficiency of faculty is 86.7 % on day of assessment.
3. Shortage of Residents is 98.5 % on day of assessment.
4. Bed Occupancy was ZERO on day of assessment.
5. The statement of officiating Dean on day 2 about absence of staff was contradictory. He stated all staff members were on strike and faculty was on Winter vacation. No such evidence was produced in spite of repeated requests.
6. OPD: Registration counters were closed at time of verification. No employee was available at these counters. As the rooms were locked, facilities within OPD could not be verified.
7. OPD was vacant. NIL patient was available in any of OPDs.
8. NIL Doctors, Residents, Staff Nurses were available in the OPD at time of verification & even on subsequent visits.
9. Wards: Nursing stations are ill equipped. Facilities in the pantry were inadequate. There were NIL Staff Nurses or Wardboys.
10. Hospital was non-functional on day of assessment.
11. O.T.s, CSSD, MRD, Central Laundry, Central Kitchen, were locked & non-functional.
12. Radiological & Laboratory Investigation workload was NIL on day of assessment. No Radiological investigation has been done since December 2015.
13. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment.
14. Casualty: It was vacant; NIL Doctor, Staff Nurse, Patient were available.
15. ICUs: NIL Staff, Patient were available in ICCU or any ICU.
16. Labour Room: There was no woman.
17. Nursing Staff: NIL Nursing staff is available against 247 required.
18. Paramedical & Non-teaching staff: NIL Paramedical & Non-teaching staff is available against 179 required.
19. Interns' Hostel: Technicians are residing in Girls' Hostel.
20. Residents' Hostel: Only 1 Resident is presently residing in the hostel.
21. College Council: It has met only once in last year against requirement of 4.
22. Pharmaco Vigilance Committee: NIL meeting has been held during the last year.
23. Central Library: Only 25 Journals are available against requirement of 100.
24. Central Photography Section: NIL staff is available.
25. Website is not available.
26. Integrated teaching programme is not followed.
27. RHTC: NIL intern was present on day of assessment. There were NIL doctors. Specialists' visits are not organized.

28. UHC: NIL intern was present on day of assessment.
29. No record of OPD, IPD patients / investigations was available after December 2015.
30. Some of entries were fake; E.g. laboratory & USG records of IPD were not concurrent with the records of patients admitted in hospital.
31. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend not to recognise/approve Gold Field Institute of Medical Sciences & Research, Faridabad, Haryana for the award of MBBS degree granted by Pt. B.D. Sharma University of Health Sciences, Rohtak, Haryana u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

33. Continuance of recognition of MBBS degree granted Maharashtra University of Health Sciences, Nashik in respect of students being trained at Armed Forces Medical College, Pune –regarding.

Read: the matter with regard to continuance of recognition of MBBS degree granted Maharashtra University of Health Sciences, Nashik in respect of students being trained at Armed Forces Medical College, Pune.

The Executive Committee of the Council considered the assessment report (16th February, 2016) and noted the following:-

1. Teaching beds are deficient as under:

#	Department	Bed		
		Required	Available	Deficit
1	Tb & Chest	20	NIL	20
2	Orthopaedics	90	30	60
	TOTAL			80

2. Wards: Distance between 2 beds is < 1.5 m. in some wards. There is no separate ward for Tb & Chest department. There is no demarcation.
3. Casualty: Available beds are 15 against 25 required.
4. Website: Information uploaded is incomplete.
5. UHC: Specialists' visits are not organized.
6. Other deficiencies as pointed out in the inspection report.

In view of the above, the Executive Committee of the Council decided not to recommend continuance of recognition of MBBS degree granted by granted by Maharashtra University of Health Sciences, Nashik in respect of students being trained at Armed Forces Medical College, Pune and further decided that the Institute be asked to submit the compliance of rectification of the above deficiencies within 01 month.

34. Continuance of recognition of MBBS degree granted by Barkatullah University, Bhopal in respect of students being trained at Gandhi Medical College, Bhopal.

Read: the matter with regard to continuance of recognition of MBBS degree granted by Barkatullah University, Bhopal in respect of students being trained at Gandhi Medical College, Bhopal.

The Executive Committee of the Council considered the compliance verification assessment report (11th February, 2016) alongwith the previous assessment report (18th & 19th Sept.,2015) and decided to recommend that recognition of MBBS degree granted by Barkatullah University, Bhopal in respect of students being trained at Gandhi Medical College, Bhopal be continued restricting the number of admission to 140 (One Hundred Forty) students.

35. Continuance of Recognition of MBBS degree granted by Vinayaka Mission's University, Salem in respect of students being trained at Aarupadai Veedu Medical College and Hospital, Puducherry.

Read: the matter with regard to continuance of Recognition of MBBS degree granted by Vinayaka Mission's University, Salem in respect of students being trained at Aarupadai Veedu Medical College and Hospital, Puducherry.

The Executive Committee of the Council considered compliance verification assessment report (16th February,2016), previous compliance verification assessment report (14th July, 2015) & previous assessment report (26th August, 2014) and noted the following:-

1. Deficiency of faculty is 9.37 % as detailed in the report.
2. Shortage of residents is 11.59 % as detailed in the report.
3. OPD attendance figures submitted by institute appear to be inflated.
4. Data of clinical material like Casualty attendance, number of Major & Minor operations, Radiological & Laboratory investigations submitted by Dean appear to be inflated.
5. Bed occupancy: Data submitted by institute are inflated. Most of the beds were unoccupied. On some of beds, patients were not genuine. In Paediatrics ward, only 1 patient was found.
6. O.T.: When previous day's O.T. lists were verified, most of the patients were not found.
7. At 1:30 p.m., IP register in Central laboratory showed 45 patients & OPD register showed 90 patients; however in several requisition forms there was no signature. Some forms were blank.
8. There is no faculty in Tb & Chest departments.
9. Other deficiencies as pointed out in the inspection report.

In view of the above, the Executive Committee of the Council decided not to recommend continuance of recognition of MBBS degree granted by Vinayaka Mission's University, Salem in respect of students being trained at Aarupadai Veedu Medical College and Hospital, Puducherry and further decided that the institute be asked to submit the

compliance of rectification of the above deficiencies within 01 month. The Committee further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <80%, such an institute will not be considered for processing applications for postgraduate courses in the Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses."

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2016-17) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by the institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

36. Recognition/Approval of GCS Medical College, Ahmedabad for the award of MBBS degree (150 seats) granted by Gujarat University u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of GCS Medical College, Ahmedabad for the award of MBBS degree (150 seats) granted by Gujarat University u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment reports (22nd January, 2016 & 16/17th February, 2016) and decided to recommend to the Central Government for recognition/approval of GCS Medical College, Ahmedabad for the award of MBBS degree (150 seats) granted by Gujarat University u/s 11(2) of the IMC Act, 1956.

The Executive Committee further decided that the attention of the institute be drawn to Sections 8(3)(2), 8(3)(3) & 8(3)(4) of the Establishment of Medical Colleges Regulations (Amendment), 2010 (Part II) dated 16th April 2010 and act accordingly at appropriate time, which reads as under:-

8 (3) ...

(2) The recognition so granted to an Undergraduate Course for award of MBBS degree shall be for a maximum period of 5 years, upon which it shall have to be renewed.

(3) The procedure for 'Renewal' of recognition shall be same as applicable for the award of recognition.

(4) Failure to seek timely renewal of recognition as required in sub-clause (a) supra shall invariably result in stoppage of admissions to the concerned Undergraduate Course of MBBS at the said institute."

The Committee decided to place the matter before the General Body of the Council.

37. Recognition/approval of Punjab Institute of Medical Sciences, Jalandhar, Punjab for the award of MBBS degree(150 seats) granted by Baba Farid University of Health Sciences, Faridkot u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Punjab Institute of Medical Sciences, Jalandhar, Punjab for the award of MBBS degree(150 seats) granted by Baba Farid University of Health Sciences, Faridkot u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment reports (17th December, 2015 & 15/16th February, 2016) and noted the following:-

1. Shortage of Residents is 8.23 % (i.e. 7 out of 85) as detailed in the report.
2. OPD: Injection room is common for males/females. Immunization clinic is not run in Paediatrics OPD.
3. Wards: There is no Demonstration room in Tb & Chest, Psychiatry and Skin & VD wards. In General Medicine, there is only 1 Demonstration room in male ward & NIL Demonstration room in female ward.
4. There is no ward for Skin & VD department. There were no admitted patients in Skin & VD.
5. Histopathology & Cytopathology workload is only 08 each which is inadequate.
6. Casualty: Ventilator is not available.
7. ICUs: All 18 beds of ICCU, MICU & SICU are kept in 1 common room. There is no ABG machine in ICCU. There was NIL patient in ICCU on day of assessment.
8. ETO Sterilizer is not available.
9. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend not to recognize/approve Punjab Institute of Medical Sciences, Jalandhar, Punjab for the award of MBBS degree (150 seats) granted by Baba Farid University of Health Sciences, Faridkot u/s 11(2) of the IMC Act, 1956 and to give one month time to the institution to rectify deficiencies and submit the compliance to the Council.

38. Recognition/approval of Bangalore Medical College and Research Institute, Bangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 150 to 250 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of Bangalore Medical College and Research Institute, Bangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 150 to 250 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment reports (6th January, 2016 and 10th/11th February, 2016) and decided to recommend to the Central Government for recognition/approval of Bangalore Medical College and Research Institute, Bangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 150 to 250 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee further decided that the attention of the institute be drawn to Sections 8(3)(2), 8(3)(3) & 8(3)(4) of the Establishment of Medical Colleges Regulations (Amendment), 2010 (Part II) dated 16th April 2010 and act accordingly at appropriate time, which reads as under:-

8 (3) ...

(2) The recognition so granted to an Undergraduate Course for award of MBBS degree shall be for a maximum period of 5 years, upon which it shall have to be renewed.

(3) The procedure for 'Renewal' of recognition shall be same as applicable for the award of recognition.

(4) Failure to seek timely renewal of recognition as required in sub-clause (a) supra shall invariably result in stoppage of admissions to the concerned Undergraduate Course of MBBS at the said institute."

The Committee decided to place the matter before the General Body of the Council.

39. Recognition/Approval of T.D. Medical College, Alappuzha for the award of MBBS degree granted by Kerala University of Health & Allied Sciences, against the increased intake i.e. from 100 to 150 seats.

Read: the matter with regard to recognition/approval of T.D. Medical College, Alappuzha for the award of MBBS degree granted by Kerala University of Health & Allied Sciences, against the increased intake i.e. from 100 to 150 seats.

The Executive Committee of the Council considered the compliance verification assessment report (12.02.2016) along with assessment reports (28.04.2015, 04.09.2014 & 7th, 8th & 9th August, 2012) and letter dated 13.02.2016 from Dr. V.M. Somasundaram, Perundurai (Co-ordinator) regarding the faculty of the college and noted the following:

1. Deficiency of faculty is 26.28 % as detailed in the report.
2. Shortage of Residents is 32.18 % as detailed in the report.
3. Central Library: Capacity of Reading Room (Inside) is only 50 against 150 required. Available Internet Nodes are only 14 against 40 required. No journals have been purchased for last 2 years. Staff reading room is not furnished & non-functional.
4. Histopathology workload on day of assessment is not shown.
5. Other deficiencies as pointed out in the assessment report.

In view of the above the Executive Committee of the Council decided to recommend not to recognize/approve T.D. Medical College, Alappuzha for the award of MBBS degree granted by Kerala University of Health & Allied Sciences, against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956 and to give one month (01) time to the institution to rectify deficiencies and submit the compliance to the Council.

40. Increase of seats in MBBS course from 100-150 for the academic session 2016-17 at MNR Medical College & Hospital, Sangareddy.

Read: the matter with regard to increase of seats in MBBS course from 100-150 for the academic session 2016-17 at MNR Medical College & Hospital, Sangareddy.

The Executive Committee of the Council considered the assessment report (16th and 17th February, 2016) and noted the following:-

1. Deficiency of faculty is 5.5 % as detailed in the report.
2. Shortage of Residents is 10.2 % as detailed in the report.
3. OPD: Capacity of teaching areas is inadequate.
4. Wards: Total number of Demonstration rooms is less. They are shared between minor branches. There is no Demonstration Room in Ophthalmology. Distance between 2 beds is < 1.5 m in most of the wards. There is a common male ENT & General Surgery ward. There is a common female Orthopaedics, ENT & Ophthalmology ward.
5. Teaching beds are less by 1 bed each in Paediatrics, Orthopaedics & O.G.
6. 90 % of admitted patients were not genuine and did not merit admission.
7. Majority of the patients were admitted on 16.2.2016 in all the wards with complains varying from pain abdomen, backache, cold, bodyache, burning eyes, sneezing etc. In large number of case papers the indoor case paper showed admission date of 15.2.2016 while the OPD case showed a date of 16.2.2016.

8. There were no postoperative patients in Male and Female Orthopaedics ward, Male and Female Ophthalmology wards. No postoperative patients in Obst. & Gynaecology ward. Only one post operative-tracheostomy patient in ENT ward. 2 postoperative patients in surgical wards. Seven minor surgeries in postoperative ward. There were very few patients in Surgical wards with clinical signs.
9. There was a mismatch between the admission register and the patients admitted to the wards. In a large proportion of patients admitted there was no diagnosis mentioned in the case papers. There was no record in the admission register after 4.2.2016 of OBGY Unit II and no record in register of Unit I after 12.2.2016.
10. OPD attendance figure given by the institute is grossly inflated.
11. There were 11 patients in Casualty, all of whom were admitted on 13th, 14th & 15th February 2016 and did not require any emergency treatment on day of assessment.
12. Data of Clinical Material, number of Major & Minor operations as given by the institute are grossly inflated.
13. There were only 4 Surgical procedures conducted till 12 noon on day of assessment.
14. There was NIL Normal Delivery & only 1 Caesarean Section till 1 p.m. on day of assessment.
15. Examination Hall: Capacity of Examination hall is 200 against 250 required.
16. Central Library: It is not air-conditioned.
17. Students' Hostels: Visitors' room, A.C. Study room with Computer & Internet, Recreation room are not available. Hygiene is poor.
18. Interns' Hostel: Available accommodation is for 18 Interns only against 100 required. Visitors' room, A.C. Study room with Computer & Internet, Recreation room are not available. Hygiene is poor.
19. Residents' Hostels: Available accommodation is for 125 Residents only against 195 required. Visitors' room, A.C. Study room with Computer & Internet, Recreation room are not available. Hygiene is poor. On verification it was observed that all rooms were 3 seaters which were congested. Quite a few rooms were vacant. A few rooms were found to be occupied by patients' relatives. On enquiry, it was told that a Senior Resident in General medicine Dr. Yogesh Chaudhary was staying in Rom 436 but there was no evidence to suggest that he is residing there.
20. Central Research Laboratory: Facilities are inadequate.
21. Website: Information uploaded is sketchy.
22. Anatomy department: Mounted specimens available are 137.
23. RHTC: Specialists' visits are irregular.
22. UHC: Specialists' visits are not organized.
23. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to issue Letter of Permission for increase of seats from 100 to 150 u/s 10A of the IMC Act 1956 in respect of MNR Medical College, Sangareddy, Andhra Pradesh under NTR University of Health Sciences, Vijaywada for the academic year 2016-17 and further decided to apply clause 8(3)(1)(c) of Establishment of

Medical College Regulation (Amendment),2010(Part II), dated 16th April, 2010 which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <80%, such an institute will not be considered for processing applications for postgraduate courses in the Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act,1956 alongwith direction of stoppage of admissions in permitted postgraduate courses."

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2016-17) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act,1956 alongwith direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

41. Increase of seats in MBBS course from 150-250 for the academic session 2016-17 at VSS Medical College, Burla.

Read: the matter with regard to increase of seats in MBBS course from 150-250 for the academic session 2016-17 at VSS Medical College, Burla.

The Executive Committee of the Council considered the letter dated 16.02.2016 received from the Central Govt., Ministry of Health & Family Welfare, New Delhi forwarding the representation/compliance dated 10.02.2016 submitted by the Dean /Principal, Veer Surendra Sai institute of Medical Sciences & Research Centre Burla for review.

The Executive Committee of the Council noted the observations/recommendations of the Committee constituted by the Ministry which is as under:-

"Proper inspection could not be carried out due to the strike by the students from 21.11.2015 onwards protesting against the shifting of students from a private Medical College in Odisha to the Government Medical college , Burla.

Many other deficiencies have been pointed out. The infrastructure works are going on and may take up to 2 months to complete.

MCI may afford another opportunity to the college. Recommended for review by MCI."

The Executive Committee of the Council observed that even in compliance it is stated by Institute that new Extension Block of Hospital for General Medicine & General Surgery is in final stage of construction. The new building of department of Paediatrics would be commissioned shortly. Enhanced bed capacity required for increase to 250 intake in Orthopaedics, Tb & Chest, Ophthalmology, O.G. departments is not available.

All this implies that total number of required beds for 250 intake were not available at the time of making application to Central Govt. for enhancement of seats. Thus Qualifying Criterion is not fulfilled.

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

".....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage...."

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015- Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

"(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned Medical College should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) *The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned."*

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process."

In view of above, the Executive Committee of the Council decided to reiterate its earlier decision conveyed to the Central Government vide letter dated 31.12.2015 to return the application for increase in MBBS seats from 150 to 250 at VSS Medical College, Burla under Sambalpur University u/s 10A of the IMC Act 1956 for academic year 2016-17 recommending disapproval of the scheme to the Central Govt. as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the Regulations framed therein to keep the application pending in the Council office for the next academic year.

42. Approval of the proceedings of the Ethics Committee meetings held on 22nd & 23rd December, 2015, 5th & 6th January, 2016 and 19th & 20th January, 2016.

Read: the matter with regard to approval of the proceedings of the Ethics Committee meetings held on 22nd & 23rd December, 2015, 5th & 6th January, 2016 and 19th & 20th January, 2016.

With respect to individual item, the Committee decided as under:-

1.	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Taliseti Bharathi, Professor of OBG appeared in more than one medical college.(Item No.1(2))
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Not approved.

Members of the Executive Committee observed that at its earlier meeting, it was decided to approve recommendation of Sub-Committee that in case of Govt. officers posted on transfer, no further action is required but a letter should be written to the State Government to abstain from transferring faculty from one college to another for purpose of assessment.

In view of above, it was decided to issue a warning to Dr. Taliseti Bharati not to repeat such mistake again in future.

2.	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Vijay Kumar Sharda, Professor of General Surgery appeared in more than one medical college.(Item No.1(3))
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Approved in respect of Dr. V.K. Sharda.

The Committee decided to refer back the matter regarding the decision in respect of Dr. Jugal Kishore Yadav to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Vijay Kumar Sharda in his DF which was endorsed by Dr. Jugal Kishore Yadav as Dean of the college and resubmit the matter.

3.	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Sudhakaran Reddy, Professor & HOD, Deptt. Of Pathology appeared in more than one medical college.(Item No.1(4))
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Not approved.

Members of the Executive Committee observed that at its earlier meeting, it was decided to approve recommendation of Sub-Committee that in case of Govt. officers posted on transfer, no further action is required but a letter should be written to the State Government to abstain from transferring faculty from one college to another for purpose of assessment.

In view of above, it was decided to issue a warning to Dr. Sudhakaran Reddy not to repeat such mistake again in future.

4.	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Arunachalam Kumar, Professor & HOD, Department of Anatomy appeared in more than one medical college.(Item No.1(5))
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Approved in respect of Dr. Arunachalam Kumar.

The Committee decided to refer back the matter regarding the decision in respect of Dr. Khaja Naseeruddin, Principal to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Arunachalam Kumar in his DF which was endorsed by Dr. Khaja Naseeruddin, as Principal of the college and resubmit the matter.

5	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. S.P. Shanta Kumar, Professor of Forensic Medicine appeared in more than one medical college.(Item No.1(6))
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Approved in respect of Dr. S.P. Shanta Kumar.

The Committee decided to refer back the matter regarding the decision in respect of Dr. T H Nanhappa, Principal to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. S P Shanta Kumar in his DF which was endorsed by Dr. T H Nanhappa, as Principal of the college and resubmit the matter.

6	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Udayashankar, Professor of Forensic Medicine appeared in more than one medical college.(Item No.1(7))
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Not approved.

It is stated by Dr. Uday Shankar that he had mentioned about his appearance at assessment of Pacific Medical College in the Declaration Form submitted at first assessment of Andaman Nicobar Medical College. This is recorded in the minutes of Ethics Committee also. Hence it cannot be said that he has concealed this information.

7	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr.Bolar Ram Prasad, Professor of Radio Diagnosis appeared in more than one medical college.(Item No.1(8))
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Approved in respect of Dr. Bolar Ram Prasad.

The Committee decided to refer back the matter regarding the decision in respect of Dr. Khaja Naseeruddin, Principal to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Bolar Ram Prasad in his DF which was endorsed by Dr. Khaja Naseeruddin, as Principal of the college and resubmit the matter.

8	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Mohammad Shuaib, Assistant Professor of Forensic Medicine appeared in more than one medical college.(Item No.1(9))
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Approved in respect of Dr. Mohammad Shuaib.

The Committee decided to refer back the matter regarding the decision in respect of Dr. T J Hemnani, Dean to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Mohammad Shuaib in his DF which was endorsed by Dr. T J Hemnani, as Dean of the college and resubmit the matter.

9	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Shiuli, Lecturer/Assistant Professor of Forensic Medicine appeared in more than one medical college.(Item No.1(13))
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Approved in respect of Dr. Shiuli.

In respect of Dr. Mastan Singh, Dean, King George Medical University and Dean / Principal, F.I.'s M.A.M.I.M.S., it was decided to issue

warning to them to be more careful in future while countersigning the Declaration Form and to exercise due diligence in future.

10	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Smita Singh Banerjee, Assistant Professor of Anatomy appeared in more than one medical college.(Item No.1(14))
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Approved in respect of Dr. Smita Singh Banerjee.

In respect of Dr. Dipankar Bhattacharjee, the then Dean, College of Medicine & J.N. Hospital, Kalyani, W.B., it was decided to issue warning to him to be more careful in future while countersigning the Declaration Form and to exercise due diligence in future.

11	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Shilpa S. Naik, Assistant Professor of Anaesthesia appeared in more than one medical college.(Item No.1(15))
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Approved in respect of Dr. Shilpa S. Naik.

The Committee decided to refer back the matter regarding the decision in respect of Dr. C. Sheshagiri, Dean to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Shilpa Naik in his DF which was endorsed by Dr. C. Sheshagiri, as Dean of the college and resubmit the matter.

12	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Nikhil Prabhakar Hawal, Assistant Professor of Community Medicine appeared in more than one medical college.(Item No.1(16))
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Approved.

13	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Harshida Sukhalalgir Gosai, Tutor/Assistant Professor of Physiology appeared in more than one medical college.(Item No.1(17))
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Approved in respect of Dr. Harshida S. Gosai.

In respect of Dr. Vikas Sinha, Dean, Govt. Medical College, Bhavnagar, it was decided to issue warning to him to be more careful in

future while countersigning the Declaration Form and to exercise due diligence in future.

14	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Nigam Prakash Narain, Professor of Paediatrics appeared in more than one medical college.(Item No.1(18))
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The Committee decided to refer back with an advice to verify whether Dr. N P Narain had disclosed the fact of his appearance at Subharti, Dehradun assessment into his declaration form submitted for Patna medical college for the assessment held on 5.5.2015 and resubmit the matter.

15	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Muddu Surendra Nehru, Associate Professor of General Medicine appeared in more than one medical college.(Item No.1(21))
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Approved in respect of Dr. Muddu Surendra Nehru.

In respect of Dr. K. Sree Rama Rao, Dean, it was decided to issue warning to him to be more careful in future while countersigning the Declaration Form and to exercise due diligence in future.

16	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Nemade Pankaj Ramesh, Sr. Resident/Assistant Professor of General Surgery appeared in more than one medical college.(Item No.1(22))
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Approved in respect of Dr. Nemade Pankaj Ramesh .

The Committee decided to refer back the matter regarding the decision in respect of Dr. Alka Sontakke, Dean to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Nemade Pankaj Ramesh in his DF which was endorsed by Dr. Alka Sontakke, as Dean of the college and resubmit the matter.

17	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Narendrula Sunitha, Asso.Professor/Professor of Physiology appeared in more than one medical college.(Item No.1(26))
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Approved in respect of Dr. Narendrula Sunitha.

The Committee decided to refer back the matter regarding the decision in respect of Dr. K R Sree Rama Rao, Dean to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Narendrula Sunitha in his DF which was endorsed by Dr.K R Sree Rama Rao, as Dean of the college and resubmit the matter.

18	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Rajnish Chandran, Sr. Resident/Assistant Professor of General Surgery appeared in more than one medical college.(Item No.1(27))
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Approved in respect of Dr. Rajnish Chandran with the modification that the period of suspension be enhanced to 6 (Six) months as has been done in all similar cases.

In respect of Dr. Amarendra Kumar, Dean, Indira Gandhi Medical College, Patna, it was decided to issue warning to him to be more careful in future while countersigning the Declaration Form and to exercise due diligence in future.

19	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Bhagat Haridas, Professor of Anaesthesia appeared in more than one medical college.(Item No.1(28))
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Approved in respect of Dr. Bhagat Haridas.

The Committee decided to refer back the matter regarding the decision in respect of Dr. A B Solepure, Dean to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Bhagat Haridas in his DF which was endorsed by Dr. A B solepure, as Dean of the college and resubmit the matter.

20	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Shailendra Singh, Assistant Professor of Orthopaedics appeared in more than one medical college.(Item No.1(31))
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Approved in respect of Dr. Shailendra Singh with the modification that the period of suspension be enhanced to 6 (Six) months as has been done in all similar cases.

In respect of Dr. Mastan Singh, Dean, King George Medical University, Lucknow, it was decided to issue warning to him to be more careful in future while countersigning the Declaration Form and to exercise due diligence in future.

21	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Parul Verma, Assistant Professor of Dermatology appeared in more than one medical college.(Item No.1(32))
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Approved in respect of Dr. Parul Verma with the modification that the period of suspension be enhanced to 6 (Six) months as has been done in all similar cases.

In respect of Dr. Mastan Singh, Dean, King George Medical University, Lucknow, it was decided to issue warning to him to be more careful in future while countersigning the Declaration Form and to exercise due diligence in future.

22	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Pradhya P. Kulkarni, Assistant Professor of Anatomy appeared in more than one medical college.(Item No.1(33))
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Approved in respect of Dr. Pradhya P. Kulkarni.

The Committee decided to refer back the matter regarding the decision in respect of Dr. A K Dhanvijay, Dean to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Pradhya P. Kulkarni in his DF which was endorsed by Dr. A K Dhanvijay, as Dean of the college and resubmit the matter.

23	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Ravi Raja Shekhara Rao, Professor & HOD of Anatomy appeared in more than one medical college.(Item No.1(34))
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Approved.

The Committee further decided to advise Ethics Committee to call explanation from the Dean of M C Saxena Medical College, Lucknow and resubmit the matter

24	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Sagar Sunka, Assistant Professor of Anaesthesia appeared in more than one medical college.(Item No.1(35))
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Approved in respect of Dr. Sagar Sunka.

The Committee decided to refer back the matter regarding the decision in respect of Dr. A.Y. Chari, Dean to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Sagar Sunka in his DF which was endorsed by Dr. A.Y. Chari, as Dean of the college and resubmit the matter.

25	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. B. Venugopal Rao, Professor of Anatomy appeared in more than one medical college.(Item No.1(36))
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Approved in respect of Dr. B. Venugopal Rao.

In respect of Dr. K. Sree Rama Rao, Dean, it was decided to issue warning to him to be more careful in future while countersigning the Declaration Form and to exercise due diligence in future.

26	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Keerti Munday, Sr. Resident/ Assistant Professor of Ophthalmology appeared in more than one medical college.(Item No.1(44))
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It appears that Dr. Keerti Munde has appeared in two different medical colleges in the assessment for two different academic years. The Ethics Committee be advised to confirm this aspect and resubmit the matter.

27	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Ved Prakash Gupta, Associate Professor/Professor of Community Medicine appeared in more than one medical college.(Item No.1(45))
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Approved in respect of Dr. Ved Prakash Gupta.

The Committee decided to refer back the matter regarding the decision in respect of Dr. Mahendra Nagar, Dean to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Ved Prakash Gupta in his DF which was endorsed by Dr. Mahendra Nagar, as Dean of the college and resubmit the matter.

28	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Garuda Lakshmi, Professor of Paediatrics/Associate Professor of OBG appeared in more than one medical college.(Item No.1(46))
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Approved.

29	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Vijay Kumar Chaudhary, Tutor/Assistant Professor of Community Medicine appeared in more than one medical college.(Item No.1(49))
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Approved in respect of Dr. Vijay Kumar Chaudhary with the modification that the period of suspension be enhanced to 6 (Six) months as has been done in all similar cases.

In respect of Dr. R.K. Sinha, Dean, Darbhanga Medical College, Laheriasarai, it was decided to issue warning to him to be more careful in future while countersigning the Declaration Form and to exercise due diligence in future.

30	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Basavaraj M. Tinginkai, Tutor/Assistant Professor of Physiology appeared in more than one medical college.(Item No.1(50))
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Approved in respect of Dr. Basavraj M. Tinginkai.

The Committee decided to refer back the matter regarding the decision in respect of Dr.K K Menon, Dean to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Basavraj M. Tinginkai in his DF which was endorsed by Dr. K K Menon, as Dean of the college and resubmit the matter.

31	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Hemant Kumar, Tutor/Assistant Professor of Community Medicine appeared in more than one medical college.(Item No.1(51))
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Approved in respect of Dr. Hemant Kumar with the modification that the period of suspension be enhanced to 6 (Six) months as has been done in all similar cases.

In respect of Dr. R.K. Sinha, Dean, Darbhanga Medical College, Laheriasarai, it was decided to issue warning to him to be more careful in future while countersigning the Declaration Form and to exercise due diligence in future.

32	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Muthu Kumar R, Professor/HOD of General Surgery appeared in more than one medical college.(Item No.1(52))
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Approved in respect of Dr. R. Muthu Kumar.

The Committee decided to refer back the matter regarding the decision in respect of Dr. A. Sundaram, Dean to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. R. Muthu Kumar in his DF which was endorsed by Dr. A. Sundaram, as Dean of the college and resubmit the matter.

33	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Abhay Kumar, Tutor/Assistant Professor of Community Medicine appeared in more than one medical college.(Item No.1(53))
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Approved in respect of Dr. Abhay Kumar with the modification that the period of suspension be enhanced to 6 (Six) months as has been done in all similar cases.

In respect of Dr. R.K. Sinha, Dean, Darbhanga Medical College, Laheriasarai, it was decided to issue warning to him to be more careful in future while countersigning the Declaration Form and to exercise due diligence in future.

34	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Ishan Hemant Kumar Shah, Sr. Resident/Assistant Professor of General Surgery appeared in more than one medical college.(Item No.1(54))
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Not approved. Dr. Ishan H. Shah has appeared during assessment in July 2015 at Gujarat Adani Institute of Medical Sciences, Bhuj in Pre PG assessment which is for Academic Year 2016-2017 and not for Academic Year 2015-2016 for which assessment was carried out at GMERS Medical College, Sola where he appeared during assessment in November 2014 and hence two Academic Years being different, no further action is required.

35	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Ruchi Garg, Sr. Resident/Assistant Professor of OBG appeared in more than one medical college.(Item No.1(55))
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Approved in respect of Dr. Ruchi Garg.

The Committee decided to refer back the matter regarding the decision in respect of Dr. M D Tripathi, Dean to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Ruchi Garg in her DF which was endorsed by Dr. M D Tripathi, as Dean of the college and resubmit the matter.

36	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Sanjeev Kumar, Assistant Professor/Sr. Resident, Department of General Surgery appeared in more than one medical college.(Item No.1(57))
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Approved in respect of Dr. Sanjeev Kumar with the modification that the period of suspension be enhanced to 6 (Six) months as has been done in all similar cases.

In respect of Dr. Mastan Singh, Dean, King George Medical University, Lucknow, it was decided to issue warning to him to be more careful in future while countersigning the Declaration Form and to exercise due diligence in future.

37	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Sonawane Yashdeep Liladhar, Sr. Resident/Assistant Professor of OBG appeared in more than one medical college.(Item No.1(58))
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Approved in respect of Dr. Sonawane Yashdeep Liladhar with the modification that the period of suspension be enhanced to 6 (Six) months as has been done in all similar cases.

In respect of Dean, B.H. Govt. Medical College, Dhule, it was decided to issue warning to him to be more careful in future while countersigning the Declaration Form and to exercise due diligence in future.

38	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. M. Chitra, Assistant Professor/Associate Professor of Physiology appeared in more than one medical college.(Item No.1(59))
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Not approved. Dr. M. Chitra has appeared during assessment in July 2015 at Shri Satya Sai Medical College, Kancheepuram in Pre PG assessment which is for Academic Year 2016-2017 and not for Academic Year 2015-2016 for which assessment was carried out at Madha Medical College, Chennai where he appeared during assessment in December 2014 and hence two Academic Years being different, no further action is required.

39	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Aswani Patchala, Sr. Resident/Assistant Professor of Community Medicine appeared in more than one medical college.(Item No.1(60))
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Approved.

40	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Amit Srivastava, Sr. Resident of TB & Chest/Assistant Professor of Pulmonary Medicine appeared in more than one medical college.(Item No.1(61))
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Approved in respect of Dr. Amit Srivastava.

The Committee decided to refer back the matter regarding the decision in respect of Dr. M D Tripathi, Dean to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Amit Srivastava in his DF which was endorsed by Dr. M D Tripathi, as Dean of the college and resubmit the matter.

41	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Yogesh G, Assistant Professor of Forensic Medicine appeared in more than one medical college.(Item No.1(62))
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The Committee decided to refer back the matter to Ethics Committee to re-look into the matter.

42	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. P. Madanika, Assistant Professor Biochemistry appeared in more than one medical college.(Item No.1(63))
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Approved in respect of Dr. P. Madanika.

The Committee decided to refer back the matter regarding the decision in respect of Dean, Konaseema Institute of Medical Sciences, Amalapuram to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. P Madanika in his DF which was endorsed by as Dean of the college and resubmit the matter.

43	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Sachin S. Shabadi, Assistant Professor/Sr. Resident of General Surgery appeared in more than one medical college.(Item No.1(64))
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Approved in respect of Dr. Sachin S. Shabadi.

The Committee decided to refer back the matter regarding the decision in respect of Dean, Siddhartha Medical College, Tumkur, to

ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Sachin S. Shabadi in his DF which was endorsed by as Dean of the college and resubmit the matter.

44	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. Vishal Kadappa Madeli, Sr. Resident/Assistant Professor of General Surgery appeared in more than one medical college.(Item No.1(65))
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Approved in respect of Dr. Vishal Kadappa Madeli.

The Committee decided to refer back the matter regarding the decision in respect of Dr. N.H. Mahantshetti, Principal, J.N. Medical College, Belgaum, to ascertain whether the fact of appearing at earlier assessment was disclosed by Dr. Vishal Madeli in his DF which was endorsed by N.H. Mahantshetti as Dean of the college and resubmit the matter.

45	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2015-16 in respect of Dr. S. Peranantham, Assistant Professor of General Surgery appeared in more than one medical college.(Item No.1(66))
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Approved.

46	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2014-15 in respect of Dr. Brijesh Purwar, Professor of Physiology appeared in more than one medical college.(Item No.2(3))
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The Committee decided to approve the decision of the Ethics Committee to file an FIR against the person who was presented/impersonated as Dr. Brijesh Purwar at Maheshwara medical college, Medak. Further the Ethics Committee is advised to seek explanation from the then Dean of Maheshwara Medical College as to how a D.F. with different photograph and doctored certificates was submitted to assessors of MCI and resubmit the matter .

47	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2014-15 in respect of Dr. Chandan Kishore, Asstt. Professor of Physiology appeared in more than one medical college.(Item No.2(10))
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The Committee decided to approve the decision of the Ethics Committee to file an FIR against the person who was presented/ impersonated as Dr. Chandan Kishore at Maheshwara medical college, Medak. Further the Ethics Committee is advised to seek explanation from the & then Dean of Maheshwara Medical College as to how a D.F. with different photograph and doctored certificates was submitted to assessors of MCI and resubmit the matter .

48	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2014-15 in respect of Dr. Sabha Shankar Tiwari, Asstt. Professor of Anaesthesiology appeared in more than one medical college.(Item No.2(13))
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Approved.

49	Report of Sub-Committee regarding fake faculty declaration forms for the academic year 2014-15 in respect of Dr. Vinay Sharma, Asstt. Professor of Anatomy appeared in more than one medical college.(Item No.2(18))
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The Committee decided to approve the decision of the Ethics Committee to an FIR against the person who was presented/ impersonated as Dr. Vinay Sharma at Maheshwara medical college, Medak. Further the ethics committee is advised to seek explanation from the & then Dean of Maheshwara Medical College as to how a D.F. with different photograph and doctored certificates was submitted to assessors of MCI and resubmit the matter .

50	Working of Dr. Paresh Ruparel in more than one medical college simultaneously.(Item No.5)
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In the minutes of the Ethics Committee no statement of Dr. Paresh Ruparel as well as Dr. U B Shah is found. The Executive Committee decided to refer back the matter with an advice to complete the proceedings and resubmit the matter.

51	Irregularities committed by Kannur Medical College, Kannur in showing their faculty during inspection.(Item No.7)
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Approved. Further from the minutes of the Ethics Committee it appears that the decision regarding 33 doctors who had appeared before Ethics Committee is not mentioned. The office is directed to place the status of these 33 doctors before next Executive Committee meeting.

52	Complaint against faculty members of Maharishi Markandeshwar Medical College & Hospital, Kumarhatti, Solan, Himachal Pradesh.(Item No.8))
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Approved.

The Executive Committee of the Council decided to defer the consideration in respect of proceedings of the Ethics Committee dated 5th and 6th January, 2016 and 19th and 20th January, 2016.

43. Approval of the minutes of the Finance Committee meeting held on 22nd February, 2016.

Read: the matter with regard to approval of the minutes of the Finance Committee meeting held on 22nd February, 2016.

The Executive Committee approved the minutes of the Finance Committee with regard to item nos. 3,5,6 & 9. With regard to item nos. 4,7 & 8 after considering the report of Consultant (Admn./Finance) and recommendations of Finance Committee meeting held on 22nd February, 2016 decided to place the matter before the DPC and resubmit the matter.

44. Recognition/approval of Sapthagiri Institute of Medical Sciences & Research Centre, Bangalore for the award of MBBS degree(150 seats) granted by Rajiv Gandhi University of Health Sciences, Bangalore u/s 11(2) of the IMC Act, 1956..

Read: the matter with regard to recognition/approval of Sapthagiri Institute of Medical Sciences & Research Centre, Bangalore for the award of MBBS degree(150 seats) granted by Rajiv Gandhi University of Health Sciences, Bangalore u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment reports (08.01.2016 and (17/18.02.2016) and noted the following:-

1. All the Residents are not staying in hostel rooms or in campus; hence they cannot be accepted. Resultantly, shortage of Residents is 100 %.
2. OPD attendance is 980 on day of assessment against requirement of 1,200.
3. Bed occupancy on first day of assessment is 46.62 % against requirement of 75 %. Common Room for Boys: Attached toilet has no water supply.
4. Students' Hostels: Although the building is 8 storeyed, there is no lift. Visitors' room, A.C. Study room with Computer & Internet and Recreation room are not available. Rooms in Boys' hostel are partially furnished. Hygiene of mess is very poor.
5. Residents' Hostel: All rooms are vacant except of only 3 PGs.
6. Central Clinical laboratory is under control of Medical Superintendent and not under any participating department.

7. Anatomy department: Mounted specimens available are only 100.
8. Gymnasium, Playground are not available.
9. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend not to recognize/approve Sapthagiri Institute of Medical Sciences & Research Centre, Bangalore for the award of MBBS degree(150 seats) granted by Rajiv Gandhi University of Health Sciences, Bangalore u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter.

45. Establishment of new medical college at Roorkee, Haridwar, Uttrakhand (Arogyam Medical College & Hospital (AMCH)) by Arogyam Educational Trust, Dehradun, Uttarkhand u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

Read: the matter with regard to establishment of new medical college at Roorkee, Haridwar, Uttrakhand (Arogyam Medical College & Hospital (AMCH)) by Arogyam Educational Trust, Dehradun, Uttarkhand u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Executive Committee of the Council considered the letter dated 16.02.2016 received from the Central Govt., Ministry of Health & Family Welfare, New Delhi forwarding the letter dated 10th February, 2016 submitted by Authorized Signatory, Arogyam Educational Trust, Dehradun for review.

The Executive Committee of the Council noted the observations/recommendations of the Committee constituted by the Ministry which is as under:-

"Documents furnished by the Trust may be forwarded by the MCI."

The Executive Committee of the Council further noted the legal opinion of the Law Officer of the Council which reads as under:

"The file of Undergraduate Section in respect of documents regarding land submitted by the applicant to the Central Government during the personal hearing on 10-11 February 2016 has been referred for my opinion. The Central Government in its letter dated 16.02.16 has sent these documents to the Council with the following recommendation of the Committee: "Documents furnished by the Trust may be forwarded to MCI."

2. *The documents in respect of land that have been submitted to the Central Government vide applicant's letter dated 10.02.16 are (a) Title deeds; and (b) Certificate issued by Tahsildar.*

3. *Concerning (a) the applicant has submitted copies of two sale deeds by virtue of which the applicant Trust has acquired the land under reference in villages Karondi, Jadid Musthkam and Karondi, Musthkam Pargana Bhagwanpur, Tehsil Roorkee, District Haridwar.*

4. *Concerning (b) the applicant has submitted copy of certificate dated 03.11.14 bearing Letter No. 977 wherein the Tahsildar, Roorkee has inter alia*

certified that land measuring 23.5 acres bearing KH Nos. (detailed in the certificate) (total land in Karondi Mustakim 7.1609 hec.) situated at village Karondi Mustakham, Tehsil Roorkee, Dist. Haridwar and KH No. (detailed in the certificate) situated at village Karondi Jaded Mustakim (total land in Karondi Jadid Mustakham, Tehsil Roorkee, Dist. Haridwar 2.357 Hectare) is registered in the name of Aarogyam Educational Trust vide two registries (document details mentioned in the certificate) dated 22.08.13 by way of ownership. The land is a single contiguous piece of land. The Tahsildar has further certified that there is no dispute pertaining to the said land and the land is free from all encumbrances. The building plan for the building constructed on the aforesaid land is duly approved by Zila Panchayat, which is competent to approve the said building plan in village Karondi Area. The land and building is fit to be used for running a medical institution. This Certificate is signed by Tahsildar, Roorkee and counter signed by Revenue Sub Inspector, Area, Bhagwanpur, Roorkee. On the basis of perusal of the documents on record and referred above, it appears that the applicant owns and possesses above 20 acres of land.

5. Based upon perusal of the copies of the Certificate of Tahsildar, Roorkee and the land documents it appears to me that the applicant prima facie meets the requirement of land as stipulated in the Establishment of Medical College Regulations of having contiguous piece of 20 acres of land. However, it may be noted that these documents had been sought for by Council letter dated 09/11/15; and subsequent reminder dated 15/12/15 and after the communication dated 31/12/15 for disapproval has been made to the Central Government. Therefore, the matter may be placed before the Executive Committee for an appropriate decision in the matter. "

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

".....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage...."

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015- Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

"(A) Initial assesment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned Medical College should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned."

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process."

In view of above, the Executive Committee of the Council decided to reiterate earlier decision conveyed to the Central Government vide letter dated 31.12.2015 recommending disapproval of scheme and to return the application for establishment of New Medical College at Roorkee, Haridwar, Uttarakhand (Arogyam Medical College & Hospital (AMCH) by Arogyam Educational Trust, Dehradun, Uttarakhand u/s 10A of the IMC Act, 1956 for the academic year 2016-17

46. Establishment of new medical college (Techno India Medical College & Hospital) at Kurseong, Darjeeling, West Bengal by Techno India, West Bengal u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

Read: the matter with regard to establishment of new medical college (Techno India Medical College & Hospital) at Kurseong, Darjeeling, West Bengal by Techno India, West Bengal u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Executive Committee of the Council considered the letter dated 16.02.2016 received from the Central Govt., Ministry of Health & Family Welfare, New Delhi forwarding the document/information dated 10.02.2016 submitted by the Authorized Signatory, Techno India, Kolkata for review.

The Executive Committee of the Council noted the observations/recommendations of the Committee constituted by the Ministry which is as under:-

"This is a college established under PPP mode. The Trust representative submitted a copy of inspection report dated 4.2.2016 from CMOH, Darjeeling, West Bengal stating that a piece of land measuring 0.35 acres is identified and is contiguous with the 19.7 acres identified for medical college. Certificate for transferring the same to medical college is yet to be obtained. However, since the additional land free from all encumbrances and contiguous is identified, the requirement of piece of land of 20 acres seems to be met.

Recommended for review by MCI."

The Executive Committee of the Council further noted the legal opinion of the Law Officer of the Council which reads as under:

"I have perused the documents that have been received through the Central Govt. vide its letter dated 16.02.16 from the applicant Techno India. The first of these documents is the copy of certificate dated 29.08.15 issued by the ADM, Darjeeling regarding 19.70 Acres of land being in favour of Techno India in Kurseong. The second document is copy of Inspection Report submitted to the Director of Health Service & EO Secretary, Govt. of West Bengal dated 04.02.16. This document states that a piece of land of 0.35 Acres that is free of any encumbrance and litigation and is in contiguity of the land of 19.7 Acres of S.B. Dey T.B. Sanatorium has been identified. Map of the land and a certificate dated 02.08.16 issued by Office of the Sub Divisional Land & Land Reforms Officer, Kurseong have been enclosed. This certificate is inter alia to the effect that "the entire identified land is compact, free from all encumbrances and litigation and the land is recorded in favour of Calcutta Medical Aid and Research Society."

2. *Thus, on perusal of these documents it is apparent that although land of 0.35 Acres contiguous to the existing allotted land has been identified, yet it has not been transferred by the State Government to the applicant Techno India. Furthermore, it is to be noted that the requirement of ownership and possession of land of 20 Acres is qualifying criteria under clause 2(2) of the Establishment of Medical College Regulations, 1999 and has to be fulfilled at the time of making application. The Hon'ble Supreme Court in its judgment dated 20.08.15 in Royal Medical Trust vs. Union of India & Ors. – WP (C) No. 705/2014 and connected matters has held as under:*

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

Therefore, in my considered opinion the appropriate course of action would be to inform the Central Government that in response to their communication dated 16.02.16 the documents regarding additional land furnished by the applicant has been perused. On its perusal, it is clear that such land as on date has only been identified by officials of State Government and has not been transferred by the State Government to the applicant Techno India. Further, the qualifying criterion of owning and possessing 20 Acres of land has to be met at the time of making application. Hence, the application may be recommended for disapproval."

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in W.P.(C) No. 705/2015-Royal Medical Trust(Regd.) and Another Vs. Union of India and Anrs.:-

".....(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent of affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage...."

The Committee further noted the following relevant portion of the Hon'ble Supreme Court judgment dated 20/08/2015 in SLP.(C) No. 15043/2015- Padmashree Dr. D.Y. Patil Medical College Vs. Medical Council of India & Anr.:-

16. In W.P. (C) No.705/2014 – Royal Medical Trust (Regd.) and Anr. V. Union of India & Anr. decided on 20.8.2015, this Court has observed that the Schedule must take care of following aspects:

“(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

(B) Inspection should then be conducted by the Inspectors of the MCI. By very nature such inspection must have an element of surprise. Therefore, sufficient time of about three to four months ought to be given to the MCI to cause inspection at any time and such inspection should normally be undertaken latest by January. Surprise inspection would ensure that the required facilities and infrastructure are always in place and not borrowed or put in temporarily.

(C) Intimation of the result or outcome of the inspection would then be communicated. If the infrastructure and facilities are in order, the concerned Medical College should be given requisite permission/renewal. However if there are any deficiencies or shortcomings, the MCI must, after pointing out the deficiencies, grant to the college concerned sufficient time to report compliance.

(D) If compliance is reported and the applicant states that the deficiencies stand removed, the MCI must cause compliance verification. It is possible that such compliance could be accepted even without actual physical verification but that assessment be left entirely to the discretion of the MCI and the Central Government. In cases where actual physical verification is required, the MCI and the Central Government must cause such verification before the deadline.

(E) The result of such verification if positive in favour of the Medical College concerned, the applicant ought to be given requisite permission/renewal. But if the deficiencies still persist or had not been removed, the applicant will stand disentitled so far as that academic year is concerned.”

It is apparent from the aforesaid decision and the regulations that the application at the first instance is required to be complete and incomplete applications are liable to be rejected. Thereafter, there has to be an inspection and other stages of decision-making process.”

In view of above and after due & detailed deliberations, the Executive Committee of the Council decided to approve the opinion of the Law officer and reiterated its earlier decision taken at its meeting held on 28.12.2015 recommending disapproval of the scheme and return the application for establishment of new medical college (Techno India Medical College & Hospital) at Kurseong, Darjeeling, West Bengal by Techno India, West Bengal to the Central Govt. recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

47. Recognition/approval of A.J.Institute of Medical Sciences & Research Centre, Mangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to recognition/approval of A J Institute of Medical Sciences & Research Centre, Mangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences,

Bangalore against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment reports (6th Jan. 2015 and 15/16 February, 2016) and decided to recommend to the Central Government for recognition/approval of A.J. Institute of Medical Sciences & Research Centre, Mangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee further decided that the attention of the institute be drawn to Sections 8(3)(2), 8(3)(3) & 8(3)(4) of the Establishment of Medical Colleges Regulations (Amendment), 2010 (Part II) dated 16th April 2010 and act accordingly at appropriate time, which reads as under:-

8 (3) ...

(2) The recognition so granted to an Undergraduate Course for award of MBBS degree shall be for a maximum period of 5 years, upon which it shall have to be renewed.

(3) The procedure for 'Renewal' of recognition shall be same as applicable for the award of recognition.

(4) Failure to seek timely renewal of recognition as required in sub-clause (a) supra shall invariably result in stoppage of admissions to the concerned Undergraduate Course of MBBS at the said institute."

The Committee decided to place the matter before the General Body of the Council.

48. Recognition/approval of D.Y. Patil Medical College, Kolhapur for the award of MBBS degree granted by D. Y. Patil Education Society (Deemed University) Kolhapur against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

Read: the matter with regard to Recognition/approval of D.Y. Patil Medical College, Kolhapur for the award of MBBS degree granted by D. Y. Patil Education Society (Deemed University) Kolhapur against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment report (28.12.2015) and assessment report (16th & 17th February, 2016) and noted the following :-

1. OPD: Record of Obstetrics & Gynaecology OPD does not match with Central Registry as under:

#	Date	No. of Patients	
		O.G. Record	Central Registry
1	15/02/2016	19	132

On day of assessment – i.e. 16/02/2016, there was no record in O.G. OPD upto 11 a.m.

2. False register was found in Gynaecology OPD without OPD No. Name & Date.
3. Record of OPDs of General Medicine, General Surgery & Orthopaedics does not match with Central Registry.
4. OPD attendance was only 786 on day of assessment against 1,200 required.
5. Bed occupancy was only 61.40 % on 1st day of assessment against 75 % required.
6. There were only 10 Major & 6 Minor operations for the whole hospital on day of assessment.
7. Casualty: No past record was available.
8. The following fake patients were found:
 - (a) A patient named Mr. Vinod Krishna was admitted in Casualty on 17/02/2016 without case paper & without clinical treatment.
 - (b) A patient named Mr. G. Deshpande (OPD # 962332) was found in casualty but there was no entry either in Casualty register or Central register.
 - (c) In Orthopaedics ward, a patient named R. Solanki (IPD # 6783) was admitted on 15/02/2016 but no investigation was done and no treatment was given.
 - (d) In Orthopaedics ward, another patient named Thanekar (IPD # 6774) was admitted on 15/02/2016 but no investigation was done and no treatment was given.
 - (e) A patient named Ms. Shikha, age 35 y was admitted in General Medicine Unit II. Case paper showed age 80 y and no treatment was given in reality.
 - (f) A patient named Mrs. Deshpande, OPD # 1304502, was admitted in female Medicine ward since last 2 days but there was no case paper, no indoor case & treatment.
 - (g) A patient named Mr. Vilas Kamble Regn. No. 6790 was admitted on 15/02/2016 in Medicine Unit I. There were no investigations & diagnosis upto 17/02/2016.
9. O.T.s: On day of assessment, only 5 O.T.s were functional against 9 required. There is a mismatch in the list entered in O.T. register & O.T. list submitted. There is no Unitwise list or register. No emergency operation was performed from 16/02/2016 to 17/02/2016 11 a.m.
10. Labour Room: It was found vacant on both days of assessment – i.e. NIL Normal Delivery. Labour O.T. was found to be non-functional.
11. Interns' Hostel: Available accommodation is for only 40 Interns against 100 required. In Room # 406, one Mr. Prashant Sawant, a B.Sc. Nursing Resident was found residing. Similarly in Room # 411, one Mr. Nikunj Garia, a III year Resident was found residing.
12. Residents' Hostel: Most of Senior & Junior Residents were found not residing in rooms allotted to them vide allotment letter issued by Dean.
13. Deficiency of faculty is 6 % as detailed in the report.
14. Shortage of Residents is 40 % as detailed in the report.
15. The following Residents were absent during head count but it was observed that some other person had signed in their name:

#	Name	Designation	Department
1	J. Madhav	SR	General Medicine
2	Dr. H. Patel	JR	Paediatrics
3	Dr. Das	JR	Paediatrics
4	Dr. Kamal Avtar	JR	Psychiatry
5	Dr. S.R. Patil	JR	Psychiatry
6	Dr. Suhas Prasad	JR	Psychiatry
7	Dr. Kaveri Chaugule	SR	Psychiatry
8	Dr. Abhishek	SR	General Surgery
9	Dr. Akansha Somal	SR	General Surgery
10	Dr. Joshi	SR	General Surgery
11	Dr. Nikhil Bothra	SR	Orthopaedics
12	Dr. Lamber	SR	Orthopaedics
13	Dr. Sonal Gowaikar	SR	Ophthalmology
14	Dr. Sachin Rawal	SR	O.G.
15	Dr. K.M. Mulla	SR	Anaesthesiology
16	Dr. Sagar Girigosai	SR	Anaesthesiology
17	Dr. Vivek Chavan	SR	Anaesthesiology
18	Dr. Deepa Patel	SR	Anaesthesiology

16. Academic Programme: On cross verification, staff members were unable to show lectures taken by them and students' attendance sheet.
17. There was not a single blood unit was in storage in Blood Bank.
18. Demonstration rooms of General Medicine, General Surgery & O.G. departments have capacity of 15 which is inadequate.
19. Capacity of Hospital Lecture Theater is smaller than 250 required.
20. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend not to recognise/approve D.Y. Patil Medical College, Kolhapur for the award of MBBS degree granted by D. Y. Patil Education Society (Deemed University) Kolhapur against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956 and further decided that the Institute be asked to submit the compliance for rectification of the above deficiencies within 01 month for further consideration of the matter. The Committee further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

8(3)(1).....

- (c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <80%, such an institute will not be considered for processing applications for postgraduate courses in the Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses."

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2016-17) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by the institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

The Executive Committee of the Council further decided to refer the matter to the Ethics Committee of the Council.

49. Consideration of Compliance Verification Assessment report with regard to continuance of recognition of MBBS degree granted by the Tamilnadu Dr. MGR Medical University, Chennai in respect of students being trained at Tirunelveli Medical College, Tirunelveli.

Read: the matter with regard to consideration of Compliance Verification Assessment report with regard to continuance of recognition of MBBS degree granted by the Tamilnadu Dr. MGR Medical University, Chennai in respect of students being trained at Tirunelveli Medical College, Tirunelveli.

The Executive Committee of the Council considered the compliance verification assessment report (17th Feb., 2016) alongwith previous assessment reports (2nd July, 2015 & 10th Sept., 2014) and decided to recommend that recognition of MBBS degree granted by the Tamilnadu Dr. MGR Medical University, Chennai in respect of students being trained at Tirunelveli Medical College, Tirunelveli be continued restricting the number of admission to 150 (One Hundred Fifty) students.

50. Continuance of recognition of MBBS degree granted by BLDEA University (Prev. affiliated to Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Shri B.M. Patil Medical College, Bijapur.

Read: the matter with regard to continuance of recognition of MBBS degree granted by BLDEA University (Prev. affiliated to Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Shri B.M. Patil Medical College, Bijapur.

The Executive Committee of the Council considered the assessment report (16th and 17th Feb., 2016) and noted the following:-

1. Lecture Theaters: Out of 4 Lecture Theaters, 1 is of flat type which is not as per Regulations.
2. Central Library: It is partly air-conditioned.
3. Common Rooms for Boys & Girls are smaller than required.
4. OPD: Injection room is common for males/females.

5. Wards: All the wards do not have Treatment room. Nursing stations are small. Demonstration rooms are one small room with one bed only. There is no place for 25 students to sit and learn. Nursing stations are combined for 2-3 ward wings. In Tb & Chest, male & female patients are admitted in H shaped ward without separation. Some beds are not numbered in Paediatrics ward while there is duplication of numbers in some wards.
6. Most of patients with minor ailments are admitted as indoor patients.
7. OPD attendance is 992 against 1,200 required on day of assessment.
8. Bed occupancy is 61 % on day of assessment.
9. MRD: ICD X Classification of diseases is followed for indexing; however, indexing is not proper.
10. Physiology department: Capacity of 1 Demonstration room is smaller than required.
11. Biochemistry department: Capacity of Demonstration rooms & of Practical Laboratory is smaller than required.
12. Pharmacology department: Capacity of Demonstration rooms is smaller than required.
13. RHTC: Cold chain equipment is not available.
14. Other deficiencies as pointed out in the inspection report.

In view of the above, the Executive Committee of the Council decided not to recommend continuance of recognition of MBBS degree granted by BLDEA University (Prev. affiliated to Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Shri B.M. Patil Medical College, Bijapur and further decided that the institute be asked to submit the compliance after rectification of the above deficiencies within one month. The Committee further decided to apply clause 8(3)(1)(c) of Establishment of Medical College Regulation (Amendment), 2010 (Part II), dated 16th April, 2010 which reads as under:-

8(3)(1).....

(c) Colleges which are already recognized for award of MBBS degree and/or running postgraduate courses

If it is observed during any regular inspection of the institute that the deficiency of teaching faculty and/or Residents is more than 10% and/or bed occupancy is <80%, such an institute will not be considered for processing applications for postgraduate courses in the Academic year and will be issued show cause notices as to why the recommendation for withdrawal of recognition of the courses run by that institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses."

In view of above, it was decided not to consider the Institute for processing applications for postgraduate courses in the current Academic year (2016-17) and to issue show cause notice as to why the recommendation for withdrawal of recognition of the courses run by the institute should not be made for undergraduate and postgraduate courses which are recognized u/s 11(2) of the IMC Act, 1956 alongwith direction of stoppage of admissions in permitted postgraduate courses.

The Executive Committee of the Council further decided to intimate the Postgraduate Section of application of clause 8(3)(1)(c) for this Institute for information and further necessary action.

51. Renewal of permission for MBBS course for 3rd batch (150 seats) of SMBT Institute of Medical Sciences & Research Centre, Nandihills, Maharashtra under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 in pursuance of Hon'ble Bombay High court Order dated 28.01.2016 in WP No.942/2016 and Hon'ble Supreme Court Order dated 02.02.2016 in SLP © No. 3031/2016-MCI Vs. Sau Mathurabai Bhausaheb Thorat Sevabhai Trust & Ors.

Read: the matter with regard to renewal of permission for MBBS course for 3rd batch (150 seats) of SMBT Institute of Medical Sciences & Research Centre, Nandihills, Maharashtra under Maharashtra University of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2016-2017 in pursuance of Hon'ble Bombay High court Order dated 28.01.2016 in WP No.942/2016 and Hon'ble Supreme Court Order dated 02.02.2016 in SLP © No. 3031/2016-MCI Vs. Sau Mathurabai Bhausaheb Thorat Sevabhai Trust & Ors.

The Executive Committee of the Council considered the assessment report (17th and 18th February, 2016) which was carried out in pursuance of Hon'ble Bombay High Court Order dated 28.01.2016 in WP No.942/2016 and Hon'ble Supreme Court Order dated 02.02.2016 in SLP © No. 3031/2016-MCI Vs. Sau Mathurabai Bhausaheb Thorat Sevabhai Trust & Ors. and noted the following:-

1. Deficiency of faculty is 8 % as detailed in the report.
2. Shortage of Residents is 16.32 % as detailed in the report.
3. Teaching beds are inadequate as under:

#	Department	Beds		
		Required	Available	Deficit
1	General Medicine	72	66	06
2	Paediatrics	24	22	02
3	Dermatology	08	07	01
	TOTAL			09

4. Wards of Obstetrics & Gynaecology and Psychiatry departments are not as per MSR Regulations. There are no Demonstration rooms, duty rooms, pantry in these wards.
5. Psychiatry ward which is inside General Medicine ward is not visible from Nursing station.
6. Bed occupancy is 55 % (i.e. 165 out of required 300 beds) against 60 % required.
7. Data of OPD attendance, Casualty attendance, Operative workload, Laboratory & Radiological investigation workload and other parameters of clinical as given by the institute are inflated. There were not many patients in OPD around 10:25 a.m. Later on, at around 11:20 a.m. patients were brought in buses.

8. Casualty: There were NIL patients in casualty at time of assessment.
9. Blood Bank: NIL unit was dispensed till 11 a.m. on day of assessment.
10. In a few cases, diagnosis as recorded does not match with the condition of the patients.
11. All Demonstration Rooms in the hospital are congested and without Audiovisual aids.
12. There was NIL Normal Delivery & NIL Caesarean Section on day of assessment. A female patient who had 6-7 months' amenorrhoea was made to lie down on labour table.
13. On random verification, the following patients were found who were not genuine:
 - (a) In Orthopaedics female ward, one Ms. Sugandha Mangesh, age 42 y, IPD # 160208032 was found with diagnosis of Swelling in Left Popliteal Fossa. However on verification no swelling was found in Left Popliteal Fossa.
 - (b) In Gynaecology ward, one Ms. Padmabai, age 46 y, IPD # 160111005, was found with only dressing over healed laparotomy scar suggestive of an old operation.
 - (c) In Orthopaedics male ward, one Mr. Manish, Age 13 y, IPD # 160216019 was found with X-rays of private hospitals; this suggests that patient was in the ward just for bed occupancy.
 - (d) In Orthopaedics wards, there was not a single patient with Plaster, POP plaster, or Back slab; this suggests ward was filled with patients of insignificant symptoms only for filling in the beds.
14. In many wards, many admitted patients were having insignificant non-specific problems like upper abdominal pain, headache, cough, bodyache, etc. which do not require admission. They were not carrying any personal belongings with them.
15. Around 12 noon, while interacting with patients standing in queue for OPD registration, it was found that many had only minor complaints for which people generally do not seek medical advice.
16. Many of Senior / Junior Residents do not know each other as well as they do not know their duty hours.
17. Mess facility is not available in Residents' hostel.
18. MRD: Qualified Medical Records Officer is not available.
19. Services of Dietician are not available. There is no provision of special diets.
20. RHTC & UHC: Patients attendance at RHTC & UHC is very less. RHTC is 35 kms. away & UHC is 30 km. away.
21. Physiology department: Available preparation rooms are 3 against requirement of 4.
22. Pathology department: Only 1 Practical Laboratory is available against requirement of 2.
23. Microbiology department: NIL Service laboratory is available against requirement of 6.
24. Other deficiencies as pointed out in the assessment report.

In view of the above, the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 3rd batch (150 seats) of SMBT Institute of Medical Sciences & Research Centre, Nandihills, Maharashtra under Maharashtra University

of Health Sciences, Nashik u/s 10A of the IMC Act, 1956 for the academic year 2016-2017.

52. Recognition/Approval of Sikkim Manipal Institute of Medical Sciences, Gangtok for the award of MBBS degree granted by Sikkim Manipal University, Gangtok against the increased intake i.e. from 50 to 100 seats, in pursuance of the Hon'ble Supreme Court order dt. 27.01.2016 in SLP © No. 34220/2015-Medical Council of India Vs. Sikkim Manipal University & Ors u/s 11(2) of the IMC Act, 1956 .

Read: the matter with regard to Recognition/approval of Sikkim Manipal Institute of Medical Sciences, Gangtok for the award of MBBS degree granted by Sikkim Manipal University, Gangtok against the increased intake i.e. from 50 to 100 seats, in pursuance of the Hon'ble Supreme Court order dt. 27.01.2016 in SLP © No. 34220/2015-Medical Council of India Vs. Sikkim Manipal University & Ors u/s 11(2) of the IMC Act, 1956.

The Executive Committee of the Council considered the assessment reports (29th and 30th January, 2016) which was carried out in pursuance of the Hon'ble Supreme Court Order dt. 27.01.2016 in SLP © No. 34220/2015-Medical Council of India Vs. Sikkim Manipal University & Ors u/s 11(2) of the IMC Act, 1956 alongwith the representations/letters dated 01.02.2016 and 19.02.2016 from the Officiating Dean, Sikkim Manipal Institute of Medical Sciences, Gangtok and Dr. K.B. Gurung, Medical Superintendent STNM Hospital, Govt. of Sikkim, Gangtok and the observations are recorded in the concerned file. Further the Committee decided to place these observations in a sealed envelop before the Hon'ble Supreme Court.

53. Recognition/approval of RajaRajeswari Medical College & Hospital, Bangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956 and Continuance of Recognition for 100 seats.

Read: the matter with regard to recognition/approval of RajaRajeswari Medical College & Hospital, Bangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956 and Continuance of Recognition for 100 seats.

The Executive Committee of the Council considered the assessment reports (6th January, 2016 and 22nd / 23rd February, 2016) and decided to recommend to the Central Government for recognition/approval of RajaRajeswari Medical College & Hospital, Bangalore for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore against the increased intake i.e. from 100 to 150 seats u/s 11(2) of the IMC Act, 1956.

The Executive Committee further decided that the attention of the institute be drawn to Sections 8(3)(2), 8(3)(3) & 8(3)(4) of the Establishment of Medical Colleges Regulations (Amendment), 2010 (Part II) dated 16th April 2010 and act accordingly at appropriate time, which reads as under:-

8 (3) ...

(2) The recognition so granted to an Undergraduate Course for award of MBBS degree shall be for a maximum period of 5 years, upon which it shall have to be renewed.

(3) The procedure for 'Renewal' of recognition shall be same as applicable for the award of recognition.

(4) Failure to seek timely renewal of recognition as required in sub-clause (a) supra shall invariably result in stoppage of admissions to the concerned Undergraduate Course of MBBS at the said institute."

The Committee further decided to recommend continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Raja Rajeswari Medical College & Hospital, Bangalore for 100 (One Hundred) seats.

The Committee decided to place the matter before the General Body of the Council.

Dr. Reena Nayyar recused herself from the meeting

54. Review of suspension of Dr. P. Prasannaraj, Additional Secretary (U/s) by Review Committee held on 27.02.2016 at 10.00 a.m.

Read: the matter with regard to review of suspension of Dr. P. Prasannaraj, Additional Secretary (Under Suspension).

The Executive Committee of the Council approved the minutes of the Review Committee meeting dated 27.02.2016 to continue the suspension of Dr. P. Prasannaraj, Additional Secretary (U/s) for a further period of 90 days w.e.f. 21.03.2016.

The minutes of the above item were read and confirmed in the meeting itself.

55. Review of suspension of Dr. Davinder Kumar, Joint Secretary (U/s) by Review Committee held on 27.02.2016 at 10.30 a.m.

Read: the matter with regard to review of suspension of Dr. Davinder Kumar, Joint Secretary (U/s).

The Executive Committee of the Council approved the minutes of the Review Committee meeting dated 27.02.2016 to continue the suspension of Dr. Davinder Kumar, Joint Secretary (U/s) for a further period of 90 days w.e.f. 28.03.2016.

The minutes of the above item were read and confirmed in the meeting itself.

56. Review of suspension of Dr. Anshu Sethi Bajaj, Deputy Secretary (U/s) by Review Committee held on 27.02.2016 at 10.15 a.m.

Read: the matter with regard to review of suspension of Dr. Anshu Sethi Bajaj, Deputy Secretary (U/s).

The Executive Committee of the Council approved the minutes of the Review Committee meeting dated 27.02.2016 to continue the suspension of Dr. Anshu Sethi Bajaj, Deputy Secretary (U/s) for a further period of 90 days w.e.f. 24.03.2016.

The minutes of the above item were read and confirmed in the meeting itself.

Dr. Reena Nayyar re-joined the meeting

57. Establishment of New Medical College at Dehradun, Uttarakhand by Dr. Jagat Narain Subharti Charitable Trust, Dehradun, Uttarakhand u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

Read: the matter with regard to establishment of new medical college at Dehradun, Uttarakhand by Dr. Jagat Narain Subharti Charitable Trust, Dehradun, Uttarakhand u/s 10A of the IMC Act, 1956 for the academic year 2016-17.

The Executive Committee noted that the Government of Uttarakhand vide its letter dated 27.01.16 has in response to Council letters informed that a part of land that the applicant Dr. Jagat Narain Subharti Charitable Trust is claiming to be owned and possessed by it is in the name of Sri Sri 1008 Narayan Swami Charitable Trust. Further, the State Government has also informed that there are several litigations pending in various Hon'ble Courts between Dr. Jagat Narain Subharti Charitable Trust and Sri Sri 1008 Narayan Swami Charitable Trust. In addition, certain complaints with regard to land owned by the applicant has also been received in the Council office. Furthermore, despite repeated opportunities the applicant Trust has failed to furnish a certificate from District Magistrate/Additional District Magistrate, Dehradun, i.e., the certificate from a District Authority, higher in rank than the Tahsildar who had issued the Certificate dated 16.12.14 in favour of the applicant Trust regarding the land owned and possessed by it.

The Executive Committee noted that one of the qualifying criteria for establishment of new Medical College is that the applicant fulfils the requirement of land as prescribed in the Establishment of Medical College Regulations, 1999. Further, the Committee recalled that the Hon'ble

Supreme Court of India in its judgment dated 20.08.15 in Royal Medical Trust Vs. Union of India & Ors. – WP (C) No. 705/2014 and connected matters has held as under:-

(A) Initial assessment of the application at the first level should comprise of checking necessary requirements such as essentiality certificate, consent for affiliation and physical features like land and hospital requirement. If an applicant fails to fulfill these requirements, the application on the face of it, would be incomplete and be rejected. Those who fulfill the basic requirements would be considered at the next stage.

Therefore, keeping in view the fact that all the land is not entered in the name of Dr. Jagat Narain Subharti Charitable Trust, there are several litigations pending, and complaints regarding land dispute have been received, the Executive Committee holds that that the title of land on which the applicant Dr. Jagat Narain Subharti Charitable Trust seeks to establish the new Medical College is disputed. Thus, applicant Trust has failed to fulfill the qualifying criteria regarding land as prescribed by the Establishment of Medical College Regulations, 1999.

In view of failure to meet the qualifying criteria regarding land as prescribed in Regulations and the binding dictum of the Hon'ble Supreme Court in Royal Trust case, the Executive Committee of the Council decided to return the application for establishment of a new medical college at Dehradun, Uttarakhand by Dr. Jagat Narain Subharti Charitable Trust, Dehradun, Uttarakhand to the Central Government recommending disapproval of the scheme u/s 10A of the IMC Act, 1956 for the academic year 2016-17 as there is no provision u/s 10A of the Indian Medical Council Act, 1956 or the regulations framed therein to keep the application pending in the Council office for the next academic year.

58. Evaluation of standards of examination by the visitor in his visitation report.

Read: the matter with regard to evaluation of standards of examination by the visitor in his visitation report.

The Executive Committee of the Council noted that the General Body of the Council at its meeting held on 26-27 March, 2015 had approved the following:-

“The Council approved that the inspection for recognition of MBBS qualification of any college conducted by the Council u/s 11(2) of I.M.C. Act, 1956 should be split into two independent parts – i) to evaluate the process of conduct of examination by the examining university; ii) compliance to Minimum Standard Requirements as prescribed by the Council for the award of recognition, to be carried out separately by two different set of Inspectors at two different points of time separated by a gap of minimum 30 days (One month).

The Council also approved that the additional criteria for evaluating the standards for conduct of university examination would include the following:-

- i) Syllabus prescribed by the examining university for the concerned course alongwith date of effectivity.
- ii) Governing by law/ordinance pertaining to the examination notified by the examining university and its date of effect.
- iii) Standard of question papers set out for the said examination in the context of they being commensurate with the prescribed syllabus.
- iv) Scheme of setting, moderation of the question papers and assessment of the answer books as prescribed by the examining university.
- v) Scheme of conduct of practical, clinical & viva-voce examination prescribed by the examining university.
- vi) Conformity of the syllabus and scheme of examination prescribed by the examining university with the one prescribed by the Council in its Governing Regulation."

The Committee further noted the resolution taken in its earlier meeting held on 30.01.2016

"The Committee further resolved that once a degree of any university is recognized then for any college under the same university, the assessment to oversee the conduct of examination for that degree is not required; the assessment would be carried out only for verifying facilities available at the institute in terms of faculty, Residents, clinical material, infrastructure of college, hospital, hostels, residential quarters, library, etc. and other ancillary and miscellaneous facilities required as per regulations for the purpose of recognition of the degree awarded to the students of the particular college under section 11(2) of IMC Act, 1956. It was decided to place the same before the General Body of the Council for its approval."

It was brought to the notice of the Committee that since several Universities/Institutions have their examination in mid March or end of March their reports cannot be placed before the General Body of the Council in March itself and has to wait till the next General Body in October/November. The students passing out are therefore unable to start their internship till their degree is recommended for recognition by the Council resulting in undue delay.

In view of above, the Committee decided as under:-

- (I) once a degree of any university is recognized then for any college under the same university, the assessment to oversee the conduct of examination for that degree is not required; the assessment would be carried out only for verifying facilities available at the institute in terms of faculty, Residents, clinical material, infrastructure of college, hospital, hostels, residential quarters, library, etc. either two months before the date of the examination or anytime after examination.
- (II) if the degree of any university is not yet recognized then for any college under that university the assessment to oversee the conduct of examination for that degree would be required and split into two independent parts – i) to evaluate the process of conduct of examination by the examining university; ii) compliance to Minimum Standard Requirements as prescribed by the Council for the award of recognition, to be carried out separately by two different set of Inspectors at two different points of time either two months before the date of the examination or anytime after examination.

“Requirement of a gap of minimum 30 days (One month)” between the two sets of assessments being carried out for evaluating the standards of examination **be deleted**.

However, the additional criteria for evaluating the standards for conduct of university examination as approved by the General at its meeting 26-27 March, 2015 would still be applicable.

The matter be placed before the General Body.

The minutes of the above item were read and confirmed in the meeting itself.

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

New Delhi, dated
27th February, 2016

(Dr. Reena Nayyar)
Secretary I/c.

APPROVED

(Dr. Jayshree Mehta)
President

