

176. Recognition of Co-operative Medical College, Kochi for the award of MBBS degree granted by cochin University of Sciences & Technology.

Read: The Compliance Verification inspection report (08th June, 2007) for recognition of Co-operative Medical College, Kochi for the award of MBBS degree granted by Cochin University along with letter dated 15.7.2004 from the Joint Secretary, Govt. of India, Ministry of Health & F.W.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (8th June, 2007) along with letter dated 15.7.2004 from the Joint Secretary, Govt. of India, Ministry of Health & F.W. and decided to recommend that Co-operative Medical College, Kochi be recognized for the award of MBBS degree granted by Cochin University with annual intake of 100(One Hundred) students.”

177. Recognition of Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi for the award of MBBS degree granted by Guru Gobind Singh Indraprastha University- Compliance verification inspection thereof.

Read: The compliance verification inspection report(2nd June, 2007) for recognition of Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi for the award of MBBS degree granted by Guru Gobind Singh Indraprastha University.

The Council considered the compliance verification inspection report(2nd June, 2007) for recognition of Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi and noted that the Executive Committee at its meeting held on 13th & 14th June, 2007, wherein the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present had recommended as under:

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (2nd June, 2007) and decided to recommend that Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi be recognized for the award of MBBS degree granted by Guru Gobind Singh Indraprastha University and included in the Ist Schedule to the IMC Act, 1956 restricting the number of admissions to 100 students annually.”

It was informed by the Secretary of the Council that subsequent to the recommendations of the Executive Committee taken at its meeting held on 13-14th June, 2007, the Central Government issued a Notification dated 21.9.2007 for recognition of MBBS degree awarded by Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi u/s 11(2) of the IMC Act, 1956. This matter was considered by the Executive Committee at its meeting held on 3rd November, 2007 wherein the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present. After detailed deliberations, the members of the Adhoc Committee and of the Executive Committee of the Council have decided as under:-

“”The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council deliberated upon the matter and observed as under:-

“The Central Government vide its letter dated 11.8.2006 had forwarded the request of Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi for inspection of the college during the final year MBBS examination.

An inspection of the institute for recognition for the award of MBBS degree was carried out by the Council Inspectors on 1st & 2nd September, 2006. The inspection report was considered by the Executive Committee at its meeting held on 7th September, 2006 wherein the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present. In view of gross deficiencies of teaching faculty, residents, clinical material and infrastructure, it was decided not to recognize Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi for the award of MBBS degree granted by Guru Gobind Singh Indraprastha University. The decision was communicated to the college authorities with copy to the Central Govt. and other concerned authorities vide this office letter dated 15.9.2006.

The Central Govt. vide letter dated 9.5.2007 had forwarded the compliance report submitted by the college authorities vide letter dated 10.4.2007 which was verified by the Council Inspectors on 2nd June, 2007. The compliance verification inspection report was considered by the Executive Committee at its meeting held on 13th & 14th June, 2007 where the members of the Adhoc Committee appointed by the Hon’ble Supreme Court were also present and it was decided as under:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (2nd June, 2007) and decided to recommend that Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi be recognized for the award of MBBS degree granted by Guru Gobind Singh Indraprastha University and included in the 1st Schedule to the IMC Act, 1956 restricting the number of admissions to 100 students annually.”

The above decision of the Executive Committee was communicated to the Central Govt. vide this office letter dated 13.07.2007 and also communicated the recommendation of the Executive Committee with regard to recognition of the college for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada will be placed before the General Body of the Council at its next meeting for its consideration & approval.

The Council has not received any communication from the Central Govt. in this regard. However, it was observed that the Central Govt. has issued Notification dated 21.09.2007 for recognition of Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi u/s 11(2) of the IMC Act, 1956.

It was further observed that the Central Govt. has neither provided any reasons for issuing the above said notification even when the Council in its letter dated 13.07.2007 had specifically communicated that the matter pertaining to the recognition would be placed before the General Body of the Council at its ensuing meeting nor any speaking order has been passed in this regard. It is also stated that the Council has not received any further communication in this matter after the decision of the Executive Committee at its meeting held on 13th & 14th June, 2007 was communicated to the Central Govt. on 13.07.2007.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council also observed that Section 11 of the Indian Medical Council Act, 1956 pertaining to recognition of the medical qualification granted by universities or medical institutions in India reads as under:-

- “11. (1) The medical qualifications granted by any university or medical Institution in India which are included in the first Schedule shall be recognised medical qualifications for the purposes of this Act.
- (2) Any university or medical Institution in India which grants a medical qualification not included in the First Schedule may apply to the Central Govt., to have such qualification recognised, and the Central Government, after consulting the Council, may, by notification in the official Gazette, amend the First Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the last column of the First Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.”

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council observed that in case of another institute – viz. M.N.R. Medical College, Sangareddy, A.P., the Executive Committee had approved the institute for the award of MBBS degree under N.T.R. University of Health Sciences, Vijayawada for 100 admissions at its meeting held on 2nd March, 2007 and the said item was also included in the agenda to be placed before the General Body of the Council at its meeting to be held on 10th March, 2007. However, as complaints were received in the office of the Council pertaining to the gross deficiencies of teaching faculty and clinical material, another inspection to verify the teaching faculty and clinical material was carried out on 9th March, 2007. As gross inadequacy of the teaching faculty (46.3%), residents (83%) and inadequacy of clinical material (bed occupancy-29%, OPD attendance-26%) were observed at this inspection dated 9.3.2007, the General Body of the Council had decided not to approve MNR Medical College, Sangareddy for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada even though the Executive Committee had recommended approval to the institute for award of MBBS degree.

The members of the Adhoc Committee appointed by Hon’ble Supreme Court and of the Executive Committee of the Council further observed that the recommendations for recognition of any medical college is to be made by the General Body of the Council to the Ministry of Health, Government of India. Every case for consideration for recommendation to the Ministry of Health, Government of India for recognition of any college is taken up by the Executive Committee of the Council. The Executive Committee makes the recommendations to the General Body of the Council for consideration for necessary action and notification of the case by the General Body of the Council, which, then makes the final decision which is conveyed to recommendation to the Ministry of Health, Government of India.

It is the recommendation of the General Body of the Council which is necessary for the Ministry of Health, Government of India for issuing any order for grant of recognition of a college. The approval of the recommendation of the Executive Committee by the General Body of the Council for recognition of any college is a condition precedent and therefore in the absence whereof the Ministry of Health, Government of India does not issue any order for grant of recognition to any college. In the light of the facts mentioned above in relation to the case of MNR Medical College where the recommendation was by the Executive Committee of the Council to the General Body and having regard to the subsequent facts as stated above, the General Body of the Council had decided not to approve MNR Medical College for the award of the MBBS Degree by the NTR University, the Ministry of Health, Government of India could not have had issued the order for recognition of this college.”

In view of above, the members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided to request the Central Govt. to reconsider the matter and recall the notification dated 21.9.2007 issued by the Govt. of India for recognition of Vardhman Mahavir Medical College, New Delhi u/s 11(2) of the IMC Act, 1956.””

The Council further observed that Safdarjung Hospital is already running various postgraduate courses for the last 40 years under Delhi University while the Vardhman Mahavir Medical College & Safdarjung Hospital, New Delhi is affiliated with Guru Gobind Singh Indraprastha University for the award of MBBS degree. The Council also noted that Safdarjung Hospital is a teaching hospital affiliated to Vardhman Mahavir Medical College. It is also

possible that once the recognition for the MBBS degree is awarded, the institute may apply for starting of various postgraduate courses under affiliation to Guru Gobind Singh Indraprastha University. The members observed that this would result in a situation wherein the institute would be affiliated to Guru Gobind Singh Indraprastha University for undergraduate course and to Delhi University for postgraduate courses. This would also result in a peculiar situation wherein the same institute would not only be affiliated to two different universities for undergraduate and postgraduate courses but would also be affiliated to two different universities for the same postgraduate courses which are not permissible as per Regulations.

After detailed deliberations in the matter the Council decided to constitute a Sub-Committee to look into the details of teaching faculty of undergraduate and postgraduate (whether the same faculty is teaching the undergraduate students) and submit its report. The Council further decided to authorize the President (Acting) to take a decision in the matter on receipt of the report of the Sub-Committee. It was further decided that the matter be deferred till the report is submitted.

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

Read: The compliance verification inspection report (24th April, 07 & 12th October, 07) of Dr. S.Nijalingappa Medical College & Hospital, Bagalkot for approval of the college for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore.

The Council noted that the Executive Committee at its meeting held on 28th April, 2007 wherein the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present had decided as under:-

“The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (24th April, 2007) and decided to recommend that Dr. S.Nijalingappa Medical College & Hospital, Bagalkot be approved for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Karnataka with an annual intake of 100 (hundred) students.”

It was further observed that an inspection of the institute for processing the applications received from the institute for starting the postgraduate courses was carried out on 30th August/1st Sept.,07 to verify the teaching faculty, residents, clinical material, hostels and other infrastructural facilities available at the college. The inspection report was placed before the Executive Committee at its meeting held on 20.09.2007 wherein the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present and it was decided as under:-

“The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (30th Aug. & 1st Sept., 07) and observed as under:-

- *Bed occupancy as claimed by the Medical Superintendent is 90% on the day of inspection. However, on physical verification, it was found that 30-35% of the admitted patients in the various wards did not require any hospitalization. Many patients did not have complete case sheets and they did not have treatment orders as well as any instructions for the Radiological/Biochemical investigations on the first day of the inspection.*
- *The OPD attendance as seen in the computer was 1007 on the day of inspection. However, it was found that the overcrowding in the OPD was not of genuine patients. Each patient was accompanied by 2-3 attendants whose names were also included in the OPD attendance.*

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to conduct another inspection of the institute to verify the available facilities before processing the applications for postgraduate courses.”

Accordingly, another inspection of the institute was carried out on 12th October, 2007.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (12th Oct.,2007) and observed as under:-

1. The shortage of teaching staff required at present stage is as under:-
 - (a) Faculty more than 10% (i.e. 13 out of 121)

- (i) Professor – 02 (Medicine & Ophthalmology)
- (ii) Associate Prof. – 08 (Anatomy-2, Physiology-2, Pharmacology-1, Microbiology-1, FM-1, TB & CD –1)
- (iii) Assistant Professor – 03 (PSM, TB&CD and Dental 1 each)

(b) Resident : 20% (i.e. 17 out of 85)

- (i) Sr. Resident – 06 (Medicine & Radiology 2 each, TB & CD and Psychiatry 1 each)
- (ii) Jr. Resident – 11 (Surgery-3, TB&CD, Ortho. & ENT 2 each, Skin & VD & Ophthalmology 1 each)

2. Clinical Material is grossly inadequate as under:-

	Day of Inspection
O.P.D. attendance	539
Bed occupancy%	42%
<u>Radiological Investigations</u>	
X-ray	
Ultrasonography	67
Special Investigations	45
	06
C.T. Scan	05

In view of the gross deficiencies of teaching faculty & clinical material which are the two most important parameters of medical education, the members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided to issue a show cause notice to the institute why the admissions to the MBBS course for the academic session 2008-2009 should not be stopped. Copy of the letter be also marked to DME of the concerned State Govt., Registrar of the University to which the college is affiliated and also to the member of the MCI representing the State where the college is located. It has further been decided that the Council should not process the applications for postgraduate courses from the institute and return the applications for postgraduate courses to the Central Government.”

After due deliberations, the Council approved the recommendations of the Adhoc Committee and Executive Committee of the Council taken at its meeting held on 3.11.2007. It was further decided that the matter of recognition for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of Dr. S.Nijalingappa Medical College & Hospital, Bagalkot shall be considered only upon receipt of satisfactory reply to the show cause notice issued to the institute.

179. Approval of Basveshwara Medical College, Chitradurga for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore – Compliance verification inspection thereof.

Read: The compliance verification inspection report (6th August 2007) for approval of Basveshwara Medical College, Chitradurga for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (6th August, 2007) and decided to recommend to the General Body of the Council for approval of Basveshwara Medical College, Chitradurga for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore with an annual intake of 100 (hundred) students.”

180. Approval of Prathima Institute of Medical Sciences, Karimnagar for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada- Compliance verification inspection thereof.

Read: The compliance verification inspection report (4th August 2007) for approval of Prathima Institute of Medical Sciences, Karimnagar for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (4th August, 2007) and decided to recommend to the General Body of

the Council for approval of Prathima Institute of Medical Sciences, Karimnagar for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada with an annual intake of 150 (one hundred fifty) students.

181. **Approval of M.N.R. Medical College, Sangareddy for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada- Compliance verification inspection thereof.**

Read: The compliance verification inspection report (11th August 2007) for approval of M.N.R. Medical College, Sangareddy for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (11th August, 2007) and decided to recommend to the General Body of the Council for approval of M.N.R. Medical College, Sangareddy for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada with an annual intake of 100 (hundred) students.”

182. **Approval of Medicity Institute of Medical Sciences, Ghanpur for the award of MBBS degree granted by Dr. N.T.R. University of Health Sciences, Vijayawada – Compliance verification inspection thereof.**

Read: The compliance verification inspection report (13th August 2007) for approval of Medicity Institute of Medical Sciences, Ghanpur for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (13th August, 2007) and decided to recommend to the General Body of the Council for approval of Medicity Institute of Medical Sciences, Ghanpur for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada with an annual intake of 100 (hundred) students.”

183. **M.R. Medical College, Gulbarga – Approval of college against increased intake from 100 to 150.**

Read: The compliance verification inspection report (1st June, 2007) for approval of M.R. Medical College, Gulbarga against the increased intake from 100 to 150.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (1st June, 2007) and decided to recommend that M.R. Medical College, Gulbarga be approved for the award of MBBS degree granted by the Rajiv Gandhi University of Health Sciences, Bangalore for the increased number of seats i.e. from 100 to 150.”

184. **Pondicherry Institute of Medical Sciences, Pondicherry – approval of the college for the award of MBBS degree granted by the Pondicherry University, Pondicherry**

Read: The compliance verification inspection report (8th May, 2007) alongwith inspection report (4th – 5th June, 2007) for approval of Pondicherry Instt. of Medical Sciences, Pondicherry for the award of MBBS degree granted by the Pondicherry University, Pondicherry.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (8th May, 2007) alongwith the inspection report (4th & 5th June, 2007)

and decided to recommend that Pondicherry Institute of Medical Sciences, Pondicherry be approved for the award of MBBS degree granted by the Pondicherry University, Pondicherry with an annual intake of 100 students.”

185. Approval of P.E.S. Institute of Medical Sciences & Research, Kuppam for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada.

Read: The Inspectors report (25th & 26th May, 2007) for approval of P.E.S. Institute of Medical Sciences & Research, Kuppam for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report(25th & 26th May, 2007) and decided to recommend that P.E.S. Institute of Medical Sciences & Research, Kuppam be approved for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada with an annual intake of 150 students.”

186. Approval of K.V.G. Medical College & Hospital, Sullia for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore – Compliance verification inspection thereof.

Read: The compliance verification inspection report (8th May, 2007) for approval of K.V.G. Medical College & Hospital, Sullia for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council the Compliance verification inspection report(8th May, 2007) and decided to recommend that K.V.G. Medical College & Hospital, Sullia be approved for the award of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore with an annual intake of 100(One Hundred) students.”

187. Approval of Govt. Medical College, Anantapur for the award of MBBS degree granted by NTR University of Health Sciences, Vijayawada- Compliance verification inspection thereof.

Read: The compliance verification inspection report (19th May, 2007) for approval of Govt. Medical College, Anantapur for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada along with letter dated 15.7.2004 from the Joint Secretary, Govt. of India, Ministry of Health & F.W.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (19th May, 2007) along with letter dated 15.7.2004 from the Joint Secretary, Govt. of India, Ministry of Health & F.W. and decided to recommend that Govt. Medical College, Anantapur be approved for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada with an annual intake of 100(One Hundred) students.”

188. Approval of S.V. Medical College, Tirupati for the award of MBBS degree granted by NTR University of Health Sciences, Vijayawada against the increased intake i.e. 100 to 150 students – Compliance verification inspection thereof.

Read: The compliance verification inspection report (17th May, 2007) for approval of S.V. Medical College, Tirupati for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada against the increased intake i.e. 100 to 150 students along with letter dated 15.7.2004 from the Joint Secretary, Govt. of India, Ministry of Health & F.W.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the Compliance verification inspection

report(17th May, 2007) along with letter dated 15.7.2004 from the Joint Secretary, Govt. of India, Ministry of Health & F.W. and decided to recommend that S.V. Medical College, Tirupati be approved for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada against the increased number of seats i.e. from 100 to 150.”

189. Continuance of Recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Sree Siddhartha Medical College, Tumkur- Compliance verification inspection thereof.

Read: The compliance verification inspection report (23rd August 2007) for continuance of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Sree Siddhartha Medical College, Tumkur.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report 23.08.2007 and decided to recommend that the recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Sree Siddhartha Medical College, Tumkur be continued restricting the number of admissions to 130(One hundred thirty) students annually.

It was further decided that the recommendations of the Committee 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 Sree Siddhartha Medical College, Tumkur will be placed before the General Body of the Council for its consideration and approval.”

190. Continuation of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Kempegowda Instt. of Medical Sciences, Bangalore.

Read: The compliance verification inspection report (08th June, 2007) for continuation of recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Kempegowda Instt. of Medical Sciences, Bangalore.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (8th June, 2007) and decided to recommend that recognition of MBBS degree granted by Rajiv Gandhi University of Health Sciences, Bangalore in respect of students being trained at Kempegowda Instt. of Medical Sciences, Bangalore be continued restricting the number of admissions to 120 students annually.

191. Matter with regard to Dr. P. Venkatacharyullu, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. P. Venkatacharyullu, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. P. Venkatacharyullu** did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminder was issued to him on 21.10.2003. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 23.02.2004 when he failed to appear for the first time, he was given 11 more chances to appear before the Ethics Committee on 25.05.2004, 25.06.2004, 29.11.2004, 3.1.2005, 1.4.2005, 11.7.2005, 11.8.2005, 18.5.2006, 10.7.2006, 18.9.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. P. Venkatacharyullu** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. P. Venkatacharyullu** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. P. Venkatacharyullu**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. P. Venkatacharyullu** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. P. Venkatacharyullu** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions

of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

192. Matter with regard to Dr. Indira Devi, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Indira Devi, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. Indira Devi** did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminder was issued to him on 11.5.2004. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 12.07.2005 when he failed to appear for the first time, he was given 4 more chances to appear before the Ethics Committee on 18.5.2006, 10.7.2006, 18.9.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. Indira Devi** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. Indira Devi** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision

Upon consideration of the case of **Dr. Indira Devi**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum

teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. Indira Devi** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Indira Devi** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

193. Matter with regard to Dr. K. Meenakshi, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. K. Meenakshi, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. K. Meenakshi** did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the

effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 23.12.2004, 19.4.2005, 9.6.2005, 8.7.2005 & 7.3.2006 for 5 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 19.5.2006, when he failed to appear for the first time, he was given 3 more chances to appear before the Ethics Committee on 10.7.2006, 18.9.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. K. Meenakshi** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. K. Meenakshi** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. K. Meenakshi**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be

untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. K. Meenakshi** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. K. Meenakshi** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit.

In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."

194. Matter with regard to Dr. Shaik Abdul Raheem, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Shaik Abdul Raheem, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

"The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

"Dr. Shaik Abdul Raheem did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 23.12.2004, 19.04.2005, 09.06.2005, 6.7.2005 & 7.3.2006 for 5 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 19.05.2006 when he failed to appear for the first time, he was given 3 more chances to appear before the Ethics Committee on 10.7.2006, 18.9.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. Shaik Abdul Raheem** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. Shaik Abdul Raheem** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. Shaik Abdul Raheem**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

"Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon'ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of

causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. Shaik Abdul Raheem** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Shaik Abdul Raheem** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

195. Matter with regard to Dr. K.B. Sunitha, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. K.B. Sunitha, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“Dr. K. B Sunitha did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminder was issued to him on 5.6.2004. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 29.11.2004 when he failed to appear for the first time, he was given 8 more chances to appear before the Ethics Committee on 3.1.2005, 1.4.2005, 11.7.2005, 11.8.2005, 18.5.2006, 10.7.2006, 18.9.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. K. B Sunitha** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. K. B Sunitha** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. K. B Sunitha**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of

time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. K. B Sunitha** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. K. B Sunitha** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

196. Matter with regard to Dr. Hari Hara Samantha, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Hari Hara Samantha, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. Hari Hara Samantha** did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 23.12.2004 & 19.4.2005 for 2 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 12.7.2005, when he failed to appear for the first time, he was given 3 more chances to appear before the Ethics Committee on 18.05.2006, 18.09.2006, & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. Hari Hara Samantha** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. Hari Hara Samantha** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. Hari Hara Samantha**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. Hari Hara Samantha** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Hari Hara Samantha** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

197. Matter with regard to Dr. K.N. Shivamurthy, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. K.N. Shivamurthy, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. K.N. Shivamurthy** did not appear before the Ethics Committee on 9.04.2007 and the Committee come to the final conclusion and decided as under :-

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of **Dr. K.N. Shivamurthy**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so."

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of **Dr. K.N. Shivamurthy** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. K.N. Shivamurthy** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

"Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

"It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."

198. Matter with regard to Dr. Savita Patwardhan, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Savita Patwardhan, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“The Ethics Committee heard Dr. Savita Patwardhan who appeared before the Ethics Committee on 9.04.2007 and a written statement have also been taken from her which is as under:-

Statement of Dr. Savita Arvind Patwardhan

“I, Dr. Savita Arvind Patwardhan, did my MBBS from Govt. Medical College, Aurangabad in the year 1965 & I did my M.S.(Anatomy) in the year 1977 from B J Medical College, Pune. My registration No. is 21645 from Maharashtra Medical Council. My Date of Birth is 23.04.1943.

I had gone through the letter, I am extremely sorry that I was carried away by some misguidance and I attended inspections in both medical colleges in the month of April 2004. I was setting relieved from Dr. D Y Patil Medical College so attended inspection at Shadan Instt. of Medical Sciences, Hyderabad.

I accept that this is unethical and I am extremely sorry for that. I surrender myself. I am, prepared for whatever decision ethical committee will take.

This is my humble request, Sir, that before taking any harsh decision please consider me on humanity ground. I totally agree that I should not have done this but forgive me. Sir I am also a human being. So please give me one and last chance to learn a lesson that not to come any body say.

I am 63 years old at the end of my career. I never did any irregularities any time before. I never did clinical practice after the death of my husband ten years before. There was no any intention behind this act.

Sir, my grand son is seriously ill. I am not sure that I will be able to appear myself before the Ethics Committee. I will obey the punishment or fine for irregularity I made.

So I am writing this letter of my surrender. Along with is I am enclosing the relevant documents/ original certificates.

- 1. Permanent registration.*
- 2. Degree certificate.*
- 3. Birth certificate.*
- 4. Certificate of retirement.*

Sir, I request to consider me on sympathetic ground & forgive me.”

I have unknowingly done this mistake inadvertently. It will not be repeated again and there was no financial transaction involved in this. Rest of the thing I have explained in my explanation letter, which I have submitted to the Ethics Committee. Just I will be completed 65 years by next and I request the Hon’ble Members of the Ethics Committee of Medical Council of India to excused me for this thing will not be undertaken by myself in future. I request to pardon me it will never be repeated in future.

Thanking you”.

*Sd/-
(Dr. Savita Arvind Patwardhan)*

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the

effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of **Dr. Savita Patwardhan**, the Ethics Committee noted that explanation /clarification has not been found to be satisfactory and the misconduct of making mis-declaration/misstatement in Declaration Form having been found to be established.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has

already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so."

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of **Dr. Savita Patwardhan** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Savita Patwardhan** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

"Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

"It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."

199. Matter with regard to Dr. A. Shekharan, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. A. Shekharan, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. A.Shekharan** did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminder was issued to him on 21.10.2003. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 23.02.2004 when he failed to appear for the first time, he was given 11 more chances to appear before the Ethics Committee on 25.5.2004, 25.06.2004, 29.11.2004, 03.1.2005, 01.04.2005, 11.07.2005, 11.8.2005, 18.5.2006, 10.07.2006, 18.09.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. A.Shekhara** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. A.Shekharan** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision

Upon consideration of the case of **Dr. A.Shekharan**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of

causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. A. Shekharan** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who-so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. A. Shekharam** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

200. Matter with regard to Dr. V. Sreenivasulu Reddy, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. V. Sreenivasulu Reddy, medical teacher, who worked at more than one medical college.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“Dr. V. Sreenivasulu Reddy did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the

effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 23.12.2004, 19.4.2005, 9.6.2005, 9.7.2007 & 7.3.2006 for 5 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 19.5.2006 when he failed to appear for the first time, he was given 3 more chances to appear before the Ethics Committee on 10.7.2006, 18.09.2006, 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. V. Sreenivasulu Reddy** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. V. Sreenivasulu Reddy** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. V. Sreenivasulu Reddy**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be

untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. V. Sreenivasulu Reddy**, along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1. A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. V. Sreenivasulu Reddy** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner.

Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."

201. Matter with regard to Dr. Kanchan Bose, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Kanchan Bose, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

"The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

"Dr. Kanchan Bose did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice dt. 28.03.2004 issued to him did not reply. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 14.06.2004 when he failed to appear for the first time, he was given 10 more chances to appear before the Ethics Committee on 24.06.2004, 29.11.2004, 03.01.2005, 01.04.2005, 11.07.2005, 11.08.2005, 18.05.2006, 10.07.2006, 18.09.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. Kanchan Bose** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. Kanchan Bose** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. Kanchan Bose**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

"Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon'ble Supreme Court, however, since filing of false

declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act

as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. Kanchan Bose** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Kanchan Bose** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

The Ethics Committee of MCI also noted that **Dr. Kanchan Bose** has been found working in Govt. Institution & simultaneously in another private medical college, hence the Ethics Committee further recommends that this case is also to be sent to the respective Dean/Principal of the Medical College and Health Secretary of the concerned State for necessary action at their end”.

202. Matter with regard to Dr. G. Radhakrishnaiah, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. G. Radhakrishnaiah, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. G. Radhakrishnaiah** did not appear before the Ethics Committee on 9.04.2007 and the Committee come to the final conclusion and decided as under :-

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had

also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of **Dr. G. Radhakrishnaiah**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/ misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

"Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon'ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

"Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of **Dr. G. Radhakrishnaiah** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. G. Radhakrishnaiah** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and

dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."

203. Matter with regard to Dr. Anand Rao Pilla, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Anand Rao Pilla, medical teacher, who worked at more than one medical college.

The Council approved the following recommendations of the Executive Committee:-

"The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

"Dr. Anand Rao Pilla did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminder was issued to him on 21.10.2003. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 23.02.2004 when he failed to appear for the first time, he was given 11 more chances to appear before the Ethics Committee on 25.05.2004, 25.06.2004, 29.11.2004, 03.01.2005, 01.04.2005, 11.07.2005, 11.08.2005, 18.05.2006, 10.07.2006, 18.09.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. Anand Rao Pilla** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. Anand Rao Pilla** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. Anand Rao Pilla**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. Anand Rao Pilla** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Anand Rao Pilla** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

204. Matter with regard to Dr. Nanda Kumar Murari, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Nanda Kumar Murari, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. Nanda Kumar Murari** did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had

also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 23.12.2004, 19.4.2005, 9.6.2005, 9.7.2005 & 7.3.2006 for 5 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 19.5.2006 when he failed to appear for the first time, he was given 3 more chances to appear before the Ethics Committee on 10.7.2006, 18.9.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. Nanda Kumar Murari** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. Nanda Kumar Murari** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. Nanda Kumar Murari**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so."

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. Nanda Kumar Murari** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Nanda Kumar Murari** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

205. Matter with regard to Dr. P.C. Jain, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. P.C. Jain, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. P.C. Jain** did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 23.12.2004 & 19.4.2005 for 2 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 12.7.2005 when he failed to appear for the first time, he was given 3 more chances to appear before the Ethics Committee on 18.05.2006, 18.09.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. P.C. Jain** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. P.C. Jain** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. P.C. Jain**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so."

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. P.C. Jain** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. P.C. Jain** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

"Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

"It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."

The Ethics Committee of MCI also noted that **Dr. P.C. Jain** has been found working in Govt. Institution & simultaneously in another private medical college, hence the Ethics Committee further recommends that this case is also to be sent to the respective Dean/Principal of the Medical College and Health Secretary of the concerned State for necessary action at their end.

206. Matter with regard to Dr. Sukanti Pangrahi, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Sukanti Pangrahi, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. Sukanti Panigrahi** did not appear before the Ethics Committee on 9.04.2007 and the Committee come to the final conclusion and decided as under :-

“The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of **Dr. Sukanti Panigrahi** the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration/misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so."

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. Sukanti Panigrahi** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Sukanti Panigrahi** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

The Ethics Committee of MCI also noted that **Dr. Sukanti Panigrahi** has been found working in Govt. Institution & simultaneously in another private medical college, hence the Ethics Committee further recommends that this case is also to be sent to the respective Dean/Principal of the Medical College and Health Secretary of the concerned State for necessary action at their end.

207. Matter with regard to Dr. C.R. Gopal, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. C.R. Gopal, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“Dr. C.R. Gopal did not appear before the Ethics Committee on 9.04.2007 and the Committee come to the final conclusion and decided as under :-

“The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of **Dr. C.R. Gopal** the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration/misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause

deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. C.R. Gopal** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who-so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. C.R. Gopal** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

The Ethics Committee of MCI also noted that **Dr. C.R. Gopal** has been found working in Govt. Institution & simultaneously in another private medical college, hence the Ethics Committee further recommends that this case is also to be sent to the respective Dean/Principal of the Medical College and Health Secretary of the concerned State for necessary action at their end”.

208. Matter with regard to Dr. Devinder Singh Dhariwal, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Devinder Singh Dhariwal, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. Devinder Singh Dhariwal** did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 05.06.2004 & 14.09.2004 for 2 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 29.11.2004, when he failed to appear for the first time, he was given 8 more chances to appear before the Ethics Committee on 3.1.2005, 1.4.2005, 11.7.2005, 11.8.2005, 18.05.2006, 10.7.2006, 18.9.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. Devinder Singh Dhariwal** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. Devinder Singh Dhariwal** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. Devinder Singh Dhariwal**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. Devinder Singh Dhariwal** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Devinder Singh Dhariwal** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

209. Matter with regard to Dr. S. Venkateshwara Prasad, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. S. Venkateshwara Prasad, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“Dr. S. Venkateshwara Prasad did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 23.12.2004, 19.4.2005, 9.6.2005, 6.7.2005, 7.3.2006 & 17.4.2006 for 6 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 19.5.2006 when he failed to appear for the first time, he was given 4 more chances to appear before the Ethics Committee on 10.07.2006, 18.09.2006, 27.10.2006 & 9.04.2007 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. S. Venkateshwara Prasad** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. S. Venkateshwara Prasad** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. S. Venkateshwara Prasad**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. S. Venkateshwara Prasad** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. S. Venkateshwara Prasad** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

210. Matter with regard to Dr. R. Chandra Shekhar Reddy, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. R. Chandra Shekhar Reddy, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“Dr. R.Chandra Shekhar Reddy did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 23.12.2004, 19.4.2005, 9.6.2005, 8.7.2005 & 7.3.2006 for 5 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 19.5.2006, when he failed to appear for the first time, he was given 3 more chances to appear before the Ethics Committee on 10.7.2006, 18.9.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. R.Chandra Shekhar Reddy** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. R.Chandra Shekhar Reddy** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. R.Chandra Shekhar Reddy**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and

empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. R.Chandra Shekhar Reddy** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated

12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. R.Chandra Shekhar Reddy** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

211. Matter with regard to Dr. Abhaya Kumar Patra, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Abhaya Kumar Patra, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. Abhaya Kumar Patra** did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 23.12.2004, 19.04.2005, 09.06.2005, 8.07.2005 & 07.03.2006 for 5 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 19.05.2006 when he failed to appear for the first time, he was given 3 more chances to appear before the Ethics Committee on 10.07.2006, 18.09.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. Abhaya Kumar Patra** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. Abhaya Kumar Patra** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. Abhaya Kumar Patra**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. Abhaya Kumar Patra** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Abhaya Kumar Patra** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions

of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

The Ethics Committee of MCI also noted that **Dr. Abhaya Kumar Patra** has been found working in Govt. Institution & simultaneously in another private medical college, hence the Ethics Committee further recommends that this case is also to be sent to the respective Dean/Principal of the Medical College and Health Secretary of the concerned State for necessary action at their end.”

212. Matter with regard to Dr. R.V. Subhakar, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. R.V. Subhakar, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. R V Subhakar** did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 21.10.2003, 7.1.2004, 15.05.2004 & 3.6.2004 for 4 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 29.11.2004 when he failed to appear for the first time, he was given 8 more chances to appear before the Ethics Committee on 3.1.2005, 1.4.2005, 11.7.2005, 11.8.2005, 18.5.2006, 10.7.2006, 18.9.2006, 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. R V Subhakar** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. R V Subhakar** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. R V Subhakar**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the

patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so."

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. R V Subhakar** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. R V Subhakar** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

"Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

"It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."

213. Matter with regard to Dr. Jagannath Rao, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Jagannath Rao, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

"The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

"Dr. Jagannath Rao did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 05.06.2004, 14.09.2004 & 08.11.2004 and for 3 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 03.01.2005, when he failed to appear for the first time, he was given 7 more chances to appear before the Ethics Committee on 01.04.2005, 11.07.2005, 11.08.2005, 18.05.2006, 10.07.2006, 18.09.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. Jagannath Rao** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. Jagannath Rao** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. Jagannath Rao**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so."

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. Jagannath Rao** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Jagannath Rao** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

The Ethics Committee of MCI also noted that **Dr. Jagannath Rao** has been found working in Govt. Institution & simultaneously in another private medical college, hence the Ethics Committee further recommends that this case is also to be sent to the respective Dean/Principal of the Medical College and Health Secretary of the concerned State for necessary action at their end.

214. Matter with regard to Dr. Riptinder Singh , medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Riptinder Singh, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. Riptinder Singh** did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 9.6.2005, 6.7.2005 & 7.3.2006 for 3 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the

Ethics Committee meeting held on 19.5.2006, when he failed to appear for the first time, he was given 3 more chances to appear before the Ethics Committee on 10.7.2006, 18.9.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. Riptinder Singh** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. Riptinder Singh** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. Riptinder Singh**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of

time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. Riptinder Singh** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Riptinder Singh** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

215. Matter with regard to Dr. G. Chandra Shekhar, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. G. Chandra Shekhar, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“Dr. G.Chandra Shekhar did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminders were issued to him on 9.6.2005 & 9.7.2005 for 2 times. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 19.5.2006 when he failed to appear for the first time, he was given 3 more chances to appear before the Ethics Committee on 10.7.2006, 18.9.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. G.Chandra Shekhar** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. G.Chandra Shekhar** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision

Upon consideration of the case of **Dr. G.Chandra Shekhar**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. G.Chandra Shekhar** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. G.Chandra Shekhar** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

216. Matter with regard to Dr. T. Sudhakar, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. T. Sudhakar, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. T. Sudhakar** did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice dt. 28.03.2004 issued to him did not reply. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 14.06.2004 when he failed to appear for the first time, he was given 10 more chances to appear before the Ethics Committee on 24.06.2004, 29.11.2004, 03.01.2005, 01.04.2005, 11.7.2005, 11.08.2005, 18.05.2006, 10.07.2006, 18.09.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. T.Sudhakar** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. T.Sudhakar** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. T.Sudhakar**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. T.Sudhakar** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. T.Sudhakar** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

The Ethics Committee of MCI also noted that **Dr. T.Sudhakar** has been found working in Govt. Institution & simultaneously in another private medical college, hence the Ethics Committee

further recommends that this case is also to be sent to the respective Dean/Principal of the Medical College and Health Secretary of the concerned State for necessary action at their end”.

217. Matter with regard to Dr. G. Mallikarjuna Rao, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. G. Mallikarjuna Rao, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“Dr. G. Mallikarjuna Rao did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminder was issued to him on 20.10.2003. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 23.2.2004 when he failed to appear for the first time, he was given 11 more chances to appear before the Ethics Committee on 25.05.2004, 25.06.2004, 29.11.2004, 03.1.2005, 01.04.2005, 11.7.2005, 11.8.2005, 18.05.2006, 10.07.2006, 18.09.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. G. Mallikarjuna Rao** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. G. Mallikarjuna Rao** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. G. Mallikarjuna Rao**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum

teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. G. Mallikarjuna Rao** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. G. Mallikarjuna Rao** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

The Ethics Committee of MCI also noted that **Dr. G. Mallikarjuna Rao** has been found working in Govt. Institution & simultaneously in another private medical college, hence the Ethics Committee further recommends that this case is also to be sent to the respective Dean/Principal of the Medical College and Health Secretary of the concerned State for necessary action at their end”.

218. Matter with regard to Dr. Seethammam Rapoor, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Seethammam Rapoor, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. Seethammam Rapoor** did not appear before the Ethics Committee on 9.04.2007 and the Committee come to the final conclusion and decided as under :-

“The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had

also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of **Dr. Seethammam Rapoor** the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

"Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon'ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

"Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be

untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration/misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. Seethammam Rapoor** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Seethammam Rapoor** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical

Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

The Ethics Committee of MCI also noted that **Dr. Seethammam Rapoor** has been found working in Govt. Institution & simultaneously in another private medical college, hence the Ethics Committee further recommends that this case is also to be sent to the respective Dean/Principal of the Medical College and Health Secretary of the concerned State for necessary action at their end”.

219. Matter with regard to Dr. Parabelhini Behera, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. Parabelhini Behera, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“**Dr. Parabelhini Behera** did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him did not reply. Reminder was issued to him on 21.10.2003. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 23.02.2004 when he failed to appear for the first time, he was given 11 more chances to appear before the Ethics Committee on 25.05.2004, 25.06.2004, 29.11.2004, 03.01.2005, 01.04.2005, 11.07.2005, 11.08.2005, 18.05.2006, 10.07.2006, 18.09.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. Parabelhini Behera** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. Parabelhini Behera** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision

Upon consideration of the case of **Dr. Parabelhini Behera**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-

declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so."

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. Parabelhini Behera** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. Parabelhini Behera** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

"Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

"It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."

220. Matter with regard to Dr. G. Priscilla Anne, medical teacher, who worked at more than one medical college, simultaneously.

Read: The matter with regard to Dr. G. Priscilla, medical teacher, who worked at more than one medical college, simultaneously.

The Council approved the following recommendations of the Executive Committee:-

"The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 9.4.2007 and decided that the same be placed before the General Body of the Council for approval:-

“Dr. G Priscilla Anne did not appear before the Ethics Committee on 9.04.2007, which was the last and final chance given to him.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice dt. 15.12.2003 issued to him did not reply. After this the Ethics Committee of the Medical Council India requested him to appear on person before the Ethics Committee meeting held on 24.5.2004 when he failed to appear for the first time, he was given 10 more chances to appear before the Ethics Committee on 25.6.2004, 29.11.2004, 3.1.2005, 1.4.2005, 11.7.2005, 11.8.2005, 18.05.2006, 10.7.2006, 18.9.2006 & 27.10.2006 and each time he had failed to appear. Then he was given the last and final chance to appear before the Ethics Committee on 9.4.2007. **Dr. G Priscilla Anne** failed to appear in the last chance given to him to appear before the Ethics Committee. The non-appearance of **Dr. G Priscilla Anne** pursuant to all the letters given above left the Ethics Committee with no other alternative but to deliberate on his case in his absence and arrive at an ex-parte decision.

Upon consideration of the case of **Dr. G Priscilla Anne**, the Ethics Committee noted that though explanation/clarification has not been given, the misconduct of making mis-declaration/misstatement in Declaration Form have been found to be established from the documents.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows:-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law”.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so."

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents of **Dr. G Priscilla Anne** along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of **Dr. G Priscilla Anne** constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

221. Complaint against Doctors of Tuticorin Medical College, Hospital as alleged by Mr. S. Wilson Sundararaj, Chennai.

Read: The complaint against Doctors of Tuticorin Medical College, Hospital as alleged by Mr. S. Wilson Sundararaj, Chennai.

The Council approved the following recommendations of the Executive Committee:-

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

“It is stated that the Council received a complaint dated 25.11.2002 from Mr. S. Wilson Sundararaj addressed to this Council as well as Tamil Nadu Medical Council for taking appropriate action in the matter.

In this context, the Registrar, Tamil Nadu Medical Council was requested to investigate and take necessary action in the matter under intimation to this Council as well as to the complainant vide Council’s letter dated 3.02.2003.

Mr. S. Wilson Sundararaj was sent a letter dated 18.02.2005 in which he has stated that the Tamil Nadu Medical Council has failed to disposed of the complaint within the stipulated period of six months and has requested the Council to take necessary action in the matter.

The matter was considered by the Ethics Committee at its meeting held on 19th & 20th April, 2005 and it was decided as under:-

“The Ethics Committee noted the letter dated 18.2.2005 of Mr.S.Wilson Sundararaj, Chennai and decided that a detailed report alongwith all the relevant documents may be obtained from the Tamil Nadu Medical Council.”

The above decision was communicated to the Registrar, Tamil Nadu Medical Council, Chennai vide Council’s letter dated 20.06.2005 and subsequent reminder dated 19.07.2005. The reply was still awaited.

In this context, the matter was considered by the Ethics Committee at its meeting held on 19th & 20th April, 2005 and it was decided as under:-

“The Ethics Committee noted that this is a complaint against Doctors of Tuticorin Medical College Hospital as alleged by Mr. S. Wilson Sundararaj of Chennai. Mr. Sundararaj has informed the Council vide his letter dated 18.2.2005 that though the matter was under consideration of the Tamil Nadu Medical Council since 25.11.2002, till date they have not taken any action whatsoever on this particular case. Hence, he has requested MCI for doing necessary action at this end.

The Ethics Committee felt that according to Section 8.7 & 8.8 of the Code of Medical Ethics, the Council should take up the case and Tamil Nadu Medical Council may be informed accordingly to provide all the necessary documents lying with them.

The Ethics Committee further decided to call the complainant at 10 AM on 6th October 2005.”

The above decisions were communicated to the Registrar, Tamil Nadu Medical Council, Chennai and Mr.S.Wilson Sundararaj vide Council’s letter dated 13.9.2005.

The matter was considered by the Ethics Committee at its meeting held on 6th & 7th October, 2005 and it was decided as under:-

“Sh. S. Wilson Sundararaj appeared before the Ethics Committee and his statement as follows:-

STATEMENT OF SHRI S.WILSON SUNDARARAJ

I, Sh. S.WILSON SUNDARARAJ, 6/109, Mugappair West Chennai-600037 was present before the Ethics Committee as a complainant in relation to complaint against five doctors of Tamil Nadu.

I explained the case in detail before the Hon’ble members of the Ethics Committee what I had submitted in writing already to the MCI. This case was referred to by the MCI to the Tamil Nadu Medical Council for taking necessary action as the alleged doctors are registered with the Tamil Nadu Medical Council. But as about 3½ years have passed and Tamil Nadu Medical Council have not taken any action till date, I have been forced to appeal to the MCI to take over this case.

I am thankful to the MCI for giving me an opportunity to be present here and explain the matter. I am submitting herewith some more relevant documents in the form of booklet from page no.1-132. These documents are true copies of the originals. I, therefore, request this Hon’ble Council to accept these documents as part and parcel of my pleadings and evidences substantiated against the delinquent doctors.

I have been asked by the Ethics Committee to submit the following information so that they can proceed with the case in a proper manner:-

1. *Name, Registration No., with which they are registered and their present postal address.*
2. *Authorisation letter from Sh. Suyambulingam, the victim.*

I am aware that until and unless the above information are being provided by me to the MCI, it will not be possible by them to proceed further in this case.

*Sd/
(S.WILSON SUNDARARAJ)
Complainant.*

This may be placed before the Ethics Committee in its next meeting.”

The Council was received another letter dated 24.10.2005 alongwith enclosures from Mr. S. Wilson Sundararaj, Chennai.

The matter was considered by the Ethics Committee at its meeting held on 28th & 29th November, 2005 and it was decided as under: -

“The Ethics Committee noted that the office has asked the Registrar, Tamilnadu Medical Council to send all the documents pertaining to this case by a letter dated 13.9.2005. A reminder of the same may be sent to the Registrar, Tamilnadu Medical Council urgently. A copy of the same may be marked to Mr. S. Wilson Sundararaj.

The Ethics Committee further noted that the Medical Council of India has received a letter dated 24.10.2005 from Mr. S. Wilson Sundararaj which was forwarded to the Ethics Committee on 2nd November, 2005. Mr. S. Wilson has asked permission to withdraw the complaint from MCI and he has no faith on the Council with liberty to file the same before the National Human Rights Commission. Hence, the Ethics Committee decided to proceed according to the norms.”

The above decision were communicated to the Registrar, Tamilnadu Medical Council and the complainant vide Council's letter dated 23.12.2005 & 3.1.2006. The reply was still awaited from the Registrar, Tamilnadu Medical Council.

Further, Mr. S. Wilson Sunderaj sent a letter dt. 17.1.2006 in which it is stated as under:-

“I am anguished to realize that inspite of having acknowledged the receipt of my petition dt. 24.11.05 as early as on 26.11.05, the Board of Administrators constituted to discharge the functions of the Medical Council of India which was dissolved owing to rampant corruption, have not cared to deal with the petition and thus proved to be worse than the corrupt council.

As I despise the Board of Administrators appointed in the place of the dissolved Medical Council of India too and repose my trust only in the National Human Rights Commission, I request your good office to either refer my complaint to the National Human Rights Commission under intimation to me or pass orders permitting me to withdraw my; complaint with liberty to file the same before the National Human Rights Commission immediately and thus redress.”

The reply was still awaited from the Registrar, Tamilnadu Medical Council.

The matter was considered by the Ethics Committee at its meeting held on 20th & 21st March, 2006 and it was decided as under :-

“The Ethics Committee considered the complaint against doctors of Tuticorin Medical College Hospital as alleged by Mr. S. Wilson Sundaraj, Chennai and noted that though Mr. Wilson Sundaraj while giving evidence before the Ethics Committee in its meeting held on 6/7th October, 2005 categorically stated that he will submit the name and registration number of doctors against whom he has made complaint and also the authorization letter from Sh. Suyambulingam, the victim. He further submitted in his evidence that he was aware that until and unless the above information are being provided by him to the MCI, it will not be possible for MCI to proceed further in this case.

On enquiry from the office, it is found that no such communication has yet been made by Mr. S. Wilson Sundaraj till date.

In view of above, Ethics Committee decided not to proceed further in this particular case and Mr. S. Wilson Sundaraj may be informed accordingly and the file may be treated as closed.”

The above decision was communicated to the Mr. S. Wilson Sundaraj on 11.04.2006.

In above reference Mr. S. Wilson Sundaraj sent a letter dated 19.08.2006.

The matter was considered by the Ethics Committee at its meeting held on 18th & 19th September, 2006 and it was decided as under :-

“The Ethics Committee considered the matter with regard to complaint against doctors of Tuticorin Medical College & Hospital as alleged by Mr. S. Wilson Sundararaj, Chennai and noted the letters from Mr. S. Wilson Sundararaj, dated 29.05.2006, 19.08.2006 as well as letter from S. Suyambulingam dated 26.10.2005 and decided the following:-

1. S.Suyambulingam may be requested to appear before the Ethics Committee of this Council on 27th October, 2006 at 3.00 p.m. with all the relevant documents related to this particular case.
2. Dr. C. Ramaswamy, Dr. K Parimalam, Dr. Lawrence Wesley, Dr. R. Kanagasabai & Dr. K. Chandran may be requested to provide their parawise comments in the complaint lodged by Mr. S. Wilson Sundararaj within 15 days of receipt of the communication.”

As per above decision, Mr. S. Suyambulingam was requested to appear before the Ethics Committee on 27.10.2006 at 3.00.p.m alongwith all the relevant documents related to this particular case vide Council’s letter dated 4.10.2006.

Dr. C. Ramaswamy, Dr. K. Parimalam, Dr. Lawrence Wesley, Dr. R. Kanagasabai & Dr. K. Chandran were requested to provide parawise comments within 15 days of receipt of this communication vide Council’s letter dated 4.10.2006.

In response to above, Dr. K. Chandran sent a letter dated 9.10.2006.

Another letter dated 14.10.2006 received from Dr. Lawrence Wesley.

Further, a letter dated 18.10.2006 received from Dr. K. Parimalam.

The matter was considered by the Ethics Committee at its meeting held on 27th October, 2006 and it was decided as under:-

“The Ethics Committee considered the matter with regard to complaint against doctors of Tuticorin Medical College Hospital as alleged by Mr. S. Wilson Sundararaj, Chennai. Mr. S. Suyambulingam appeared before the Ethics Committee alongwith affidavit from the Hon’ble High Court of Madras (Chennai) wherein he has stated that Mr. Wilson Sunderaj is my cousin brother and whatever he has stated I have fully agreed with him. I am submitted herewith an affidavit.

The Ethics Committee decided that Dr. C.Ramaswamy, Dr. K. Parimalam,(2.30 p.m.), Dr. Lawrence Wesley, Dr. R. Kanagasabai (4.00 p.m.) & Dr. K. Chandran (2.30 p.m.) may be requested to appear before the Ethics Committee of this Council at its next meeting(1st Day). ”

The above decision were communicated to Dr. C. Ramaswamy, Dr. K. Parimalam, Dr. Lawrence Wesley, Dr. R. Kanagasabai & Dr. K. Chandran vide Council’s letter dated 22.11.2006.

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

“The Ethics Committee considered the matter with regard to complaint against doctors of Tuticorin Medical College Hospital as alleged by Mr. S. Wilson Sundararaj, Chennai.

Dr. J. Lawrence Wesley appeared before the Ethics Committee and his statement is as follows:-

15.12.2006

Statement of Dr. J. LAWRENCE WESLEY

I, Dr. J. Lawrence Wesley, did my MBBS from Stanley Medical College, Chennai in the year 1982. My registration No. is 36135 from Tamil Nadu Medical Council. My Date of Birth is 21.09.1958.

I am submitting herewith my reply to the complaint alleged against me. Regarding Prisoner 1527 Suyambu@Suyambulingam :-

- 1. The telex message sent from Central Prison, Palayamkottai on 11.10.01 was not correct.*
- 2. The message was sent by the Superintendent, Central Prison, Palayamkotai and not by the Prison Medical Officer.*
- 3. The content of the message was not known to me (Prison Medical Officer) at that time, when it was sent.*
- 4. Suyambu @ Suyambulingam was not brought to Central Prison, Palayamkottai at 4.20 p.m. on 22.09.2001.*
- 5. He was not referred by the Prison Medical Officer to Tirunelveli Medical college Hospital.*
- 6. No referral slip was given to the prisoner.*
- 7. No entries in jail records.*
- 8. I saw the prisoner only on 06.10.2001 (after discharged from Tirunelveli Medical College Hospital)*

The [Suyambu@ Suyambulingam](#) is a complaining character want to vengeance the police tries to use this respondent and other respondents as an instrument for the same. Thereby they somehow managed to get the telex message alleged that this respondent has referred the patient to the Tirunelveli Medical College Hospital by 16.20 hours on 22.09.2001. This respondent had no knowledge about the contents of the telex message when it was sent. The document viz. the remand register and the Medical Officer's Journal may prove the 3rd respondent had not referred or even see the said Suyambu @ Suyambulingam on 22.9.2001 and in this manner not committed an misconduct or violation of Human Rights.

I am also submitting herewith a letter from the Superintendent, Central Prison, Palayamkotai in relation to this particular case.

Sd/

(DR. J. LAWRECE WESLEY)

Dr. C. Ramaswamy appeared before the Ethics Committee and his statement is as follows:-

15.12.2006

Statement of Dr. C. RAMASWAMY

I, Dr. C. Ramaswamy, did my MBBS from Tirunelveli Medical College, Tirunelveli in the year 1977 & I did my M.S.(General Surgery) from the same institute in the year 1988 & I did my M.Ch. Urology from the Madras Medical College, Chennai in the year 1993. My registration No. is 31626 from Tamil Nadu Medical Council. My Date of Birth is 28.04.1955.

I am posted at Tuticorin Medical College & Hospital as Asstt. Prof. of Urology. As part of my duty in rotation, this patient name Suyambu @ Suyambulingam was brought by the police personnel at casualty of Tuticorin Medical College & Hospital wherein in writing the police submitted that this gentleman sustained injuries in right knee while jumping from a small Railway Bridge on being chased by the police personnel. On examination I found he is conscious, answering questions and nature of injuries like swelling in right knee, incised like wound below right knee on anterior aspect, bleeding from the wound compound fracture of right leg are clearly recorded in accident register.

Neither I have seen this patient before nor afterwards. As such, I think, I have not done anything wrong.

I am submitting herewith the formal reply for the complaints alleged against me as well the Xerox copy of the Tamil Nadu Medical Code issued by the Govt. of Tamil Nadu in the year 1974, wherein it is categorically stated that "The Medical Officer when interrogating patients in the Casualty department will confine himself to questions of a purely professional nature in so far as they concern the immediate cause and treatment. Further details of accidents and injuries must be left for investigation by the police".

Sd/-

(DR. C. RAMASWAMY)

Dr. K.Parimalam appeared before the Ethics Committee on 15.12.2006 and her statement is as follows:-

15.12.2006

Statement of Dr. K. PARIMALAM

I, Dr. K. Parimalam, did my MBBS from Tirunelveli Medical College, Tirunelveli in the year 1974 & I did my Ms(General Surgery) from the same institute in the year 1983. My registration No. is 27552 from Tamil Nadu Medical Council. My Date of Birth is 03.09.1952.

I am submitting herewith my reply to the compliant alleged against me alongwith the attested copies of accident as well as the case sheet in relation to this particular case. I have not done anything wrong.

Sd/-

(DR. K. PARIMALAM)

The Ethics Committee further noted that Dr. R. Kanagasabai & Dr. K. Chandran did not appear before the Ethics Committee and decided to call both of them at 12 noon in the first day of its second next meeting."

As per above decision, Dr. R. Kanagasabai & Dr. K. Chandran were requested to appear before the Ethics Committee on 19.02.2007 at 12.00.noon vide Council's letter dated 29.01.2007.

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

"The Ethics Committee considered the complaint against Doctors of Tuticorin Medical College Hospital as alleged by Mr. S. Wilson Sundararaj, Chennai and noted that Dr. R.Kanagasabai & Dr. K. Chandran were requested to appear before the Ethics Committee on 19.2.2007 at 12.00 noon but none of them appeared.

In view of above, the Ethics Committee decided to call both of them at 12.00 noon in its next meeting"

As per above decision, Dr. R. Kanagasabai & Dr. K. Chandran was requested to appear before the Ethics Committee on 19.2.2007 at 12.00 noon vide Council's letter dated 27.02.2007.

In response to our above letter, Dr. K. Chandran vide his letter dated 02.03.2007 has stated as under:-

"Despite my previous letters to you, I have not received any acknowledgement or clarification. But the tone of your present letter suggests that I am at fault in failing to

appear before you. The truth is I am sincere and willing to comply with your request provided you clarify my legal position regarding:-

- (i) *Since this case occurred when I was in service in Govt. Hospital, whether the present HOD of Orthopaedic Surgery, MMC/GGH, Chennai is the competent authority to speak on this subject or me, now retired from Govt. Service?*
- (ii) *If I need to appear personally, should the Government of TamilNadu and DME be informed of the matter or not if yes, who has to inform – myself or you?*
- (iii) *Who has to bear my expenditure (traveling and accommodation) – If by Govt. of Tamilnadu, I have to get prior sanction and hence I need time – If to be paid by you, what is the eligible amount?”*

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

“The Ethics Committee considered the matter with regard to complaint against doctors of Tuticorin Medical College Hospital as alleged by Mr. S. Wilson Sundararaj, Chennai and noted that Dr. R.Kanagasabai & Dr. K. Chandran were requested to appear before the Ethics Committee on 19.3.2007 at 12.00 noon but none of them did not appear. However, this Council has received a letter from Dr. K. Chandran dated 02.03.2007 wherein he has raised some points which may be replied as follows:-

- (1) *The Ethics Committee of the Medical Council India had decided to call you and submit your deposition before the Ethics Committee. Hence you have to appear.*
- (2) *It is your duty to inform the Govt. of Tamil Nadu and Directorate of Medical Education, if you so desire.*
- (3) *No TA/DA is paid/admissible by the Ethics Committee of the Medical Council India.*

The Ethics Committee further decided to give them a last chance and to call both of them before the Ethics Committee in its second next meeting at 4.00 p.m. failing which the Ethics Committee will take final decision in its said meeting without their appearance and the Ethics Committee will be constrained to inform the said failure to the Directorate of Medical Education, Govt. of Tamil Nadu & the Secretary(Health), Govt. of Tamil Nadu about non-appearance in this particular case.”

As per above decision, Dr. R. Kanagasabai & Dr. K. Chandran were requested to appear before the Ethics Committee on 14.5.2007 at 4.00 p.m vide Council’s letter dated 3.05.2007.

The matter was considered by the Ethics Committee at its meeting held on 14th & 15th May, 2007 and the decision was as under:-

“Dr.K.Chandran appeared before the Ethics Committee and his statement is as follows:-

Statement of Dr.K.Chandran

I, Dr.K.Chandran did my MBBS during the year 1968 and D.Ortho during the year 1972 & M.S. (Ortho.) during the year 1976 from Madras Medical College, Madras. My date of birth is 11.8.1944. My registration number is 19941 of T.N. Medical Council.

The allegations by one Mr.Wilson Sunderaraj is that I was pressurized by the authorities to discharge from the hospital before completing the treatment. On perusal of the case sheet, it was clearly showed that one Mr. Suyambulingam was operated by me and for sufficient time remained as an inpatient and completely regained full function. The only clarification I would like to mention is that removal of loose butterfly fragment and enucleation are same. As such I did my duty consciously and did everything which was necessary and there was no pressure from any quarters to discharge him before his recovery. I also submitting the letter alongwith this submission.

*Sd/-
(Dr.K.Chandran)*

The Ethics Committee considered the matter with regard to complaint against doctors of Tuticorin Medical College Hospital as alleged by Mr. S. Wilson Sundararaj, Chennai and decided as under:- Patient/Prisoner was brought to the hospital without being referred by Medical Officer though that was the normal practice. On perusal of the case, it is observed that Mr. S. Wilson Sundararaj received injuries around the right knee in the form of swelling, incise like wound below the right knee which was bleeding and comminuted fracture of the upper part of right Tibia. Seeing the nature direction and pattern of fracture as seen from the X-ray, the injury could have been most likely to be produced by application of blunt force like beating or assaulting with blunt object and were unlikely to be produced by a fall to the ground while walking or running. These observations were not mentioned in the first inquiry report resulting in the difficulty in the decision regarding accidental or assault as alleged by the victim. Though the clinical management of the case is found to be proper and in order.

The Ethics Committee decided to take up this case in the next meeting for final decision.”

The matter was considered by the Ethics Committee at its meeting held on 9th & 10th July, 2007 and the decision was as under:-

“The Ethics Committee considered the matter with regard to complaint against doctors of Tuticorin Medical College & Hospital as alleged by Mr. S. Wilson Sundararaj, Chennai and the Ethics Committee unanimously of the opinion that Dr. C. Ramaswamy who was the first person to have examined Mr. S. Suyambulingam in the casualty of the Tuticorin Medical College & Hospital has failed to discharge their duty properly on the following points:-

1. *He has failed to record the history of the patient properly, relying merely on the submission of the police and has failed to take note of the complaint of the patient.*
2. *He has failed to properly examine, diagnose and judge the nature of injuries sustained by the patient Mr. Suyambulingam whom he had examined. Whereas seeing the nature and direction and pattern of fracture as seen from the x-ray, the injury was most likely to be produced by application of blunt force like beating or assaulting with blunt object and were unlikely to be produced by a fall to the ground while walking or running.*
3. *He has failed to mention this in the first inquiry report resulting in the difficulty in the decision regarding nature of injury and subsequent treatment of the patient.*

In view of above, the Ethics Committee is of the unanimous view that Dr. C. Ramaswamy has failed to discharge his duties as a doctor, despite him being a postgraduate, M.S.(General Surgery) and also M.Ch.(Urology). He has failed under Section 1.3, 2.1, 2.4 & 6.6 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002.

In view of above, the Ethics Committee has decided to issue a strong warning to Dr. C. Ramaswamy warning him to be very careful in future in discharging his duties in official capacity as a treating doctor. This warning may be recorded against his name in the IMR. The recommendations of the Ethics Committee may be placed before the Executive Committee/General Body of the Council for necessary action. Once the approval of the Executive Committee/General Body comes, the decision shall be conveyed to both Dr. C. Ramaswamy and also to the complainant.”

222. **Undertaking given by Dr. Madhavo G. Raje for working in more than one medical college – Action to be taken in view of Code of Medical Ethics.**

Read: The matter with regard to undertaking given by Dr. Madhavo G. Raje for working in more than one medical college.

The Council approved the following recommendations of the Executive Committee:-

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

“The Ethics Committee heard Dr. Madhao G. Raje who appeared before the Ethics Committee at its meeting held on 9th & 10th July, 2007. Written statement was also taken from him which reads as under: -

Statement of Dr. Madhao G. Raje

I, Dr. Madhao G. Raje did my MBBS from Indira Gandhi Medical College, Nagpur in the year 1983 and I have done my M.D. in FMT from Indira Gandhi Medical College, Nagpur in the year 1987. My registration No. is 54178 with Maharashtra Medical Council and my date of birth is 17.02.1961.

In reply to the allegations against me, I have already submitted my explanation in writing to the Council office and a copy of which I am submitting again which clearly shows that I have not attended any inspection on 25.02.2005 at D.Y. Patil Medical College, Pimpri, Pune. In fact I have resigned from the college on 15.02.2005 and have joined N.K.P. Salve Medical College, Nagpur on 23.02.2005 and I am still working there. In support of my physical presence at Nagpur on 25.02.2005 I am submitting recently received fax cum certificate from Dean, N.K.P. Salve Medical College, Nagpur. These facts clearly prove that I had not worked simultaneously at two medical colleges. It also proves that on 25.02.2005 I was present at Nagpur.

Sd/- Dr. Madhao G. Raje

3.1.12 Dr.Madhao G.Raje

Dr. Madhao G. Raje was asked to be present before the Ethics Committee and he has presented himself before the Ethics Committee on 9.7.2007 and has given his deposition as well as written statement which is reproduced below.

Written statement

“Having read your letter & review in copies of declaration forms attached with your letter, I would like to bring following facts to your notice. (1)Declaration form submitted by NKP Salve medical college is signed by me on 24.2.05.The same is signed by Dean NKP SIMS on 17.03.05, day of MCI inspection. (2) Declaration form submitted by D Y Patil Medical College, Pimpri, Pune is signed by me on 15.12.04 (as per your letter MCI has inspected college on 25.02.05). So these two declaration forms ‘don’t’ reveal that I had worked simultaneously in these two medical colleges. To proceed one step ahead I would like to re-draw the same table of your letter in this way.

<i>Name of the College</i>	<i>Date of joining</i>	<i>Date of Resignation</i>	<i>Date of Inspection</i>
<i>NKP Salve Instt. of Medical Sciences, Nagpur</i>	<i>23.02.05</i>	<i>Not yet</i>	<i>17.03.05</i>
<i>D Y Patil Pratishthan; MC of Women, Pimpri, Pune</i>	<i>18.03.04</i>	<i>15.02.05</i>	<i>25.02.05</i>

I infer/conclude from all this, that there is ‘error’ in judgment. However to support that I had not worked simultaneously, I’m forwarding attested copies of experience certificate & relieving certificate from DY Patil College, which is adequate to confirm the same. Please re-view & kindly acquit me from the charge. With regards, Truly yours, Dr. Madhu G Raje, Prof. & HOD Dept. of Forensic Medicine, NKP Salve Medical College, Nagpur – 19”.

He has further submitted the experience certificate from the Dean, N.K.P. Salve Instt. of Medical Sciences & Research Centre & Lata Mangeshkar Hospital certifying that he is full time faculty at the Department of FMT in the said college w.e.f. 25.2.2005. However, on examination of declaration form, it has been seen that the MCI Inspector during inspection of D.Y. Patil Medical College has accepted him as Assoc. Prof. of Forensic Medicine Deptt. and has sent the form as such thereby. Dr.Madhao.G.Raje was present physically during the inspection of D.Y. Patil Medical College. Therefore a charge of working simultaneously in two medical colleges is tenable in this case.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which he had submitted to the inspection team of the Council, were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of Dr.Madhao G. Raje, the Ethics Committee noted that explanation /clarification has not been found to be satisfactory and the misconduct of making mis-declaration/misstatement in Declaration Form having been found to be established.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

"Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon'ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows:-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so."

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of Dr. Madhao G. Raje along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr. Madhao G. Raje constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

"Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

"It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils."

The Ethics Committee decided that the aforesaid decision may be placed before the Executive Committee and General Body of the Council for their approval and thereafter necessary action may please be taken following the procedure laid down in the Council."

It was decided that the above decision of the Ethics Committee be placed before the General Body of the Council."

222. **Framing of guidelines for prosecution of medical professional under Criminal Law for their medical negligence in compliance of the Supreme Court Judgement in the case of Criminal Appeal Nos. 144-145 of 2004 Jacob Mathew Vs. State of Punjab & Another.**

(RENUMBERED AS ITEM NO. 259)

223. Consideration of scheme for continuing Medical Education approved by Ethical Committee as part of Ethics Regulations & proposal for its implementation – Reg.

Read: The minutes of Sub-Committee with regard to scheme for continuing Medical Education approved by Ethical Committee as part of Ethics Regulations & proposal for its implementation.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the report of the Sub-Committee comprising of Dr.Indrajit Ray, Dr. K.P. Mathur & Dr. G.B. Gupta and after deliberating on the issue in detail, approved the report of the Sub-Committee which is as under:-

“A Sub-Committee consisting of the following members (1) Dr. Indrajit Ray (2) Dr. K.P. Mathur & (3) Dr. G.B. Gupta met at 11.00 p.m. on 08.05.2007 in the Council office at Sector-8, Pocket-14, Dwarka, New Delhi to discuss about the modalities”.

While considering the modalities, the Sub-Committee went through the letter of the Secretary, Medical Council of India vide No.MCI-211(2)/Gen./2005-Ethics/14095-97, dated September, 2005, wherein it has been noted that “part of the modalities namely procedure to be followed in conducting enquiry in an alleged complaint case as well as the show cause notice” has already been implemented by the Council. Hence, the Sub-Committee considered the modalities regarding scheme for conducting Continuing Medical Education for provisions in the “Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002”. After detailed deliberation in the matter the Sub-Committee recommended the following modifications:-

1. *On page – 4 under the heading of “Modalities for accreditation” at Sr. No.4 the word “1 year” may be replaced by “3 months”.*
2. *On Page – 4 under the heading of “Modalities for accreditation” at Sr. No. 5 the following words may be incorporated after the existing clause “must be reasonable to attract maximum number of participants”.*
3. *On page – 5 under the heading of “consideration of accreditation of the organizations by the Council” at Serial No.4 after the word “guest lecture”, the word “panelist” may be incorporated.*
4. *On page – 5 under the heading of “consideration of accreditation of the organizations by the Council” at Serial No.4 “(a) & (b)” may be rewrite as follows:-
 (a) State Level organizations – 2 credit hours.
 (b) National Level organizations – 3 credit hours.
 (c) International Level organizations – 4 credit hours”.*
5. *On Page No. 6 under the head of “consideration of accreditation of the organizations by the Council” at Serial No.11 in the first line “1 year” may be replaced by “2 years”.*
6. *On Page No. 6 under the head of “consideration of accreditation of the organizations by the Council” the Serial No.12 may be re-numbered as Serial No. 13 and a new serial number 12 may be incorporated as follows:-*

While organizing accreditation activities, the organizer should try to avoid the financial assistance from the pharmaceutical firms as far as possible.

7. *On Page No. 6 under the head of “consideration of accreditation of the organizations by the Council” the new serial number 13 may be read as follows:*

“The accredited organization shall issue certificate in the followings Performa:-
Name of the Organization
Complete address with Telephone No. Fax No., E-mail etc.

This is certify that Dr. (Official Designation
.....) (Organisation/Residential address), bearing Registration No.
..... of Medical Council/Medical Council of India, has
attended the CME Programme conducted by this organisation on
(date/s) on the subject of for hour (Number
of hours actual CME programme to be indicated)

Signature of the participant

Signature of the competent official
Name
Official Seal”

OFFICE NOTE: The members were of the opinion that the existing Regulations of the Council on Indian Medical Council (Professional Conduct, Etiquette & Ethics) Regulations, 2000 needs revision/modification and therefore decided that the Ethics Committee be requested to look into the broader issue of ethics in the emerging circumstances of medical education, re search and practice.

224. **Enhancement of various fee charged by Medical Council of India.**

Read: The proposal with regard to Enhancement of various fee to be charged by Medical Council of India as been approved by the Finance Committee.

The Council noted the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the enhancement of various fee to be charged u/s 10A of the I.M.C. Act, 1956 for Establishment of New Medical College and various types of inspections as under:-

S.No.	Particulars	Amount of Existing Fee	Amount of Proposed Fee.
A.	<u>Fee for the applications received u/s 10A</u> Establishment of New Medical College a) Starting of PG/Higher Courses. b) Increase of Seats at UG/PG level.	3,50,000/- 2,00,000/- 2,00,000/-	7,00,000/- 4,00,000/- 4,00,000/-
B.	<u>Fee for Inspection of</u> a) Recognition/verification of Compliance for U.G. courses. b) Recognition/verification of Compliance for PG courses. c) Internship/housemanship at Non-teaching hospitals. d.) Annual Inspection/Affiliation of UG courses. e.) Annual Inspection/Affiliation of PG courses.	2,00,000/- 50,000/- 50,000/- (For each subject) 30,000/- ---	4,00,000/- 1,00,000/- 1,00,000/- (For each subject) 1,00,000/- 25,000/- (For each course)

It was further decided that the proposal for amendment of appropriate regulations for enhancement of fee for the applications received u/s 10A and mentioned at Sl.No.A in the

above table be placed before the General Body of the Council and a proposal for enhancing the fee for various types of inspections mentioned at Sl.No.B in the above table be sent to the Central Govt. for necessary approval.”

In view of above and after detailed deliberations in the matter, the Council decided as under:-

S.No.	Particulars	Amount Existing Fee	of Proposed Fee.
A.	<u>Fee for the applications received u/s 10A</u> a) Establishment of New Medical College b) Increase of Seats at UG c) Starting of PG/Higher Courses. d) Increase of Seats at PG	3,50,000/- 3,50,000/- 2,00,000/- 2,00,000/-	7,00,000/- 7,00,000/- 4,00,000/- 4,00,000/-
B.	<u>Fee for Inspection of</u> d) Recognition/verification of Compliance for U.G. courses. e) Recognition/verification of Compliance for PG courses. f) Internship/housemanship at Non-teaching hospitals. g.) Annual Inspection/Affiliation of UG courses. h.) Annual Inspection/Affiliation of PG courses.	2,00,000/- 50,000/- 50,000/- (For each subject) 30,000/- ---	3, 00, 000/- 75,000/- 1,00 ,000/- (For each subject) 50,000/- 10,000/- (For each course)

225. Removal of name of Dr. Anita Khuteta from the Indian Medical Register.

Read: The letter dt. 03.05.2007 received from the Registrar, Rajasthan Medical Council, Jaipur with regard to removal of name of Dr. Anita Khuteta from the Indian Medical Register.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council noted the letter dated 03.05.2007 received from the Registrar, Rajasthan Medical Council, Jaipur intimating that Dr. Anita Khuteta bearing Regn. No.5292, dated 23.06.1975 has expired on 01.05.2007 and his name has been removed from the Register of Registered Medical Practitioners. The Committee decided to remove the name of above-mentioned doctor from the Indian Medical Register and also give intimation in this regard to all the State Medical Councils in the country.”

226. Removal of name of Dr. Harinder Paul from the Indian Medical Register.

Read: The letter dated 07.06.2007 received from the Registrar, Punjab Medical Council with regard to removal of name of Dr. Harinder Paul from the Indian Medical Register.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council noted the letter dated 7.6.2007 received from the Registrar, Punjab Medical Council, Mohali intimating that Dr. Harinder Paul bearing Regn. No.21386, dated 18.06.1981 has expired on 6.9.2006 and his name has been removed from the Register of Registered Medical Practitioners. The Committee decided to remove the name of above-mentioned doctor from the Indian Medical Register and also give intimation in this regard to all the State Medical Councils in the country.”

227. Removal of name of Dr. Ranbir Singh from the Indian Medical Register.

Read: The letter dt. 09.07.2007 received from the Registrar, Punjab Medical Council, Mohali with regard to removal of name of Dr. Ranbir Singh from the Indian Medical Register.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council noted the letter dated 09.07.2007 received from the Registrar, Punjab Medical Council intimating that Dr. Ranbir Singh (Regn. No. 28292, dated 19.09.1994) vide his letter dated 18.06.2007 has requested Punjab Medical Council to remove his name from the medical register since he is going to adopt a legal profession.

In view of above, the members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided that the name of Dr. Ranbir Singh be also removed from the Indian Medical Register and also give intimation in this regard to all the State Medical Councils in the country.”

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

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

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council noted the letter dated 11.04.2007 received from the Registrar, Rajasthan Medical Council intimating that Dr. Praveen Jain bearing Regn. No. 18854, dated 13.03.1999 has expired on 9.4.2007 and his name has been removed from the Register of Registered Medical Practitioners. The Committee decided to remove the name of above-mentioned doctor from the Indian Medical Register and also give intimation in this regard to all the State Medical Councils in the country.”

229. Removal of name of Dr. Bal Kishan Vyas from the Indian Medical Register.

Read: The matter with regard to removal of name of Dr. Bal Kishan Vyas from the Indian Medical Register.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council noted the letter dated 23.06.2006 received from the Registrar, Rajasthan Medical Council intimating that Dr. Bal Kishan Vyas bearing Regn. No. 645, dated 13.02.1961 has expired and his name has been removed from the Register of Registered Medical Practitioners. The Committee decided to remove the name of above-mentioned doctor from the Indian Medical Register and also give intimation in this regard to all the State Medical Councils in the country.

230. Extension of service of Dr. M.C.R. Vyas as Whole Time Inspector.

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

The Council approved the following recommendations of the Executive Committee:-

“The members of the Ad-hoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council noted that the services of Dr. M.C.R. Vyas as a Whole Time Inspector is going to expire on 09.04.2007. The Committee decided to extend the services of Dr.M.C.R. Vyas for a period of one year i.e. upto 08.04.2008.”

231. Approval of Minutes of the Finance Committee held on 16th April, 2007 & 28th June, 2007.

Read: The minutes of the Finance Committee held on 16th April, 2007 & 28th June, 2007.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the minutes of the Finance Committee meeting held on 16.04.2007.”

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided to approve the minutes of the Finance Committee meeting held on 28th June, 2007.”

232. Approval of the minutes of the Postgraduate Committee meetings held on 27/12/2006, 26/2/2007, 28/02/2007, 25/5/2007, 6/6/2007, 17/7/2007.

The Council approved the minutes of the Postgraduate Committee meetings held on 27/12/2006, 26/2/2007, 28/02/2007, 25/5/2007, 6/6/2007, 17/7/2007.

233. Departmental Promotions to the post of Assistant Secretary in the office of the Medical Council of India.

Read: The recommendation of the Departmental Promotion Committee to the post of Assistant Secretary in the office of the Medical Council of India.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council perused the minutes of the Departmental Promotion Committee meeting held in the Council Office on 12.6.2007 for promotion to the post of Assistant Secretary which reads as under:-

“Minutes of the Departmental Promotion Committee meeting held in the Council office on 12.6.2007 at 3.00 p.m. for promotion to the post of Assistant Secretary.

The following members were present:-

<i>Dr.P.C. Kesvankutty Nayar</i>	<i>Chairman</i>
<i>Dr.V.K. Jain</i>	<i>Member</i>
<i>Dr.J.N.Soni</i>	<i>Member</i>
<i>Dr. K.H. Kenchappa</i>	<i>Member</i>
<i>Lt. Col.(Retd.) Dr.ARN Setalvad</i>	<i>Member-Secretary</i>

1. *The DPC noted that the Recruitment Rules for the post of Assistant Secretary as notified in the Gazette of India, Part III Section IV, dated 29th December, 2001 as amended by notification in the Gazette of India, Part III Section IV, dated 26.3.2003 are as under:-*

RECRUITMENT RULES FOR ASSISTANT SECRETARY

Name of Post	No. of Post	Scale of Pay	Whether Selection post or non-selection post	Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension Rules) 1972	Age limit for direct recruits	Educational and other qualifications required for direct recruits
1	2	3	4	5	6	7
Assistant Secretary	3	10000-325-15200	Selection	Applicable	Between 35 to 45 years Relaxable for Government servants up to 5 years.	Educational Qualification Graduate from a recognised University. Experience 5 years regular service in the grade of 8000-275-13500 or 8 years service in the grade of 6500-200-10500 in a Public sector undertaking/statutory or autonomous organization with Knowledge of Establishment, Accounts, fundamental & supplementary rules and other Govt. rules.

Whether age and educational qualification prescribed for direct recruits will apply in the case of promotees	Period of Probation, if any	Method of Rectt.; Whether by direct rectt. Or by promotion or by deputation/transfer & percentage of the vacancies to be filled by various method	Grade from which recruitment by promotion/deputation/transfer/short-term contract/re-employment is to be made	If a DPC/Selection Committee exists, what is its composition
8	9	10	11	12
No	Two years	Promotion/Transfer on deputation (including Short-term contract), failing which by Direct Recruitment Note: If the Departmental candidate is selected for appointment to the post, it is to be treated as having been filled by Promotion.	a) Promotion – Administrative Officer with 5 years regular service in the grade of Rs. 8000-13500/- or with 8 years combined length of regular service in the grades of administrative Officer/Section Officer; or in the event of the post of Administrative Officer remaining unfilled, Section Officer with 8 years regular service in the grade of Rs. 6500-10500/- b) Transfer on Deputation - Officials under the Central / State Governments/ Universities/ Government Medical Colleges / Hospitals/ Public Sector Undertakings /Statutory or Autonomous	President-Chairman , Vice president-member , two members to be nominated by the Executive Committee of the Council & Secretary-member secretary. The selection will be subject to the approval of Executive Committee

			<i>Organizations; and (i.) holding analogous posts on regular basis; or (ii) with 5/8 years regular service in posts in the scale of Rs. 8000-13500 / 6500-10500 respectively; and (iii) possessing educational qualification prescribed for Direct Recruits, knowledge of Government rules and having experience of dealing with establishment and accounts matters.</i>	
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2. *The DPC further noted that the following officials have completed the experience as required as per the recruitment rules as under:-*

<i>Officials in the grade of S.O.</i>	<i>Qualification possessed by the employee.</i>	<i>Experience possessed by the employee as S.O. in the scale of 6500-10500.</i>
<i>Sh. Lal Singh</i>	<i>Matriculate</i>	<i>9 years 1 month.</i>

3. *The DPC further noted that as per column 8 of the Recruitment Rules, age and educational qualifications prescribed for direct recruit would not apply in case of promotees.*
4. *The DPC further noted that as per letter No.V.11025/69/98-ME(UG), dated 12th March, 2003 of Ministry of Health & Family Welfare, it is mentioned that -*

“.....Regarding educational qualifications, these are not generally insisted upon in the case of promotion to posts of non technical nature; but for scientific and technical posts, these should be insisted upon, in the interest of the scale of Rs.3000-4500, now Rs.10,000-325-15,200 and above.”

5. *The DPC further noted that the post of Assistant Secretary is neither a technical nor scientific post.*
6. *As regards the representation of Mr.Babu Ram, the DPC noted that Mr.Babu Ram Manuwal was appointed in the Council office as Lower Division Clerk on 3rd October, 1989. After putting in number of years of service and being promoted from time to time, he came to be promoted as Superintendent in the pay scale of Rs.5500-9000 w.e.f. 12.12.2002. Vide office order dated 25/26.2.2004, his post was redesignated as Section Officer and he was placed in the scale of Rs.6500-10500 w.e.f. 12.12.2002 i.e. the date of his promotion as Superintendent.*
7. *It is observed that the experience criteria as required for the post of Assistant Secretary is “Administrative Officer with 5 years regular service in the grade of Rs. 8000-13500/- or with 8 years combined length of regular service in the grades of administrative Officer/Section Officer; or in the event of the post of Administrative Officer remaining unfilled, Section Officer with 8 years regular service in the grade of Rs. 6500-10500/- 5 years regular service in the grade of Rs.5500-9000 or 8 years service in the grade of Rs.6500-10500.” As he came to be placed in the redesignated post of Section Officer having a pay scale of Rs.6500-10500 or promoted to the erstwhile post of Superintendent only on 12.12.2002, he possesses an experience of only four years five months in the grade of 6500-10500 against the requirement of 8 years service as required under the recruitment rules and is thus not eligible to be appointed/promoted as Asstt. Secretary.*
8. *In view of above, DPC recommends that Shri Lal Singh may be promoted to the post of Assistant Secretary considering in view the relaxation of educational qualification criteria as mentioned above.”*

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the recommendations of the Departmental Promotion Committee and that Shri Lal Singh

may be promoted to the post of Assistant Secretary considering in view the relaxation of educational qualification criteria as recommended by DPC.”

234. Departmental Promotions to the post of Administrative Officer in the office of the Medical Council of India.

Read: The recommendation of the Departmental Promotion Committee to the post of Administrative Officer in the office of the Medical Council of India.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council perused the minutes of the Departmental Promotion Committee Meeting held in the Council office on 12.6.2007 for promotion to the post of Administrative Officer which reads as under:-

“Minutes of the Departmental Promotion Committee meeting held in the Council office on 12.6.2007 at 4.00 p.m. for promotion to the post of Administrative Officer.

The following members were present:-

<i>Dr.P.C. Kesvankutty Nayar</i>	<i>Chairman</i>
<i>Dr.V.K. Jain</i>	<i>Member</i>
<i>Dr.J.N.Soni</i>	<i>Member</i>
<i>Dr. K.H. Kenchappa</i>	<i>Member</i>
<i>Lt. Col.(Retd.) Dr.ARN Setalvad</i>	<i>Member-Secretary</i>

1. *The DPC noted that the Recruitment Rules for the post of Administrative Officer as notified in the Gazette of India, Part III Section IV, dated 29th December, 2001 as amended by notification in the Gazette of India, Part III Section IV, dated 26.3.2003 are as under:-*

RECRUITMENT RULES FOR ADMINISTRATIVE OFFICER

<i>Name of Post</i>	<i>No. of Post</i>	<i>Scale of Pay</i>	<i>Whether Selection post or non-selection post</i>	<i>Whether benefit of added years of service admissible under rule 30 of the C.C.S. (Pension Rules) 1972</i>	<i>Age limit for direct recruits</i>	<i>Educational and other qualifications required for direct recruits</i>
<i>1</i>	<i>2</i>	<i>3</i>	<i>4</i>	<i>5</i>	<i>6</i>	<i>7</i>
<i>Administrative Officer</i>	<i>1</i>	<i>8000-275-13500</i>	<i>Selection</i>	<i>Applicable</i>	<i>Between 35 to 45 years Relaxable for Government servants up to 5 years.</i>	<i><u>Qualification:</u> Graduate from a recognised University with Second Division <u>Experience:</u> 5 years experience as Section Officer in a Public/undertaking/Statutory or Autonomous organization or 8 years regular service in the grade of 5500-9000/6500-10500.</i>

						<i>Desirable : Knowledge of Government Rules and Regulations.</i>
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<i>Whether age and educational qualification prescribed for direct recruits will apply in the case of promotees</i>	<i>Period of Probation, if any</i>	<i>Method of Rectt.; Whether by direct rectt. Or by promotion or by deputation/transfer & percentage of the vacancies to be filled by various method</i>	<i>Grade from which recruitment by promotion/deputation/transfer/short-term contract/re-employment is to be made</i>	<i>If a DPC/Selection Committee exists, what is its composition</i>
8	9	10	11	12
No	Two years	<i>Promotion/Transfer on deputation (including Short-term contract), failing which by Direct Recruitment.</i> <i><u>Note:</u> If the Departmental candidate is selected for appointment to the post, it is to be treated as having been filled by Promotion.</i>	a) <u>Promotion:</u> Section Officer with 5 years regular service in the grade of Rs. 6500-10500 or with 8 years combined length of regular service in the grades of Section Officer/ Superintendent in the grade of 5500-9000/-. b) Transfer on Deputation - Officials under the Central/State Governments/Universities/Govt. Medical Colleges/Hospitals/ Public Sector Undertakings/Statutory or Autonomous Organizations; and (i.) holding analogous posts on regular basis; or (ii) with 5/8 years regular service in posts in the scale of Rs. 6500-10500/5500-9000 respectively; and (iii) possessing educational qualification prescribed for Direct Recruits, knowledge of Government rules and having experience of dealing with establishment and accounts matters.	<i>President-Chairman Vice president-member , two members to be nominated by the Executive Committee of the Council & Secretary-member secretary. The selection will be subject to the approval of Executive Committee</i>

2. The DPC further noted that the following candidates have completed the requisite experience as required as per recruitment rules:-

Officials in the grade of S.O.	Qualification possessed by the employee.	Experience possessed by the employee.	
		Experience as Assistant in the Scale of 5500-9000.	Experience as S.O. in the scale of 6500-10500.
Sh.Lal Singh	Matriculate	5 years.	9 years 1 month.
Sh.Bhagwan Das	B.A., LLB	6 years 8 months.	6 years 1 month.
Sh.Ramesh Chand	Graduate	6 years 8 months.	6 years 1 month.

3. The DPC further noted that as per column 8 of the Recruitment Rules, age and educational qualifications prescribed for direct recruit would not apply in case of promotees.
4. The DPC further noted that as per letter No.V.11025/69/98-ME(UG), dated 12th March, 2003 of Ministry of Health & Family Welfare, it is mentioned that -
- “.....Regarding educational qualifications, these are not generally insisted upon in the case of promotion to posts of non technical nature; but for scientific and technical posts, these should be insisted upon, in the interest of the scale of Rs.3000-4500, now Rs.10,000-325-15,200 and above.”
5. The DPC further noted that the post of Administrative Officer is neither a technical nor scientific post.
6. As regards the representation of Mr.Babu Ram Manuwal, the DPC observed that the experience criteria required for promotion to the post of Administrative Officer required is “Section Officer with 5 years regular service in the grade of Rs. 6500-10500 or with 8 years combined length of regular service in the grades of Section Officer/ Superintendent in the grade of 5500-9000/-.” It was noted that Shri Babu Ram was promoted as Head Clerk in the grade of 5000-8000 w.e.f. 3.3.1997 which he continued to hold till 11th December, 2002. He was promoted to the post of Superintendent redesignated as Section Officer) for the first time only w.e.f. 12.12.2002. He was redesignated as Section Officer w.e.f. 12.12.2002 in the scale of 6500-10500 vide office order dated 25/26.2.2004. Thus he has completed only 4 years 6 months qualifying experience in the feeder cadre of Section Officer against the requirement of 5 years experience as Section Officer required as per Recruitment Rules, hence is not eligible to be promoted to the post of Administrative Officer as per Recruitment Rules.
7. The DPC further observed that vide point No.2 of the office Memorandum No.A.14019/1/2007-SCT, dated 12th April, 2007 issued by the Ministry of Health & F.W. (Welfare & PG Section) has reiterated the following guidelines for maintenance of roster for reservation for SC/ST/OBCs are as under:-
- “..... 2.The Rosters for a single post cadre is not required to be maintained, as there is no reservation on single post cadre.”
8. In view of above, DPC recommends that Shri Lal Singh may be promoted as Administrative Officer keeping in view the relaxation of educational criteria as stated above.
9. The DPC further notes that vide its earlier meeting on 12.06.2007 at 3.00 p.m. , it has recommended Shri Lal Singh for promotion to the post of Asstt. Secretary. Therefore, in view of the said recommendation, it further recommends that Shri Bhagwan Das be kept on waiting list and in case the Executive Committee accepts the recommendations of the DPC regarding promotion of Shri Lal Singh to the post of Assistant Secretary; Shri Bhagwan Das be promoted to the post of Administrative Officer.”

In view of above, the members of the Adhoc Committee & Executive Committee approved the recommendations of the DPC that “vide its earlier meeting on 12.06.2007 at 3.00 p.m., it has recommended Shri Lal Singh for promotion to the post of Asstt. Secretary. Therefore, in view of the said recommendation, it further recommends that Shri Bhagwan Das be kept on waiting list and in case the Executive Committee accepts the recommendations of the

DPC regarding promotion of Shri Lal Singh to the post of Assistant Secretary; Shri Bhagwan Das be promoted to the post of Administrative Officer” and as recommendations of the DPC regarding promotion of Shri Lal Singh to the post of Assistant Secretary has been approved, it was further decided to promote Shri Bhagwan Das to the post of Administrative Officer as per the recommendations of the DPC.”

235. Departmental Promotions to the post of Section Officer in the office of the Medical Council of India.

Read: The recommendation of the Departmental Promotion Committee to the post of Section Officer in the office of the Medical Council of India.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the recommendation of the Departmental Promotion Committee meeting held on 22.08.2007 for the post of Section Officer in the office of the Medical Council of India as under:-

“The Committee noted that as per Recruitment Rules, method of recruitment for the post of Section Officer is “By promotion failing which by Direct recruitment”. It is also noted that for the purposes of promotion, the candidate has to be Superintendent with 3 years regular service in the grade of 5500-175-9000/-. Presently there is no designation of Superintendent in the Council office as the posts of Superintendent were merged with Section Officer in the pay scale of Rs.6500-10,500/-. The post of Head Clerk was also re-designated as Assistant in the pay scale of Rs.5500-175-9000/-.

A list of 9 departmental candidates in the grade of Assistant was put before the Committee. The Committee noted that Shri Rajiv Kumar, Assistant and Shri Anuj Kumar, Assistant are the senior most amongst above said 9 candidates. The Committee further noted that Shri Rajiv Kumar, Assistant and Shri Anuj Kumar, Assistant both have completed more than 8 years service in the grade of Rs.5500-175-9000/-. The Committee also noted Annual Confidential Reports as available on record do not contain any adverse remarks. No vigilance case is pending against them. As such, Shri Rajiv Kumar and Shri Anuj Kumar may be promoted to the post of Section Officer.

In view of above, the Committee recommends that Shri Rajiv Kumar and Shri Anuj Kumar be promoted to the post of Section Officer in accordance with the Recruitment Rules.”

236. Departmental Promotions to the post of Assistant in the office of the Medical Council of India.

Read: The recommendation of the Departmental Promotion Committee to the post of Assistant in the office of the Medical Council of India.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the recommendation of the Departmental Promotion Committee meeting held on 22.08.2007 for the post of Assistant in the office of the Medical Council of India as under:-

“A list of 2 departmental candidates in the Grade of U.D.C. was put before the Committee. It has been observed that there are two posts of Assistant lying vacant in the Council.

As per Recruitment Rules, U.D.C./Store Keeper in the grade of Rs.4000-6000/- with 8 years regular service in the grade or with 3 years regular service in the scale of Rs.4500-7000/- are eligible for promotion to the post of Head Clerk. It is noted by the Committee

that the post of Head Clerk was re-designated as Assistant & the pay scale was also upgraded to Rs.5500-9000/-.

After perusal of the records/data submitted before the Committee, the Committee noted that the Annual Confidential Reports of the aforesaid two employees do not contain any adverse remarks and no vigilance case is pending against them. The Committee recommends the following for promotion to the post of Assistant:-

1. Shri Kanaya Lal Bhan
2. Shri Pramodh Singh”

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

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

The Council approved the following recommendations of the Executive Committee taken at its meeting held on 24.8.2007 wherein the members of the Adhoc Committee appointed by the Hon’ble Supreme Court were also present :-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council deliberated upon the matter and observed and decided as under:-

“The Central Government vide its letter dated 12.1.2006 had forwarded the request of Sikkim Manipal University of Health, Medical and Technological Sciences, Tadong, Gangtok for inspection of college during the final year MBBS examination scheduled to be held in March, 2006.

An inspection of the institute for recognition for the award of MBBS degree was carried out by the Council Inspectors on 20th and 21st March, 2006. The inspection report was considered by the Executive Committee at its meeting held on 24th April, 2006 wherein the members of the Adhoc Committee appointed by the Hon’ble Supreme Court were also present. In view of gross deficiencies of teaching faculty, residents, clinical material and infrastructure, it was decided not to recognise Sikkim Manipal Institute of Medical Sciences, Gangtok for the award of MBBS degree granted by Sikkim Manipal University of Health Medical & Technological Sciences, Gangtok. The decision was communicated to the Dean of the Institute with a copy to Registrar of the University and Secretary to Govt. of India, Ministry of Health & F.W. vide Council letter dated 5th May, 2006.

The Institute vide its letter dated 20th May, 2006 had submitted the compliance on the deficiencies pointed out in the MCI inspection report of March, 2006. Inspection to verify the compliance was carried out on 1st June, 2006. The compliance verification inspection was considered by the Executive Committee at its meeting held on 14/15.6.2006 wherein the members of the Adhoc Committee appointed by the Hon’ble Supreme Court were also present. In view of the continuing deficiencies of the teaching faculty, clinical material, residents and other infrastructural deficiencies, it was decided not to recognise Sikkim Manipal Institute of Medical Sciences, Gangtok for the award of MBBS degree granted by Sikkim Manipal University of Health Medical & Technological Sciences, Gangtok.

The Central Government vide its letter dated 30th June, 2006 had forwarded yet another compliance dated 27.6.2006 received from the institute. An inspection to verify the compliance was carried out on 5.7.2006 by the Council Inspectors. The compliance verification inspection report was considered by the Executive Committee at its meeting held on 10th July, 2006 wherein the members of the Adhoc Committee appointed by the

Hon'ble Supreme Court were also present. In view of the persisting deficiencies of teaching faculty (33.8%) and residents (60.52%), deficiency of bed occupancy (59%), OPD attendance (320), inadequacy of clinical material and deficiencies of infrastructure, it was decided to reiterate the earlier decision not to recognise Sikkim Manipal Institute of Medical Sciences, Gangtok for the award of MBBS degree granted by Sikkim Manipal University of Health Medical & Technological Sciences, Gangtok.

The Institute submitted yet another compliance vide its letter dated 11th August, 2006. An inspection to verify the compliance was carried out on 5/6.9.2006 by the Council Inspectors. The compliance verification inspection report was considered by the Executive Committee at its meeting held on 2.12.2006 wherein the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present. In view of the deficiencies of the teaching faculty, clinical material, residents and other infrastructural deficiencies, it was decided to reiterate the earlier decision not to recognise Sikkim Manipal Institute of Medical Sciences, Gangtok for the award of MBBS degree granted by Sikkim Manipal University of Health Medical & Technological Sciences, Gangtok. The decision was communicated to the Central Government on 15.12.2006.

It is further stated that the Central Govt. letter dated 9.3.2007 and letter dated 12.3.2007 from the Vice-Chancellor, Sikkim Manipal University with regard to recognition of Sikkim Manipal Institute of Medical Sciences, Gangtok for the award of MBBS degree granted by Sikkim Manipal University of Health, Medical and Technological Sciences, Tadong, Gangtok were considered by the Executive Committee at its meeting held on 02.04.2007 where the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present and it was decided as under:-

“The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the letter dated 09.03.2007 received from the Institute which reads as under:-

“As you are aware, the LOP to Sikkim Manipal Institute of Medical Sciences was issued for 100 admissions in 2001. Thereafter in 2002 & 2003, it was renewed for 100 admissions for 1st and 2nd renewal respectively. As the institute was not able to meet the requirements for 100 admissions, the 3rd & 4th renewal of permissions by the Central Govt. for 2004 & 2005 were granted for 50 admissions.

The inspection for recognition under Section 11(2) of IMC Act, 1956 of SMIMS was carried out in April, 2006, when the first batch appeared in IIIrd MBBS Part II examination. Again, as the institute was not able to meet the requirements for recognition for 100 admissions, the MCI had not recommended recognition to this institute. The compliance was submitted by the institute for which verification inspection was carried out in September, 2006. However, due to deficiencies still persisting, we have not been able to get recognition. Further, many meetings on this matter have taken place, the last one under the Chairmanship of Hon'ble Minister for DONER during which we have realized that there is no provision under the IMC Act to grant conditional recognition for a particular batch.

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

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to verify the same by way of an inspection for recognition u/s 11(2) of the Indian Medical Council Act, 1956 for 50 admissions”

Accordingly, an inspection to verify the compliance submitted by the college authorities was carried out by the Council's inspectors on 9th April 2007. The compliance verification inspection report along with letter dated 09.03.2007 received from the Vice-Chancellor, Sikkim Manipal University of Health Sciences, Gangtok forwarded by the Central Govt. vide letter dated 09.03.2007 and letter dated 03.04.2007 from the Vice-Chancellor of the University for recognition of the college for the award of MBBS degree granted by Sikkim Manipal University of Health Sciences, Gangtok and the undertaking given by the Dean of the institute vide letter dated 09.04.2007 at the time of inspection was considered by the Executive Committee at its meeting held on 28th April, 2007 where the members of the Adhoc Committee appointed by the Hon'ble Supreme Court were also present and it was decided as under: -

"The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the letter dated 09.03.2007 received from the Vice-Chancellor, Sikkim Manipal University of Health Sciences, Gangtok forwarded by the Central Govt. vide letter dated 09.03.2007 and observed that the operative part of the letter reads as under:-

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

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

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

In this regard, we had been communicated both from the Ministry as also from the Council, that there would be a need for another inspection to ascertain our faculty and patient load to consider grant of recognition for 50 admissions. The University and SMIMS has been diligently addressing all deficiencies and concerns pointed out by MCI and we are now in a position to be inspected for the grant of recognition for 50 seats."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspection report (9th April, 2007) carried out by the Council Inspectors and observed that the institute has requisite facilities required for recognition of a college with annual intake of only 50 students as per the Minimum Standard Requirements for a Medical College for 50 Admissions Annually, 1999.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided that MBBS degree granted by Sikkim Manipal University of Health Sciences, Gangtok in respect of students being trained at Sikkim Manipal Institute of Medical Sciences, Gangtok be recognized and included in the 1st Schedule to the I.M.C. Act, 1956.

However, the authorities be directed to restrict the number of admissions to 50 students annually from the next academic session i.e. 2007-08 as per the undertaking given by the institute vide letters dated 09.03.2007 & 03.04.2007. The institution may apply for

increase of seats after fulfilling all the requirements, in case they so desire, as per provisions of Section 10A of the IMC Act, 1956.

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

The above decision of the Executive Committee was communicated to the Central Govt. vide this office letter dated 7.5.2007. The matter pertaining recognition of the MBBS degree will be placed before the General Body at its next meeting.

The Council has not received any further communication from the Central Govt. in this regard. However, it was observed that the Central Govt. has issued Notification dated 1.5.2007 for recognition of Sikkim Manipal Institute of Medical Sciences, Gangtok u/s 11(2) of the IMC Act, 1956.

It was further observed that the Central Govt. has neither provided any reasons for issuing the above said notification even when the Council in its letter dated 7.5.2007 had specifically communicated that the matter pertaining to the recognition would be placed before the General Body of the Council at its ensuing meeting nor any speaking order has been passed in this regard. It is also stated that the Council has not received any further communication in this matter after the decision of the Executive Committee at its meeting held on 28.4.2007 was communicated to the Central Govt. on 7.05.2007.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also observed that Section 11 of the Indian Medical Council Act, 1956 pertaining to recognition of the medical qualification granted by universities or medical institutions in India reads as under:-

- "11. (1) *The medical qualifications granted by any university or medical Institution in India which are included in the first Schedule shall be recognised medical qualifications for the purposes of this Act.*
- (2) *Any university or medical Institution in India which grants a medical qualification not included in the First Schedule may apply to the Central Govt., to have such qualification recognised, and the Central Government, after consulting the Council, may, by notification in the official Gazette, amend the First Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the last column of the First Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date."*

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council observed that in case of another institute – viz. M.N.R. Medical College, Sangareddy, A.P., the Executive Committee had approved the institute for the award of MBBS degree under N.T.R. University of Health Sciences, Vijayawada for 100 admissions at its meeting held on 2nd March, 2007 and the said item was also included in the agenda to be placed before the General Body of the Council at its meeting to be held on 10th March, 2007. However, as complaints were received in the office of the Council pertaining to the gross deficiencies of teaching faculty and clinical material, another inspection to verify the teaching faculty and clinical material was carried out on 9th March, 2007. As gross inadequacy of the teaching faculty (46.3%), residents (83%) and inadequacy of clinical material (bed occupancy-29%, OPD attendance-26) were observed at this inspection dated 9.3.2007, the General Body of the Council had decided not to approve MNR Medical College, Sangareddy for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada even though the Executive Committee had recommended approval to the institute for award of MBBS degree.

The members of the Adhoc Committee appointed by Hon'ble Supreme Court and of the Executive Committee of the Council further observed that the recommendations for

recognition of any medical college is to be made by the General Body of the Council to the Ministry of Health, Government of India. Every case for consideration for recommendation to the Ministry of Health, Government of India for recognition of any college is taken up by the Executive Committee of the Council. The Executive Committee makes the recommendations to the General Body of the Council for consideration for necessary action and notification of the case by the General Body of the Council, which, then makes the final decision which is conveyed to recommendation to the Ministry of Health, Government of India.

It is the recommendation of the General Body of the Council which is necessary for the Ministry of Health, Government of India for issuing any order for grant of recognition of a college. The approval of the recommendation of the Executive Committee by the General Body of the Council for recognition of any college is a condition precedent and therefore in the absence whereof the Ministry of Health, Government of India does not issue any order for grant of recognition to any college. In the light of the facts mentioned above in relation to the case of MNR Medical College where the recommendation was by the Executive Committee of the Council to the General Body and having regard to the subsequent facts as stated above, the General Body of the Council had decided not to approve MNR Medical College for the award of the MBBS Degree by the NTR University, the Ministry of Health, Government of India could not have had issued the order for recognition of this college.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to request the Central Govt. to reconsider the matter and recall the notification dated 11.5.2007 issued by the Govt. of India for inclusion of the MBBS degree of Sikkim Manipal University of Health, Medical & Technological Sciences, Gangtok awarded to the students trained at Sikkim Manipal Institute of Medical Sciences, Gangtok on or after March, 2006."

238. **Undertaking given by Dr. Madhao G. Raje for working in more than one medical college – Action to be taken in view of Code of Medical Ethics.**

Read: The matter with regard to Undertaking given by Dr. Madhao G. Raje for working in more than one medical college.

The Council approved the following recommendations of the Executive Committee:-

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

"Statement of Dr. Madhao G. Raje

I, Dr. Madhao G. Raje did my MBBS from Indira Gandhi Medical College, Nagpur in the year 1983 and I have done my M.D. in FMT from Indira Gandhi Medical College, Nagpur in the year 1987. My registration No. is 54178 with Maharashtra Medical Council and my date of birth is 17.02.1961.

In reply to the allegations against me, I have already submitted my explanation in writing to the Council office and a copy of which I am submitting again which clearly shows that I have not attended any inspection on 25.02.2005 at D.Y. Patil Medical College, Pimpri, Pune. In fact I have resigned from the college on 15.02.2005 and have joined N.K.P. Salve Medical College, Nagpur on 23.02.2005 and I am still working there. In support of my physical presence at Nagpur on 25.02.2005 I am submitting recently received fax cum certificate from Dean, N.K.P. Salve Medical College, Nagpur. These facts clearly prove that I had not worked simultaneously at two medical colleges. It also proves that on 25.02.2005 I was present at Nagpur.

Sd/- Dr. Madhao G. Raje

3.1.12 Dr.Madhao G.Raje

Dr. Madhao G. Raje was asked to be present before the Ethics Committee and he has presented himself before the Ethics Committee on 9.7.2007 and has given his deposition as well as written statement which is reproduced below.

Written statement

“Having read your letter & review in copies of declaration forms attached with your letter, I would like to bring following facts to your notice. (1)Declaration form submitted by NKP Salve medical college is signed by me on 24.2.05.The same is signed by Dean NKP SIMS on 17.03.05, day of MCI inspection. (2) Declaration form submitted by D Y Patil Medical College, Pimpri, Pune is signed by me on 15.12.04 (as per your letter MCI has inspected college on 25.02.05). So these two declaration forms ‘don’t’ reveal that I had worked simultaneously in these two medical colleges. To proceed one step ahead I would like to re-draw the same table of your letter in this way.

Name of the College	Date of joining	Date of Resignation	Date of Inspection
NKP Salve Instt. of Medical Sciences, Nagpur	23.02.05	Not yet	17.03.05
D Y Patil Pratishthan; MC of Women, Pimpri, Pune	18.03.04	15.02.05	25.02.05

I infer/conclude from all this, that there is ‘error’ in judgment. However to support that I had not worked simultaneously, I’m forwarding attested copies of experience certificate & relieving certificate from DY Patil College, which is adequate to confirm the same. Please re-view & kindly acquit me from the charge. With regards, Truly yours, Dr. Madhu G Raje, Prof. & HOD Dept. of Forensic Medicine, NKP Salve Medical College, Nagpur – 19”.

He has further submitted the experience certificate from the Dean, N.K.P. Salve Instt. of Medical Sciences & Research Centre & Lata Mangeshkar Hospital certifying that he is full time faculty at the Department of FMT in the said college w.e.f. 25.2.2005. However, on examination of declaration form, it has been seen that the MCI Inspector during inspection of D.Y. Patil Medical College has accepted him as Assoc. Prof. of Forensic Medicine Deptt. and has sent the form as such thereby. Dr.Madhao.G.Raje was present physically during the inspection of D.Y. Patil Medical College. Therefore a charge of working simultaneously in two medical colleges is tenable in this case.

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued “Show Cause Notices” calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective “Show Cause Notice”, all the

Declaration Forms, which he had submitted to the inspection team of the Council, were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of Dr. Madhao G. Raje, the Ethics Committee noted that explanation /clarification has not been found to be satisfactory and the misconduct of making mis-declaration/misstatement in Declaration Form having been found to be established.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows:-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the

extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so."

*The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of Dr.Madhao G. Raje along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-
Section 1.1.1.*

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr. Madhao G. Raje constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

The Ethics Committee decided that the aforesaid decision may be placed before the Executive Committee and General Body of the Council for their approval and thereafter necessary action may please be taken following the procedure laid down in the Council.”

239. Removal of name of Dr. Lal Chand from the Indian Medical Register.

Read: The letter dt. 06.09.2007 received from the Registrar, Punjab Medical Council, Mohali with regard to removal of name of Dr. Lal Chand from the Indian Medical Register.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council noted the letter dated 06.09.2007 received from the Registrar, Punjab Medical Council, Mohali intimating that Dr. Lal Chand bearing Regn. No. 31068, dated 21.7.1999 had expired and his name has been removed from the Register of Registered Medical Practitioners. The Committee decided to remove the name of above-mentioned doctor from the Indian Medical Register and also give intimation in this regard to all the State Medical Councils in the country.”

240. WP (C) No.140/2007 – Urvashi Popli Vs. UOI & Ors.

Read: The WP (C) No.140/2007 filed by Urvashi Poply vs UOI & Ors. Challenging the order of the Govt. of India with regard to programme of six months training of MBBS doctors to work as Anaesthetists in Rural Health Centres etc.

The Council observed that the Postgraduate Committee at its meeting held on 6.9.2007 had recommended as under:-

“The Postgraduate Committee considered the WP (C) No.140/2007 filed by Urvashi Poply vs UOI & Ors. and concurred with Government of India’s affidavited position.”

The Secretary informed the members that the Hon’ble High Court of Delhi has passed the following order in the above mentioned writ petition dated 31.10.2007:-

“.....We grant two months time to the Medical Council of India to take a final decision in the matter. While examining the issue, the grievances that are sought to be raised in the petition shall be looked into alongwith the stand taken by the Government of Gujarat and other Governments in this matter. We would like to have a considered and conscious decision in this regard from the Medical Council of India by the next date.”

The matter was discussed and deliberated upon by the members of the Council in detail. The members of the Council further observed that the Central Government vide its counter affidavit of March, 2007 as stated as under:-

“..... That the Govt .is of the view that training of MBBS doctors in anesthetic skills under the said training programme is limited to meeting the emergency obstetric care and in no way it should be seen as replacement of specialists on the subject”

“.....However, it is reiterated that the curriculum of the on the job training programme is the same as was/ought to have been studied by trainees in their MBBS curriculum and internship and it is vehemently clarified that the practice of anaesthesia in emergency obstetric care limited to MBBS curriculum is permissible for any MBBS doctor”

“.....the training programme for MBBS doctors of Govt. Hospitals in life saving anesthetic skills for emergency obstetric care in CHCs and FRUs in various States which are facing acute shortage of qualified Anesthesiologists as a result of which thousands of women die at the time of or immediately after delivery particularly at sub-district level and in other undeveloped areas. The petitioner's attempt to correlate the Delhi Government order dated 23.6.1992 in respect of Central Government Hospitals in Delhi is totally misplaced as in Delhi there is no shortage of Anesthesiologists and hence, the procedure has to be performed by them. The petitioner's attempt to use the circular dated 23.6.1992 as a ground of alleged discrimination with the women from the sub-district level and in tribal/hilly areas is also totally misplaced as the fact of the matter is thousands of pregnant women die every year simply either due to non-availability of qualified Anesthesiologists or due to the inability of the poor to pay the high fee being charged by such qualified Anesthesiologists. It is a matter of fact that the Government's efforts to engage such qualified Anesthesiologists at CHC/FRU level have failed merely because the fee per case of Rs.1000/- to attend emergency anesthesia care was not acceptable to such qualified privately placed Anesthesiologists for whom money was more important than the lives of poor human beings.

It is reiterated that on the job training programme for MBBS doctors serving in Hospitals of Government of India as well as various States is intended to refresh and re-equip the basic anesthesia skills of the doctors as were/ought to have been studied by them during their MBBS course and internship. It is also reiterated that the training programme is intended to meet only the emergency situations which may be faced in obstetric care at CHC/FRU level as well as at other places where it may be of help to save the life of women and where the services of qualified Anesthesiologists are either not available or are located at such a distance that it would be too late to save the life of the women. It is also reiterated that the training programme includes intensive and comprehensive modules and the allegation that it may lead to further increase in mortality rate in rural/tribal and other areas is totally ill-conceived and baseless. It is also reiterated that the training programme is neither intended to confer any qualifications or any degree or diploma nor it is in violation of the MCI regulations nor it is intended to create any alleged cadre of Anesthesiologists through the training programme and all the apprehensions of petitioner are totally baseless.”

The Central Government in its counter affidavit in reply to Misc. Application dated March, 2007 has stated as under:-

“.....It is respectfully submitted that the Govt. of India concerned with and to control the very high maternal mortality rate in India has undertaken the on the job training programme for its MBBS doctors for training in life saving anesthetic skills to aid and assist the Gynecologists/Obstetricians in handling the pregnant women cases particularly of caesarian section. It is also submitted that while public health is a State subject and the alarming high MMR is also reported from various States, the Govt. of India being under the constitutional duty to secure health for its citizens and sharing the concern with the States as well as various international agencies like WHO, UNICEF, European Commission, UNFPA and the Federation of Obstetric and Gynecological Societies of India (FOGSI) has undertaken the on the job training programme for its doctors within the prescribed parameters of MBBS course. It is respectfully submitted that the training programme has been planned after comprehensive deliberations and brain storming sessions undertaken by the medical specialists and is fully supported and appreciated by the State Governments as well as the other concerned agencies so much so that the WHO, UNICEF, EC and UNFPA have come forward to financially support the training programme which is a fully centrally financed programme. It is also submitted that the 18 weeks training programme was started in March, 2003 but the training of Trainers as well as selection of Training Colleges and provision of infrastructure was time consuming and the programme has taken the concrete shape only since year 2006. About 50 MBBS Government doctors (mainly from the State run hospitals) have been given on the job training under the programme and their contribution in saving the lives of women is significantly seen at CHC/FRU levels while more than 100 doctors are presently undergoing the training programme at various centres. The Central Government has made significant allocations for providing training infrastructure and the training of Trainers as well as the cost of training. It is respectfully submitted that the Government of India's letters dated 7.10.2005 and 5.1.2006 are neither the notifications nor orders and the question of their being stayed simply does not arise. It is submitted that the Govt. of India in its letter dated 7.10.2005 has highlighted the concern on the alarming MMR and the steps taken to tackle the issues by providing “Emergency Obstetric Care Drug Kits” and to provide storage facilities for blood at FRUs. It has also been advised that after detailed deliberations with experts in anesthesia, Obst. & Gynae., Medical

*Specialists, Public Health Experts and legal opinion and taking into account the experience of other countries like Pakistan and Bangladesh, it was felt desirable to institute an on the job training programme of appropriate duration to train MBBS doctors in life saving anesthetic skills for emergency obstetric care. An Expert Committee constituted by the Govt. has drawn the curriculum as well as training material and the requirements of training programme. It was also informed that the first pilot training programme of 18 weeks duration was held at AIIMS with main focus on skills and competencies required for life saving anesthetic skills to manage obstetrical emergencies at FRU level. The State Govt. was requested to take similar initiative for identifying the Medical College for training and also to identify the FRUs where the services of doctors after training may be utilized. **It was expressly made clear that the training programme was limited to the requirement of tackling emergency obstetric situations only and in no way should be construed as replacing the specialist Anesthetists wherever available.** Similarly, the Government of India's letter dated 5.1.2006 is only a follow up letter informing the State Governments to ensure the quality of training and that the training of Trainers would be provided by the Govt. of India and that the appropriate funds for training have been allocated. It is submitted that neither of the said two letters are in violation of any of the constitutional rights much less Article 14 and 21 of the Constitution of India of the petitioner as well as of public. To the contrary the efforts being made by the Govt. of India in coordinating, assisting and supporting the public health in domain of States so as to help in controlling the alarming MMR needs to be appreciated by this Hon'ble Court as well as by the petitioner"....*

The members of the Council further observed that the State Government of Gujarat in its affidavit dated July, 2007 in the affidavit in reply in the above mentioned writ petition has stated as under:-

"....It is respectfully submitted that repeated attempts by the State Govt. to fill up the post of above mentioned specialists has met with little success. The State Govt. has therefore already undertaken the training programme of in-service MBBS doctors in emergency obstetric care and anesthetic skills with the help of FOGS (The professional body representing Obstetricians) and GoI. The sole purpose of this training programme is to operationalize FRUs so that the network of EmOC is available in the absence of a specialist. Together with this training programme initiatives has been already undertaken to strengthen infrastructure including the blood storage facilities under NRHM so that this services are provided efficiently.

It is further respectfully submitted that with the help of this training programme the answering respondent are not able to provide or strengthen necessary Emergency obstetric and resuscitative skills in 26 FRUs/CHCs with the help of 24 MBBS doctors trained in "life saving anesthetic skills in emergency obstetric care" and 18 MBBS doctors trained in "Comprehensive emergency obstetric care.

It may be added that the answering respondents have overcome the shortage of Anesthetic skills in some FRUs where obstetricians were present while obstetric skills were overcome where anesthetist were present. Both these skills were made available in some FRUs where both the specialists were absent. The training programme was conducted as per the guideline provided by the experts in the field of Anesthesia and Public Health which were made available to us from GoI. The in-service doctors were subjected to continuous monitoring and evaluation during their training programme as per the guidelines and those doctors who scored more than 70% marks were certified to provide these skills. This strategy was implemented as an alternative to overcome shortage of specialists in remote, hilly, tribal, desert areas. Initial performance evaluation of this training programme in field is very encouraging".....

After due deliberations in the matter, the Council decided to approve the recommendations of the Postgraduate Committee taken at its meeting held on 6.9.2007 subject to the proviso that a review exercise may be undertaken at the end of 5 years to judge the efficacy of the programme and the desirability of continuing the programme further after taking into account the availability of qualified Obst. & Anaesthesiologist at the peripheral level FRUs.

241. **Creation of a post of Director, Academic & standing cell in the Council office.**

Read: The matter with regard to Creation of a post of Director, Academic & standing cell in the Council office.

The Council approved the following recommendations of the Executive Committee:-

"The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to create the post of Director, Academic & standing cell in the Council office in the consolidated pay of Rs.60,000/-.

242. Approval of Katuri Medical College & Hospital, Guntur for the award of MBBS degree granted by Dr. NTR University of Health Sciences, Vijayawada.

Read: The inspection report (1st & 2nd November, 07) carried out for approval of Katuri Medical College & Hospital, Guntur for the award of MBBS degree granted by Dr. NTR University of Health Sciences, Vijayawada.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the Council inspectors report (1st & 2nd November, 07) and decided to recommend that Katuri Medical College & Hospital, Guntur be approved for the award of MBBS degree granted by Dr. NTR University of Health Sciences, Vijayawada with an annual intake of 100 students.”

243. Continuance of recognition of MBBS degree granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Guntur Medical College, Guntur.

Read: The compliance verification inspection report (26th & 27th October, 07) carried out for continuance of recognition of MBBS degree granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Guntur Medical College, Guntur.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the compliance verification inspectors report 26th & 27th October, 07 and decided to recommend that recognition of MBBS degree granted by Dr. NTR University of Health Sciences, Vijayawada in respect of students being trained at Guntur Medical College, Guntur be continued restricting the number of admissions to 150 students annually.

It was further decided that the recommendations of the Committee 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 Guntur Medical College, Guntur be placed before the General Body of the Council for its consideration and approval.”

244. Undertaking given by Dr. Shrikant S. Akolekar for working in more than one medical college – Action to be taken in view of Code of Medical Ethics.

Read: The Undertaking given by Dr. Shrikant S. Akolekar for working in more than one medical college and also approve the following recommendations of the Ethics Committee.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 10-11.09.07 and decided that the same be placed before the General Body of the Council:-

The Ethics Committee heard Dr. Shrikant S Akolekar who appeared before the Ethics Committee meeting on 10th September, 2007. Written statement was also taken from him which are as under:-

STATEMENT OF DR. SHRIKANT S AKOLEKAR

I, Dr. Shrikant S Akolekar did my MBBS from M.G.M. Medical College, Indore in the year 1972 and did my MS(Anatomy) from the same institute in the year 1976. My date of

birth is 23.9.1946. My Registration number is 15899 from Gujarat Medical Council, Ahmedabad.

This is with reference to MCI communication dated 22.6.2007 regarding my signing the declaration form at Kesar Sal Medical College, Ahmedabad on 31.12.2003 while I was already employed as Anatomy faculty in SBKS Medical Instt. & Research Centre, Piparia, Baroda.

In this regard I wish to make the following statement:-

During the period 1.5.2003 to 30.10.2006, I was in employment as Sr.Assoc.Prof in Anatomy at SBKS Medical Instt. & Research Centre, Piparia, District Baroda. On 31.12.2003 I was invited by the Medical Director of Kesar Sal Medical College for an interview for the post of Professor in Anatomy and without my knowledge and consent I was shown as faculty in the Anatomy in the above said college. I have signed the declaration form in ignorance and it was not my intention to appear for the inspection of the said college and in violation of the norms and code of conduct of MCI. I had intimated to the Dean and Chairman of SBKS Medical Instt. with regard to my being shown as faculty at Kesar Sal Medical College, Ahmedabad and I had given a written statement to this effect to the Chairman, to be forwarded to MCI through proper channel.

My appearing at the inspection for Kesar Sal Medical College was a lapse on my part which I admit and deeply regret it. I would request you to kindly consider my case in the light of above statement.

Sd/-
(Dr.Shrikant S Akolekar)

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of Dr.Shrikant S Akolekar the Ethics Committee noted that explanation /clarification has not been found to be satisfactory and the misconduct of making mis-declaration/misstatement in Declaration Form having been found to be established.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

“Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon’ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished more than one declaration forms towards claiming teaching employment in any medical

college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices

had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of Dr.Shrikant S Akolekar along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr.Shrikant S Akolekar constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of

India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

The Ethics Committee decided that the aforesaid decision may be placed before the Executive Committee and General Body of the Council for their approval and thereafter necessary action may please be taken following the procedure laid down in the Council.”

245. **Undertaking given by Dr.K.P. Saxena for working in more than one medical college – Action to be taken in view of Code of Medical Ethics.**

Read: The Undertaking given by Dr.K.P. Saxena for working in more than one medical college and also approve the following recommendations of the Ethics Committee.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 10-11.09.07 and decided that the same be placed before the General Body of the Council:-

The Ethics Committee heard Dr. K.P. Saxena who appeared before the Ethics Committee meeting on 10th September, 2007. Written statement was also taken from him which are as under:-

“STATEMENT OF DR.K.P. SAXENA

“I, Dr.K.P. Saxena did my MBBS from GSVM Medical College, Kanpur in the year 1971 and MS(Anatomy) from the same institute in the year 1977. My date of birth is 17.10.1946. My registration number is 15218 of U.P. Medical Council.

Regarding the charges brought against me from MCI, I appeared before the MCI inspection in Uttranchal Forest Hosp. & Medical College, Haldwani, Nainital on 8.6.2005 and signed the declaration form. The declaration form is also not in my hand writing. But in the declaration from I have shown to be working as a Reader/Assoc. Prof. in S.K.G.K.H. Medical College, Moradabad which is a non-existence college and also as Professor in Himalayan Instt. of Med. Sciences, Jollygrant, Dehradun. In both the places, I have not worked as a first is non-existence college and the 2nd I have never joined. I have signed the declaration form which was an error on my part. I resigned from C.U.Shah Medical College, Surendranagar, Gujarat on 31.3.2005 but I have appeared there on the date of inspection i.e. 16.3.2005. I have sent the resignation letter by Regd. Post which I have already submitted alongwith my written statement. In the Uttranchal Forest Medical College, I have joined on 12.5.2005 and I am submitting a copy of the letter given by the Secretary, Uttranchal Forest Medical College stating that I have joined on duty on 12.5.2005 only under an agreement for one year. I have resigned from that college after attending the MCI inspection. I am at present working as Professor of Anatomy in SRMS Instt. of Medical Sciences, Bareilly.

I am sorry for the error and I tendered my apology for it”.

*Sd/-
(Dr.K.P. Saxena)*

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. He had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by him are correct and true to his knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the

Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by him to the effect and to the result that he has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against him for submitting more than one Declaration Forms signed and submitted by him claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which he had submitted to the inspection team of the Council were also sent to him.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to him, has submitted his written response giving his clarifications and explanations for the submission of more than one Declaration Form by him.

Upon consideration of the case of Dr.K.P. Saxena the Ethics Committee noted that explanation /clarification has not been found to be satisfactory and the misconduct of making mis-declaration/misstatement in Declaration Form having been found to be established.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

"Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon'ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

"Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain

present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished

more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so."

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of Dr.K.P. Saxena along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that he has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct

himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr.K.P. Saxena constitutes PROFESSIONAL MISCONDUCT, which render him liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that his name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

The Ethics Committee decided that the aforesaid decision may be placed before the Executive Committee and General Body of the Council for their approval and thereafter necessary action may please be taken following the procedure laid down in the Council.”

246 Undertaking given by Dr.Mary Omon Horo for working in more than one medical college– Action to be taken in view of Code of Medical Ethics.

Read: The Undertaking given by Dr.Mary Omon Horo for working in more than one medical college and also approve the following recommendations of the Ethics Committee.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 10-11.09.07 and decided that the same be placed before the General Body of the Council:-

The Ethics Committee heard Dr.Mary Omon Horo, who appeared before the Ethics Committee meeting on 10th September, 2007. Written statement was also taken from her which are as under:-

Statement of Dr.Mary Omon Horo

I, Dr.Mary Omon Horo did my MBBS from Prince of Wales Medical College, Patna in the year 1968 and did my MS (Anatomy) in the year 1976 from Rajendra Medical College, Ranchi under Ranchi University. My date of birth is 1.3.1943. My registration number is 9512 of Bihar Medical Council.

I want to make a written statement before the Ethics Committee of the MCI and I am submitting my letter addressed to the Secretary MCI.

Further I want to state that the inspection dates mentioned in the declaration form are only correct and the date of joining are according to their will or so.

Though I have shown that joining at Santosh Medical College, Ghaziabad was 22.11.2003, I have not received any salary for that period. Proof for this I can submit the income tax return which will be sent later on by fax.

I was retired in the year 2001 and after that I was not working any medical college and the date mentioned their in 2003.

At present I am submitting my explanation and photocopy of previous letter dated 2.7.2007 for your ready reference.

My appearing at the inspection for Santosh Medical College, Ghaziabad & Konaseena Instt. of Medical Sciences, Amalapuram was a lapse on my part which I admit and deeply regret it. I would request you to kindly consider my case in the light of above statement.

Sd/-

(Dr.Mary Omon Horo)

The above mentioned medical teacher had submitted Declaration Form to the Inspection team of the Council at the time of conduct of inspection of the medical college/institution claiming employment as a full time medical teacher in the concerned medical college/institution. She had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by her are correct and true to her knowledge.

On the examination of the records of the Council i.e. inspection reports and the Declaration Forms submitted by various medical colleges/ institutions inspected by the Council, it was prima facie found by the Monitoring Cell of the Council that the above mentioned medical teacher has made misstatements and false declarations in the Declaration Forms submitted by her to the effect and to the result that she has been found to be claiming employment as a full time medical teacher in more than one medical college/institution at the same point of time.

The above mentioned medical teacher was, therefore, issued "Show Cause Notices" calling upon him to explain why appropriate action be not taken against her for submitting more than one Declaration Forms signed and submitted by her claiming employment as full time medical teacher at the same point of time in more than one medical college/institution. Along with the respective "Show Cause Notice", all the Declaration Forms, which she had submitted to the inspection team of the Council were also sent to her.

The above mentioned medical teacher, pursuant to the Show Cause Notice issued to her, has submitted her written response giving her clarifications and explanations for the submission of more than one Declaration Form by her.

Upon consideration of the case of Dr.Mary Omon Horo the Ethics Committee noted that explanation /clarification has not been found to be satisfactory and the misconduct of making mis-declaration/misstatement in Declaration Form having been found to be established.

The Ethics Committee perused the opinion of the Council Advocate Sh. Maninder Singh which reads as follows :-

"Though the issue of interpretation of certain provisions of the Act and the Regulations made thereunder with regard to grant of direct registration and taking action against doctors for misconduct is pending before the Hon'ble Supreme Court, however, since filing of false declarations by the individual doctors with or without the involvement of college authorities with a view to fraudulently mislead the Council for falsely achieving the fulfillment of the minimum teaching requirement in the medical colleges, is a serious violation/offence having the potential of causing serious threat and prejudice to the general public and larger public interest, I am of the prima facie opinion that besides and in addition to informing the police authorities such illegal acts of omission and commission for necessary action, the Council would be well advised and empowered to

initiate appropriate proceedings for removal of the names of such medical teachers from the Indian Medical Register, in accordance with law.

The Ethics Committee also perused the decision of the General Body of the Council taken at its meeting held on 12.10.2004 on this matter in similar type of cases, the extract of which is as follows :-

“Over a period of last 1-2 years by considering the inspection reports of various medical colleges seeking permissions /renewals under Section 10A of the Act, it was felt and observed that a large number of doctors are claiming employment as medical teachers in more than one medical college at the same time. It was being observed that the names of the doctors shown as medical teachers in a particular medical college were getting repeated in the inspection reports of certain other medical colleges, in the same proximity of time.

Apparently, the medical colleges and the medical teachers were indulging in such activities only to show to the inspection team of the Council that the colleges concerned are fulfilling the minimum requirement for the teaching staff for seeking permissions/renewals under Section 10A of the Act.

The Council, therefore, to curb such unscrupulous tendencies, started adopting methods in this regard. Declaration forms were introduced to be signed by the doctors claiming employment as medical teachers in any given medical college and that they also remain present along with their declaration forms, at the time of the conduct of the inspection of that college.

Subsequently, a provision for endorsement by the Dean/Principal of the medical college was also introduced in the Declaration Forms to make this requirement more efficient and effective by stating that in the event of any declaration made by a particular medical teacher turns out to be untrue and incorrect, the Dean/Principal of the college putting signatures as endorsement of the truthfulness of the statement made in the declaration would also be held responsible in that event.

Needless to state that the Council has always tried to improve in this regard for ensuring that such misdeclaration /misstatements are completely eliminated or minimized to the extent possible with the clear percept on that the Council should take appropriate action against such erring doctors whenever it is found that the particular doctor has furnished

more than one declaration forms towards claiming teaching employment in any medical college when such a doctor has already furnished similar declaration for claiming employment as medical teacher in certain other medical colleges at the same point of time.

This problem has engaged attention of the Council continuously during the last 1-2 years. The cases have also been considered by the Ethics Committee of the Council. Whenever it has been found that a particular doctor is claiming employment as medical teacher at the same point of time in more than one medical colleges, show cause notices had been issued seeking their replies. They were given due opportunities to present their explanation before the Ethics Committee.

This issue was considered by the General Body of the Council with all required seriousness. Undoubtedly, such kind of misconduct is much more serious than the alleged negligence in cases of treating the patients by doctors. Such misdeclarations /misstatements are made to cause deception not only to the Council but also on the Central Govt. for extracting permissions/renewals under Section 10A of the Act.

The worst part is that ultimately it is those innocent students who get admissions in such medical colleges where the minimum required medical teachers are shown only in such a dubious manner, causes irreparable prejudice to the fair interests of those students and further also to the patients who may be treated by such half-backed students who would

not get their exposure and training with the minimum required number of medical teachers available to them.

The General Body was clearly of the view that such a tendency has to be completely eliminated and not only curbed. The situation does not brook any lenience in this regard and deserves to be dealt with a heavy hand. No doctor should ever be allowed to make such false declaration and get away with it. Timely efficient action in this regard is the need of the hour. It should also act as an effective deterrent so that others who are getting tempted to indulge into such activities should feel reluctant to do so.”

The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statement of Dr.Mary Omon Horo along with the opinion of Advocate of this Council, Sh. Maninder Singh vide his letter dated 29.12.2003 and the decision of General Body dated 12.10.2004, have come to the unanimous decision that she has violated the Professional Conduct, Etiquette and Ethics Regulations, 2002 so far as the following sections are concerned:-

Section 1.1.1.

A Physician shall uphold the dignity and honour of his profession.

Section 1.1.2.

The prime object of the medical profession is to render service to humanity; reward or financial gain is a subordinate consideration. Who- so-ever chooses his profession, assumes the obligation to conduct himself in accordance with its ideals. A physician should be an upright man, instructed in the art of healings. He shall keep himself pure in character and be diligent in caring for the sick; he should be modest, sober, patient, prompt in discharging his duty without anxiety; conducting himself with propriety in his profession and in all the actions of his life.

The Ethics Committee is of the opinion that the Act of Commission in the part of Dr.Mary Omon Horo constitutes PROFESSIONAL MISCONDUCT, which render her liable for disciplinary action.

Under the above mentioned circumstances, the Ethics Committee unanimously recommended that her name may be erased from IMR temporarily for a period of 2 years, as per Section 8.1 of the PROFESSIONAL CONDUCT, ETIQUETTE AND ETHICS REGULATIONS, 2002, which reads as follows :-

“Section 8.1 - PUNISHMENT AND DISCIPLINARY ACTION

“It must be clearly understood that the instances of offences and of Professional misconduct which are given above do not constitute and are not intended to constitute a complete list of the infamous acts which calls for disciplinary action, and that by issuing this notice the Medical Council of India and or State Medical Councils are in no way precluded from considering and dealing with any other form of professional misconduct on the part of a registered practitioner. Circumstances may and do arise from time to time in relation to which there may occur questions of professional misconduct which do not come within any of these categories. Every care should be taken that the code is not violated in letter or spirit. In such instances as in all others, the Medical Council of India and/or State Medical Councils has to consider and decide upon the facts brought before the Medical Council of India and/or State Medical Councils.”

The Ethics Committee decided that the aforesaid decision may be placed before the Executive Committee and General Body of the Council for their approval and thereafter necessary action may please be taken following the procedure laid down in the Council.”

247. **Letter issued by Dist. Ophthalmic Surgeon, Pune to Lions Mudhoji Eye Hospital, Phaltan in respect of carrying out surgeries by unqualified surgeons.**

Read: The memorandum No. L.11013/10/2006-Ophth/BC(Pt.) dated 10.07.2007 from Ophth/ BC Section, Directorate General of Health Services, Nirman Bhawan, New Delhi enclosing therewith a copy of letter dated 26.06.2007 alongwith its enclosures received from Dr. Samir Raskar and two others from Lions Mudhoji Eye Hospital, Phaltan, requesting the Ministry to recognize them as “Practicing Surgeons” for National Programme for Control of Blindness. The Ministry has requested the Council to examine the matter as per the existing provisions and also comments/views in the matter for further necessary action.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee and decided that the same be placed before the General Body of the Council:-

The matter was considered by the Ethics Committee at its meeting held on 10th & 11th August, 2007 and decided to formulate an answer to it, as follows:-

“Three Aurvedic postgraduate doctors namely Dr. Samir Raskar, Dr. Kaustuba More & Dr. Chandrakant Gosavi have claimed that they should be recognized as practicing surgeons for National Programme for control of blindness as they have postgraduate degree of Ayurveda. An office Memorandum from the Directorate General of Health Services, Ophtha/BC Section, Nirman Bhawan, New Delhi has been received in the Council and it is stated that the Ministry have received a letter from the above mentioned 3 doctors from Lions Mudhoji Eye Hospital, Phaltan requesting Ministry to recognize them as “Practicing Surgeons” for National programme for control of blindness. It was requested that the matter may please be considered at an early date for further necessary action.

After going through the documents the Ethics Committee would like to give its views as below:-

Section 1.1.3 of the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulations, 2002 states as under:-

“No person other than a doctor having qualification recognised by Medical Council of India and registered with Medical Council of India/State Medical Council(s) is allowed to practice Modern system of Medicine or Surgery. A person obtaining qualification in any other system of Medicine is not allowed to practice Modern system of Medicine in any form”.

It is very clear from the above that only a MBBS doctor is allowed to practice modern system of Medicine and graduates from other system of Medicine (AYUSH) not allowed to practice modern system of Medicine in any form.

Even in modern system of Medicine, Eye Surgery being a very delicate and sophisticated procedure is to be done only by a specialist doctor holding recognized postgraduate degree or diploma in Ophthalmology. Certain modern form on surgery, such as ‘Pheco’ required further training in the procedure from recognized institute to enable the specialists to carry out the procedure. This is true in all other branches of modern medicine.

As such, any doctor who does not possess recognized MBBS degree alongwith Postgraduate qualifications cannot do Surgery according to the law of the land. Any attempt to allow anybody else to do this kind of procedure by any authority under any pretext would be totally against the law i.e. totally illegal. It will attract such penalties as prescribed by law. No Government agency can recognize any doctor from stream other than modern system of medicine to do this as long as the present law stands. To do so will be totally illegal.

In the landmark judgement by the Hon'ble Justice Sh. Kuldeep Singh & Sh. S. Saghir Ahmad. J.J. of the Supreme Court of India in Poonam Verma Vs. Ashwin Patel and others case Civil Appeal No.8856 of 1994, decided on May 10, 1996 have clearly stated the following:-

“Though study of Physiology and Anatomy is common in all systems of medicines and the students belonging to different systems of medicines may be taught Physiology and anatomy together, but so far as the study of drugs is concerned, the Pharmacology of all systems is entirely different. Merely because the Anatomy and Physiology are similar, it does not mean that a person having studied one system of medicine can claim to treat the patient by drugs of another system which he might not have studied at any stage.

Since the law, under which Respondent I was registered as a medical practitioner, required him to practise in HOMOEOPATHY ONLY, he was under a statutory duty not to enter the field of any other system of medicine as, admittedly, he was not qualified in the other system, Allopathy, to be precise. He trespassed into a prohibited field and was liable to be prosecuted under Section 15(3) of the Indian Medical Council Act, 1956. A person who does not have knowledge of a particular system of medicine but practices in that system is a quack and a mere pretender to medical knowledge or skill, or to put it differently, a charlatan”.

The Hon'ble Supreme Court of India has in this historic judgement laid down that only a qualified person in a particular stream of medicine is only authorized to practice that stream of medicine any other person doing so has to be treated as quack.

It will be travesty of truth to claim that person other than those taught in Allopathic branch of medicine are actually taught skill of modern medical treatment and sophisticated surgery. In the Allopathy system also delicate surgery like Eye Surgery can only be performed by recognized specialists holding of postgraduate degree/diploma as already stated.

Further, the Hon'ble Supreme Court, Justice I Venkatanarayana in W.P.No.3003 of 1990 have said that “ There can be no doubt about the fact that it is the duty of the State to provide medical facilities to all the citizens. It is equally the responsibility of the State not to permit quacks and other unqualified persons to practice medicine and surgery. By permitting quacks, quality of health life of the country would be degenerated and the manner in which they administer drugs affects the health of the citizens”.

In view of above ruling of the Hon'ble Supreme Court of India and the Hon'ble High Court, the claim of the postgraduate surgical diploma holder of AYUSH. To be called practicing surgeons and to do Eye Surgery cannot be entertained by any authority. Doing so will be going against the letter of spirit of the judgement of the Hon'ble Courts and who ever does so shall be responsible for the consequences.

Further, it is necessary at this point of time to comment also on certain notifications issued by the Central Council of Indian Medicine, which create lots of confusions amongst the public and also in the Governments level as well.

The Central Council of Indian Medicine, (Institutional Area, Janakpur, New Delhi) in its notification No.F.No.8-5/2002-Ay.(MM), dated 22.1.2004 have stated that rights of practitioners of Indian systems of Medicine are protected under Indian Medicine Central Council Act, 1970 under Section 17(3)(B) which states as under:- “Nothing contained in sub-Section (2) shall affect privileges (including the right to practice any system of medicine) conferred by or under any law relating to registration of practitioners of Indian Medicine for the time being in force in any state on a practitioners of Indian Medicine enrolled on a State Register of Indian Medicine.”

They have further concluded “institutionally qualified practitioners of Ayurveda, Siddha, Unani Tibb are eligible to practice respective Systems with modern scientific medicine

including surgery and Gynaecology Obstetrics. Anaesthesiology, ENT, Ophthalmology etc. based on the training and teaching”.

The Ethics Committee feels that this kind of interpretation and notifications are totally against the law and against the rules laid down by the Hon’ble Supreme Court & other Courts from time to time. It is well known that though many modern investigative procedures of Pathology, Microbiology, Biochemistry & Radiology and imaging have been incorporated into the curriculum and teaching of different system other than Allopathy, the main point is that after taking help of all these modern advances, the practitioners of these streams are only allowed to practice their system of medicine alongwith the drug, medicine procedure pertaining their system of medicine alone. This is the spirit behind using modern advances in AYUSH. At no point of time in their teaching and training these graduates are taught the treatment including differential diagnosis, management, prescription of allopathic drugs, methodology of modern stream of treatment and modern method of surgery as they are taught to allopathic graduates and postgraduates. Otherwise, there has to be no justification in continuing a separate modern allopathic system at all and all medical courses would become an integrated course as claimed by the Central Council of Indian Medicine.

Therefore, if these doctors of AYUSH are allowed to treat patients in modern system of medicine and are recognized to perform delicate of surgeries, the authorities concerned who allow this shall be solely responsible for any untoward incidents that may happen to the patients and will have to bear the responsibility thereof.

This may be sent to the Executive Committee for necessary action including placement of the above before the General Body, if it feels, necessary.”

248. Removal of name of Dr. C.L. Sharda from the Indian Medical Register.

Read: The letter dt. 15.11.06 from the Register, Rajasthan Medical Council, Jaipur with regard to removal of name of Dr. C.L. Sharda from the Indian Medical Register.

The Council approved the following recommendations of the Executive Committee:-

“The Executive Committee noted the letter dt. 15.11.06 received from the Registrar, Rajasthan Medical Council, Jaipur intimating that Dr. C.L. Sharda bearing registration no. 112 dt. 26.07.1960 had expired on 30.11.06 as per news published in “Daily Rajasthan Patrika” dt. 1.11.06. His name has been erased from the Register of Registered Medical Practitioners.”

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

249 Removal of name of Dr. Prabhu Lal Sharma from the Indian Medical Register.

Read: The letter dt. 23.12.06 from the Register, Rajasthan Medical Council, Jaipur with regard to removal of name of Dr. Prabhu Lal Sharma from the Indian Medical Register.

The Council approved the following recommendations of the Executive Committee:-

“The Executive Committee noted the letter dt. 23.12.06 received from the Registrar, Rajasthan Medical Council, Jaipur intimating that Dr. Prabhu Lal Sharma bearing registration no. 596 dt. 11.07.1961 had expired on 22.12.06 as per news published in “Daily Rajasthan Patrika” dt. 23.12.06. His name has been erased from the Register of Registered Medical Practitioners.”

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

250 Removal of name of Dr. K.P. Khutetta from the Indian Medical Register.

Read: The letter dt. 24.09.07 from the Register, Rajasthan Medical Council, Jaipur with regard to removal of name of Dr. K.P. Khutetta from the Indian Medical Register.

The Council approved the following recommendations of the Executive Committee:-

“The Executive Committee noted the letter dt. 24.09.07 received from the Registrar, Rajasthan Medical Council, Jaipur intimating that Dr. K.P. Khutetta bearing registration no. 1055 dt. 07.10.1963 had expired on 20.09.07 as per news published in “Daily Rajasthan Patrika” dt. 22.09.07. His name has been erased from the Register of Registered Medical Practitioners.”

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

251 Removal of name of Dr. K.C. Sogani from the Indian Medical Register.

Read: The letter dt. 19.09.07 from the Register, Rajasthan Medical Council, Jaipur with regard to removal of name of Dr. K.C. Sogani from the Indian Medical Register.

The Council approved the following recommendations of the Executive Committee:-

“The Executive Committee noted the letter dt. 19.09.07 received from the Registrar, Rajasthan Medical Council, Jaipur intimating that Dr. K.C. Sogani bearing registration no. 300 dt. 1.3.1961 had expired on 18.09.07 as per news published in “Daily Rajasthan Patrika” dt. 19.09.07. His name has been erased from the Register of Registered Medical Practitioners.”

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

252 To lay down the requirements for “Central Hospital Pharmacy” and Drug information center at teaching hospitals by MCI in its Regulations.

Read: The report of the sub-committee with regard to lay down the requirements for “Central Hospital Pharmacy” and Drug Information center at teaching hospitals by MCI in its regulations:-

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the report of the Sub-Committee with regard to lay down the requirements for “Central Hospital Pharmacy” and Drug Information center at teaching hospitals by MCI in its regulations which reads as under:-

The meeting of the Sub-Committee to lay down the requirements for “Central Hospital Pharmacy” at teaching hospitals by MCI in its Regulations was held on 26th October, 2007 in response to the letter received from Registrar-cum-Secretary, Pharmacy Council of India, at 11.00 a.m. in the Council office at Sector-8, Pocket-14, Dwarka, New Delhi-110077.

The following members were present:-

1. Dr.G.B. Gupta,
 Prof. of Medicine,
 Pt.JNM Medical College,
 Raipur

2. Dr.Kamlesh Kohli
Whole-time Inspector, MCI

The existing Regulations of Minimum Standard Requirements for the Medical College for 100 Admissions Annually Regulations, 1999 under point number B6 of MCI is as under:-

“It shall have qualified pharmacist incharge and other staff certified by statutory authorities to dispense the drugs.”

The requirement which have been submitted by Pharmacy Council of India were discussed at length and the following recommendations are made by the Sub-Committee:-

1. Space Requirement -

Dispensary : 2000 Sq.ft. (It should include all areas of dispensing services available in wards and OPDs, patient counseling, Inventory, staff and all stores).

Drug and poison information services

They are being provided by the Pharmacology Department as a part of MBBS curriculum & should be continued as such.

2. Staff requirement –

As per existing Regulations of Minimum Standard Requirements for the Medical College for 100 Admissions Annually Regulations, 1999 under point number B6 “Central Hospital Pharmacy” – the incharge of central hospital pharmacy should be a qualified pharmacist. He should be preferably B. Pharma from a recognized university/D.Pharma from a recognized body. He/she may be Head of the central hospital pharmacy and should work under the supervision of Medical Superintendent.

Other staff certified by statutory authorities should be available to dispense the drugs.

3. Infrastructural Requirements (Numbers may vary as required) -

Refrigerators	:02
Tables	:10
Chairs	:15
Dispensing tables (2x8 ft)	:05
Computers(depending on the need)	:05
Computer chairs	:05
File cabinets	:02
Text book racks	:02
Computer tables	:05
Telephone facilities	
Printing facilities	
Internet facilities (high speed)	

The above numbers are minimum requirement. However the actual number may vary as per requirement of the hospital.

4. Resources required for Drug information

Pharmacopoeias/National Formularies & important text books & journals should be available in Central library as per recommendation of Prof. & HOD, Pharmacology department.”

253. **Extension of services of Zonal Inspectors.**

Read: The matter with regard to extension of services of Zonal Inspectors.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided to extend the services of Dr. C.A. Desai, Dr. S.B. Agarwal and Dr. K. Ananda Kanan, Zonal Inspectors for a further period of one year.”

254. **Extension of services of Dr. Malti Mehra as Whole Time Inspector.**

Read: The matter with regard to extension of services of Dr. Malti Mehra as Whole Time Inspector.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided to extend the services of Dr. Malti Mehra, Whole Time Inspector of the Council for a further period of one year.”

255. **Selection for the post of L.D.C. in the office of the Medical Council of India.**

Read: The recommendation of the Selection Committee for the post of L.D.C in the office of the Medical Council of India.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the recommendation of the Selection Committee and decided to appoint the candidates for the existing number of vacancies on date from the list of selected candidates and list of candidates on waiting in order of merit as under:-

LDC (General)

A. Selected

1. Sh. Sandeep Kumar
2. Shri Prashant Singh

B. Waiting List

1. Ms. Deepti Sharma
2. Ms. Neha Sharma
3. Sh. Kamlesh Kumar
4. Sh. Naveen Kumar
5. Sh. Bharat S. Negi

LDC (SC)

1. Ms. Sarita

LDC (ST)

1. Ms. Vandana Rajavat”

256. **Selection for the post of Stenographer Grade – III in the office of the Medical Council of India .**

Read: The recommendation of the Selection Committee for the post of Stenographer Grade – III in the office of the Medical Council of India.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the recommendation of the Selection Committee and decided to appoint the candidates for the existing number of vacancies on date from the list of selected candidates and list of candidates on waiting in order of merit as under:-

Stenographer-Grade-III (General)

A. Selected

1. Sh. Tarun Bakshi
2. Ms. Swati Handa

B. Waiting List

1. Sh. Mukesh K. Sharma

Stenographer-Grade-III (OBC)

1. Ms. Manju Rani”

257. **Selection for the post of Computer Operator in the office of the Medical Council of India .**

Read: The recommendation of the Selection Committee for the post of Computer Operator in the office of the Medical Council of India.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the recommendation of the Selection Committee and decided to appoint the candidates for the existing number of vacancies on date from the list of selected candidates as under:-

Computer Operator (General)

Selected

1. Sh. Kamlesh Kumar
2. Ms. Meenu Gulati
3. Sh. Sandeep Bhatia

Computer Operator (OBC)

1. Sh. Nepal Singh”

258. **Selection for the post of Electrician in the office of the Medical Council of India .**

Read: The recommendation of the Selection Committee for the post of Electrician in the office of the Medical Council of India.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the recommendation of the Selection Committee and decided to appoint the candidate on date from the list of selected candidates as under:-

A. Selected

1. Sh. Sunder Giri

B. Waiting List

1. Sh. Rajesh R.G.”

259. **Framing of guidelines for prosecution of medical professional under Criminal Law for their medical negligence in compliance of the Supreme Court Judgement in the case of Criminal Appeal Nos. 144-145 of 2004 Jacob Mathew Vs. State of Punjab & Another.**

(RENUMBERED 2nd ITEM OF ITEM NO.222)

Read: The matter with regard to Framing of guidelines for prosecution of medical professional under Criminal Law for their medical negligence in compliance of the Supreme Court Judgement in the case of Criminal Appeal Nos. 144-145 of 2004 Jacob Mathew Vs. State of Punjab & Another.

The Council approved the following recommendations of the Executive Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the matter and decided to approve the following decision of the Ethics Committee held on 19.03.2007.

“The Ethics Committee considered the matter with regard to framing of guidelines for prosecution of medical professional under Criminal Law for their medical negligence in compliance of the Supreme Court Judgement in the case of Criminal Appeal Nos.144-145 of 2004 Jacob Mathew –vs- State of Punjab & another and noted that the draft guidelines is prepared for consideration of the Executive Committee which reads as under:-

“Draft guidelines for prosecution of medical professional under Criminal Law for their medical negligence in compliance of the Supreme Court Judgement in the case of Criminal Appeal Nos.144-145 of 2004 Jacob Mathew –vs- State of Punjab & Another.

Hon’ble Apex Court of India has directed the Government of India and/State Governments to frame Statutory Rules or executive instructions incorporating certain guidelines in consultation with Medical Council of India for prosecution of Medical Professionals under Criminal Law for Medical negligence.

Hon'ble Apex Court has also proposed certain guidelines to Government regarding the prosecution of doctors for offence of which criminal rashness or criminal negligence is an essential ingredient. These guidelines are as follows:-

1. A private complaint may not be entertained unless the complainant has produced prima facie evidence before the Court in the form of credible opinion given by another competent doctor to support the charge of rashness or negligence on the part of treating doctor.
2. The investigating officer should, before proceeding against the doctor accused of rash or negligent act of omission, obtain an independent and competent medical opinion preferably from a doctor in government service qualified in that branch of medical practice who can normally be expected to give an impartial and unbiased opinion applying Bolam's test to the facts collected in the investigation.
3. A doctor allegedly accused of rash or negligence, may not be arrested in routine manner (simply because a charge has been leveled against him), unless his arrest is necessary for furthering the investigation or for collecting evidence or unless the investigating officer feels satisfied that the doctor proceeded against would not make himself available to face the prosecution unless arrested; the arrest may be withheld.

In view of the above guidelines proposed by the Hon'ble Supreme Court of India, the following statutory rules/or executive instructions for prosecution of Medical Professionals under Criminal Law for Medical Negligence are being proposed.

1. (i) As per "Professional Conduct, Etiquette and Ethics Regulations, 2002 adopted by Medical Council of India, every physician shall maintain the medical records pertaining to his indoor patients for a period of 3 years from the date of completion of treatment.
- (ii) Any request made for the medical records either by the patients/authorized attendant or legal authorities involved, the same may be duly acknowledged and documents shall be issued within the period of 1(one) week.
- (iii) In cases where the fellow treating doctor is accused of rash and negligent act, a Doctor qualified and well experienced in that branch of medical practice shall not hesitate in expressing independent, impartial, and unbiased opinion against or in favour of a fellow treating doctor.
2. It shall be mandatory to patient/his relative that before lodging a complaint against treating doctor/hospital regarding rashness or negligence, he must obtain a credible opinion from a competent doctor qualified in that branch of medical practice on the facts mentioned in the documents supplied by the concerned doctor/hospital.
 - a. No complaint shall be entertained by the police or investigating agency unless the allegation is specified and supported by a credible opinion of competent doctor qualified in that branch of medical practice.
 - b. After receiving a complaint supported with a credible opinion of a competent doctors alongwith supporting treatment and investigation papers against the treating doctor/hospital, police or investigating agency before registering the Crime u/s 304A IPC or under any other relevant section of law should seek an independent, impartial and unbiased opinion from a Committee or Body constituted by Government of India or State Government comprising of uneven number of members and such committee must include an eminent senior faculty member of that branch of medical practice.
 - c. The committee formed shall examine the complaint, opinion of the doctor in support of complaint submitted by the complainant in the light of documents related to investigation, diagnosis and treatment considering the qualification of doctor and the circumstances of case including time and place and shall give clear opinion about whether or not the treating doctor/s has/have been rash and negligent in their duty in

treating the patient. This shall be communicated to police/investigating agency in minimum possible/reasonable duration.

- d. The Committee if think so, shall also visit the place/hospital where patient was treated and examine the facilities available for such treatment/operation given to the patient or not and the treating doctor is duly qualified, registered with competent body/organization and whether the place is recognized or not for such treatment.
- e. The police/investigating agency after receiving the opinion of Government doctor/Committee shall register a case only when, in the opinion of Committee the treating doctor/s has/have been found rash and negligent in act of commission or omission.
- f. If the doctor accuse is not found guilty by the Committee then no case should be registered and in such case the patient/relative may lodge a complaint in the appropriate court if they feel so and court should take appropriate action in the light of opinion given by the Govt. doctor/Committee constituted for this purpose.

Appointment and duties of doctor/s or Committee constituted for the purpose of giving opinion for prosecution of Medical Professionals under Criminal Law for Medical Negligence.

1. Duties of treating doctor against the allegation of rashness and negligence act.

- (i) The treating doctor shall maintain a proper chronological record of treatment given, investigation advised and carried out.
- (ii) The doctor shall supply the certified copies of all such documents which are related to treatment, investigations or any other specific procedure whenever, requested by patient or his relatives without delay.
- (iii) The treating doctor accused must produce all such original documents related to treatment, investigation or any other specific procedure undertaken by him whenever, required by the Committee constituted for the purpose of given opinion on a complaint against him for criminal prosecution.
- (iv) The treating doctor accuse must be given an opportunity and to be heard by the Committee before giving any opinion in favour or contrary to the allegation.

2. Formation and duties of the Committee shall be as follows:-

- (i) Government shall have the power to constitute a Committee to give opinion on complaint for criminal prosecution of a doctor for rash and negligent act.
- (ii) There shall be a Committee in Divisional level preferably at a place where Govt. Medical Colleges are located and specialties in various disciplines of medical practice are available.
- (iii) The Committee should comprise of panel of doctors of various specialties of medical field on the list, from whom the required members of selected field may be called depending upon the case entertained.
- (iv) The Committee shall be comprised of minimum three and maximum seven members from :
 - (a) One eminent senior member from that speciality/branch of medical field to which the complaint is specifically related and he shall be the Chairman of the Committee (selected from the panel).
 - (b) One member from Government Health & Medical Education Services not below the rank of Joint Director/Dean/Professor.
 - (c) One member belonging to legal department preferably a Judge not below the rank of Sessions Judge.
 - (d) One member from speciality of Forensic Medicine especially when the rash and negligent act had resulted into death and autopsy was performed on the body of deceased.
 - (e) Co-opted members may be appointed by the Chairman of the Committee if he thinks that the opinion of such a member is necessary in that particular case for giving opinion.
- (v) The Committee shall meet at least once or more time in a month or within a specified period which shall in no case be more than 30 days.

- (vi) The Chairman shall inform the other members of the Committee at least three days before the date of meeting or giving reasonable time to the members to ensure their attendance by a letter specifying the place and time of the meeting.
 - (vii) The Committee shall consider and dispose off the case within 30 days after receiving the complaint against the doctor.
 - (viii) The Committee shall have power for not to consider any complaint after 30 days of receipt of complaint to investigating agency or 90 days after the incidence. The investigating agency should forward all the relevant documents and the evidences collected to the Committee within 30 days of receipt of the complaint.
 - (ix) The Committee shall have power to call the treating doctor alongwith all original records related to treatment, investigation or any other specific procedure for inspection for personal hearing.
 - (x) The Committee shall have power to inspect the place, facilities available, conditions of equipments and assess the working conditions and shall give the opinion about the suitability of place for any specific treatment.
 - (xi) The Committee shall have power to examine the authenticity of qualification, recognition and registration as per rules by MCI or any other such regulatory body and also in reference to any special law or act enacted by the Government of India or any other similar law.
 - (xii) The Committee shall have power to assess the reasonable competency of doctor to practice that speciality of Medicine/Surgery, which has been used in treating the complainant.
 - (xiii) After consideration of the facts mentioned in the complaint, hospital records including investigation and treatment and after hearing the treating doctor, shall give a clear opinion whether the doctor has been rash and negligent or not which resulted in harm/damage or death alongwith detail report about the facts on which such opinion is based.
3. The duties of police in cases of criminal prosecution of doctors for rash and negligent act.
- (i) No Police station or investigating agency shall register an offence under 304A IPC for criminal negligence on the part of doctor unless the complainant clearly mentions the specific allegation of rashness and negligent act directly and attributively resulting in death of the patient and unless an opinion from the committee is obtained.
 - (ii) After receiving any complaint regarding rashness and negligent act of doctor the investigating officer or In-charge of Police Station should forward such complaint alongwith all the papers related to treatment and investigation etc. to the committee constituted by the Government of India/State Government's for giving opinion in such cases.
 - (iii) The police or investigating officer shall not arrest a person unless some prima-facie evidence about the rash and negligent act of doctor is expressed by the Committee in opinion.
 - (iv) The arrest shall also not be made if the doctor against whom the allegation is made gives reasonable assurance, by virtue of securities/bond to cooperate in the investigation and assures his availability whenever required by the investigating authorities.

The Police shall have power to seize all original documents relating to the treatment and investigation of the case if the concerned doctor fails to provide the documents to the Committee.”

260. NHRC – Review Meeting on the Recommendations of Core Group on Health & Public Hearing on Health. – Reg.

Read: The report of the Sub-Committee with regard to review meeting on the recommendations of Core Group on Health & Public Hearing on Health.

The Council approved the following recommendations of the Executive Committee/Adhoc Committee:-

“The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council accepted the following report of the Sub-Committee with regard to review meeting on the recommendations of Core Group on Health & Public Hearing on Health:-

“Report of the Sub-Committee on NHRC – Review meeting on the recommendations of the Core Group on Health & Public Hearing on Health

Minutes of the meeting held on 21.08.2007 at the office of Medical Council of India, New Delhi.

Members Present – Prof. P.N. Tandon, Former Prof. & Head of Neuro-Surgery, A.I.I.M.S, New Delhi.

*Dr. Sneh Bhargava, Former Director of AIIMS
Consultant Radiologist, New Delhi.*

*Dr. G.B. Gupta, Professor & Head, Department of Medicine, Pt.J.N.M.
Medical College, Raipur (Chhattisgarh)*

Dr. P.K. Sur, Director, Institute of Postgraduate Medical Education & Research, Kolkatta (West Bengal)

Reference letter D.O. No. 11/9/2001-PRP&P, dated 03.01.2007 from Dr. Justice Shivaraj V. Patil, Acting Chairperson, National Human Rights Commission, New Delhi stating that NHRC in its “Review Meeting on the Recommendations of Core Group on Health and Public Hearing on Health” that was held on 4th of March, 2006 at Vigyan Bhavan, New Delhi has made a number of recommendations. Out of these recommendations, the following three have a direct bearing on the mandate of the Medical Council of India (MCI). There is dearth of trained manpower in rural and remote parts of the country. This is perpetuating poor correctional measures to reduce infant mortality Rate (IMR) and Maternal Mortality Rate (MMR). India has committed itself to fulfilling Millennium Development Goals (MDGs) and the need therefore is to evolve methods to correct the fallacy. These recommendations are as follows:-

- I. The MCI should design a three-year course for training doctors on basic preventive and curative health services so that the paucity or non-availability of manpower is taken care of. Another alternative is to have one year bridge course for doctors of Indian System of Medicine and post them at the CHCs and PHCs.
- II. *There is need to give recognition to ‘mid-wife course’ and induct more number of local women to practice as mid-wives independently. A 2-3 year course will enable these women to ensure proper pre-natal, ante-natal care and also handle institutional deliveries. This in a way would contribute to reduction in MMR.*
- III. *MCI should consider developing ‘Emergency Medicine’ as a speciality.*

The Committee deliberated upon the above 3 issues.

Issue No. 1 – Three years course for training of doctors - It was pointed out by NHRC that there is dearth of trained manpower in rural and remote parts of the

country. The required norm for doctor patient ratio is 1:3500 (reference - Govt. of India, Bulletin on Rural Health Statistics in India, June,1993, DGHS, New Delhi). The current data reveals that there is 1:1429 doctor patient relationship as reported by WHO 2006 in India (reference - The Rural Health Report 2006 – Working together for Health).

There is no dearth of allopathic doctors. The statistics from West Bengal also reveals that the doctor population ratio in rural areas is 1:4476 and in urban areas is 1:783 (reference Health on March 2006-07, Govt. of West Bengal). This shows that the real problem is of mal distribution of doctors between rural and urban areas than that of their actual numbers.

There was existence of 3 years Licentiate Medical Practitioners (LMP) course in the country which was abolished about 40 years ago because of its short comings. It was again tried by the Government of West Bengal and Govt. of Chhatisgarh. A short term course of 3 years allopathic medicine in the past and had to stop them after 3 years due to various problems:

- (i) They wanted to settle in the urban areas and not in the rural areas for which they were primarily meant.
- (ii) They wanted salary etc. at par with the Medical Officers of the Government.
- (iii) Prescribing drugs under Pharmacy Act was not possible and it require establishment of a separate Board in the State which would give them registration. In the existing Pharmacy Act, “drugs are to be sold on the prescription of registered medical practitioners only”.
- (iv) Certificate of illness and fitness issued by them will be acceptable to all (State Governments and others).
- (v) Issue of death certificate while caring for a sick person.
- (vi) Filling up of LIC claims forms etc.
- (vii) Medico-legal cases, Legal cases
- (viii) Court cases- challenging the start of the course by different organizations.

In the light of above facts, the 3 years course could not be sustained in these States and were stopped. The purpose of starting these courses in both the States was not achieved.

The Committee also feels that the above cited problems would also be relevant for “nurse practitioner”. It also felt that restricting the diploma holders or nurse practitioner to rural areas only may not be feasible or constitutional viable even if they are granted registration by the State Regulatory Authority. They would be able to practice anywhere within the State including urban areas.

The Committee feels that imparting modern medical care requires minimum level of knowledge and expertise, which has been reflected in the graduate medical course (as per MCI) in India and i.e. fairly standardized in content and time. Any abridgement of that requirement will be harmful for the people at large. Population of rural area should also be provided with standard medical care.

However, the Committee deliberated upon the requirement of the health care in the country, particularly in the rural areas and was of the opinion that some kind of services should be provided by generating/training persons for the purpose. It was thought that a new category of “Community Health Assistance” be developed which will be able to provide immediate first aid care and emergency services and able to treat common medical disorder. They should be posted in PHCs, CSCs and **villages**. The Committee felt that the Govt. should have career advancement programme for the workers where after initial service of 5 years in the rural setting, they should be brought back to District Hospital for training of one year and should be promoted as “Senior Community Health Assistance”. On further discussion, two questions were raised (i) the duration and contents of the training and (ii) who should be recruited

for training. Looking to the problem of settling of these trained persons into urban areas, it was thought that persons residing in the area be preferred with 10+2 of any scheme and trained for 2 years. Here, a special system of health care delivery was discussed which is currently operating in Chhatisgarh of "Mitani" where ladies workers residing in the villages and provide health care in the area. Such kind of existing para medical staff may be upgraded in their knowledge also to function as "Community Health Assistance".

The Committee therefore recommends that instead of starting 3 years course for training doctors on basic preventive and curative health services does not appear justified rather than Government may adopt any of the training programme, suggested above. In addition, we may seriously consider looking at some of the existing programmes for providing rural health care like the one carried out by Dr. Devi Shetty at Narayan Hrudayalaya of Bangalore.

The alternate proposal of one year bridge course for doctors of Indian System of Medicine and post them at the CHCs and PHCs. The Indian System of Medicine consists of Ayurveda, Siddha and Unani. Right to practice a system of medicine is derived from the Act under which a medical practitioner is registered. In a Civil Appeal No. 8856 of 1994 the Hon'ble Supreme Court of India in a case of Poonam Varma Vs. Dr. Ashwin Patel and Ors. has following para in the judgement:

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

As per the Indian Medical Council Act, 1956, there is no scope of one year bridge course of Indian System of Medicine, hence, the Committee rejects this proposal.

Issue No. 2 – Regarding Recognition of 'mid-wife' course – The Committee recommends that the same "Community Health Assistance" will be trained for the said purpose.

Issue No.3- Regarding developing "Emergency Medicine" as a speciality - The Committee discussed the point regarding "Emergency Medicine" programme and it was deliberated that –

- (i) Large number of road traffic accident/trauma cases are approaching for treatment.*
- (ii) The acute emergency patients having multiple problems may be treated promptly by the trained staff in emergency medicine.*

The Committee strongly feels that MD (Emergency Medicine) course should be started."

261. Member who did not attend three consecutive General Body meeting of the Council – reg.

Read: The matter with regard to Member who did not attend three consecutive General Body meeting of the Council along with section 7(3) of the Indian Medical Council Act, 1956 which is reproduced as under:-

"An elected or nominated member shall be deemed to have vacated his seat if he is absent without excuse, sufficient in the opinion of the Council from three consecutive ordinary meetings of the Council, or in the case of a member elected under clause (b) of sub-section (1) of section 3, if he ceases to be a member of the medical faculty of the university concerned or in the case of a member elected under clause (c) or clause (d) of that sub-section, if he ceases to be a person enrolled on the State Medical Register concerned."

The members of the Council noted that Dr. G. Yomchai representing Arunachal Pradesh Govt. u/s 3(1) (a) has not participated in the three consecutive meetings of the General Body held on 26th March, 05, 18th February, 06 & 10th March, 07 and no communication in writing/orally to that effect has been received from him and decided that action be initiated, as per Rules.

262. Approval of minutes of the Finance Committee meeting held on 19th October 2007.

The Council approved the minutes of the Finance Committee meeting held on 19th October, 2007 as approved by the Executive Committee/Adhoc Committee.

263. Approval of Annual report of the Council for the year 2006-07.

The Council approved the following Annual report of the Council for the year 2006-07.

INTRODUCTION

The Medical Council of India - a statutory body - was established in February 1934 under an act of parliament - the Indian Medical Council Act, 1933. This Act was repealed by Indian Medical Council Act, 1956 (102 of 1956). Some amendments to this Act were made in 1958 (36 of 1958) a. O.P. S. Kande, Chairman, Action Committee cum Legal Cell IMA Punjabnd in 1964 (24 of 1964). Amendments were made through an ordinance promulgated by the President of India on 27th August 1992. Through this ordinance, new section i.e. Section 10A, 10B, & Section 10C were introduced in the I.M.C. Act, 1956 notified on 2nd January 1993 mainly to restrict mushroom growth of medical colleges, increase of seats in any of the course and starting of new courses without the prior approval of the Government of India, Ministry of Health & Family Welfare. This amendment was duly notified by the Government of India in the extraordinary Gazette of India part II section I on 3rd April 1993 with effective date 1st June 1992. An amendment was made and notified by the Central Govt. duly published in the Gazette of India on 28.6.2003 with regard to amend the Screening Test Regulations, 2002 putting that a candidate shall have to pass all the three papers in the same attempt. However there shall not be any restriction on the number of attempts to appear in the test. An amendment was made and notified by the Central Govt. duly published in Gazette of India on 1st March, 2004 with regard to amend the Regulations on Graduate Medical Education, 1997 putting that “(6A) There shall be no admission of students in respect of any academic session beyond 30th September under any circumstances. The Universities shall not register any student admitted beyond the said date. (6B) The Medical Council of India may direct, that any students identified as having obtained admission after the last date of closure of admission be discharged from the course of study, or any medical qualification granted to such a student shall not be a recognised qualification for the purpose of the Indian Medical Council Act, 1956. The Institution which grants admission to any student after the last date specified from the same shall also be liable to face such action as may be prescribed by MCI including surrender of seats equivalent to the extent of such admission made from its sanctioned intake capacity for the succeeding academic year”. Latest amendment was made and Notified by the Central Govt. duly published in the Gazette of India on 23rd March, 2006 with regard to Postgraduate Medical Education (Amendment) Regulations, 2006.

There are 180 recognised medical colleges, and 82 colleges have been permitted u/s 10A of the Indian Medical Council Act, 1956 during the year under review. Approx 27000 graduates pass out every year from these colleges. Such graduates after completing compulsory rotating internship are required to be registered with State Medical Council or the Medical Council of India to practice medicine in the country.

OBJECTIVES

In consonance of the provisions of the Act, Medical Council of India is entrusted with the following objectives :-

- A. (I) Maintenance of uniform standards of Medical Education-both at (1) Undergraduate and (2) Postgraduate levels for continuance of already recognised courses. It also envisages inspections/visitations of medical colleges for permission to start medical colleges for MBBS course, starting of new Postgraduate courses and increase of seats (as per provisions of section 10A of the Act).
- (II) Recommendation to the Central Government, Ministry of Health & F.W, for recognition and de-recognition of Medical qualifications of Medical Institutions (a) within, (b) outside the country After amendment of section 13(4) which provides for screening test, scope of recognition of foreign medical qualifications when held by Indian nationals has basic more or less met a dead end. In the matter of mutual recognition of Medical qualifications as per provisions of section 12 (2) of the Act, matters can still be considered.

- B. (i) Maintenance of Indian Medical Register.
- (ii) Grant of Provisional & Permanent registration as applicable to persons holding recognised Medical qualifications included in the schedules to the Indian Medical Council Act, 1956.
- (iii) Issue of good standing certificates.

CONSTITUTION OF THE COUNCIL

Section 3(1) of the Indian Medical Council Act, 1956 provides for constitution and composition of the Council consisting of the following:-

- (a) One member from each State other than a Union Territory to be nominated by the Central Government in consultation with the State Government concerned.
- (b) One member from each University, to be elected from amongst the members of the medical faculty of the University or in case the University has no Senate, by members of the Court.
- (c) One member; from each State- in which a State Medical Register is maintained-to be elected from amongst themselves by persons enrolled on such Register - who possess the medical qualifications included in the First and Second Schedule or in Part-II of the third Schedule to the Act.
- (d) Seven members to be elected from amongst themselves by persons who possess the medical qualification included in the Part I of the Third Schedule.
- (e) Eight members to be nominated by the Central Government.

The President and Vice-President of the Council shall be elected by the members of the Council from amongst themselves.

COUNCIL – 2006-2007

Following are the office bearers of the Council for the year under report:-

Dr. P. C. Kesavankutty Nayar,	Acting President
Dr. Ved Prakash Mishra	Chairman, Postgraduate Medical Education Committee

Following are the officers of the Council for the year from 01.4.2006 to 31.03.2007:-

Name of Official	Designation
Lt. Col. (Dr.) A.R.N. Setalvad (Retd.)	Secretary
Dr. Prem Kumar	Additional Secretary
Dr. Prasannaraj P.	Joint Secretary
Dr. Davinder Kumar	Deputy Secretary
Sh. A.K. Harit	Deputy Secretary
Sh. Jagtar Singh	Assistant Secretary
Sh. Ranvir Singh	Assistant Secretary
Mrs. Madhu Handa	Assistant Secretary

Out of the total number of 142 membership of the Council, names of 19 universities have been deleted vide Central Govt. Notifications dated 27.3.2000, 17.5.2000, 25.7.2000 & 19.7.2001. Hence, total number of membership is 123, out of which 23 seats are lying vacant due to various reasons like expiry of term, non-election of a member, non-existence of medical faculty of certain Universities due to establishment of concerned State Health and Universities. List of members during the year 2006-2007 is given at **Annexure I**.

- 1) **Executive Committee** : Composition of the Executive Committee is – 4 members amongst University representatives, 3 members from amongst nominated members, 2 members from amongst representative of Registered Medical Graduate and one member of the Licentiate Group. The President and the Vice-President of the Council are ex-officio members of the Executive Committee.

The following is the list of members of the Executive Committee as on 31.3.2007:-

List of Executive Committee as on 31.3.2007

Sl.No.	Name and Address	Phone Office	Phone Resi.
1.	Dr. P. C. Kesavankutty Nayar, Acting President, MCI ' Alakananda' TC 1/1986 (I), Kumarapuram, <u>Thiruvananthapuram-695 011.</u> <u>Kerala.</u>	Ph (O) 0471-2443095 Ph (O) 0471-2443123 Fx (O) 0471-2443095, 0471-2470544.	Res. 0471-2443123
2.	<u>University Group</u> Dr. P.K. Das Head of the Department of General Medicine, SCB, Medical College, Cuttack.	Ph. (O) 0671-2414784	Ph. : (R) :06771-2344555 M - 9437094955
3.	Dr. Prabir Kumar Sur 623/1-F, Diamond Harbour Road, Behala, (Behind Ashoka Cinema), <u>Kolkata-700034.</u>	Ph (O) 033-22235181 Ph (M) 9433006957. Fax (033)-22234659 Surprabir03@yahoo.co.in	Ph (R) 033-23976956
4.	Dr. G.K. Thakur Professor and H.O.D., Deptt. of Radiology cum Superintendent. S.K. Medical College & Hospital. Muzaffarpur-842004. <u>Bihar.</u>	Ph (O) 0621-2230321 Fax : 0621-2234028	Ph (R) 0621-2242881 Ph (R) 0621-2267978 Ph (M) 9431238996 Ph (M) 9334083505.
5.	Dr. S.D. Dalvi Professor & Head, Department of PSM, Government Medical College, <u>Nanded (Maharashtra).</u>	M - 09422202126	Ph. (R) 02462- 2370134 E-mail - shashankddddd@rediffmail.com
6.	<u>Nominated Group</u> Dr. Bhanu Prakash Dubey MD, DFM, Jr. MIG – 1, Ankur Colony, Shivaji Nagar, <u>BHOPAL – 462016.</u>	Ph. : 0755 – 2540585 Ph.: (O) : 0755-4050170 M - 9827243757	Ph.: (R) : 0755- 4050567, 2552398.
7.	Dr. V.N. Jindal Dean, Goa Medical College, <u>Bombolim-403202.,</u> Goa.	Ph (O) 0832-2458727 Fax : 0832-2458728 Ph (M) 9422456100 Vineyjindal@hotmail.com	Ph (R) 0832-2458049
8.	Dr. K.P. Mathur, <u>77, Chitra Vihar,</u> <u>Delhi-110 092.</u>	Ph. (O) 011-22502475	Mobile : 9810844666
9.	<i>R.M.G. Group</i> Dr. Ketan D. Desai 4/A, Vasishta Apartment, Opposite Polytechnic College, Ambawadi, Ahmedabad, <u>Gujarat – 380015.</u>		079-65411111
10.	Dr. Mukesh Kumar Sharma, D-56, Chamu House, C-Scheme, <u>Jaipur - 302 001, (Rajasthan).</u>	0141-2518344,	0141-2373135

(II) **The Postgraduate Medical Education Committee** : Composition of the Postgraduate Committee is – 6 members are nominated by the Central Govt. and three members are elected by the Council from amongst its members u/s 20 of the Indian Medical Council Act, 1956. Following are the members of the Postgraduate Committee nominated by the Central Govt.

List of Postgraduate Committee as on 31.3.2007

Nominated by the Central Govt.

S.No.	Name & Address	Phone Office	Phone Residence
1.	Dr. Ved Prakash Mishra, Plot No.-3, Neera Apartment, Ist Floor, Opp. NIT Garden, <u>Nagpur-440025.</u>	Ph (O) 0712- 2525417, 2743588, 2744671 Fx (O) 0712- 2532841 (M) 9373108086	(R) 0712-2269345
2.	Dr. (Mrs.) Usha Sharma C-9 Shastri Nagar, <u>Meerut – 250 004.</u>	Fax (O) 0121- 2760888 Mobile. : 09837020407	(R) 0121-2760666 (R) 0121-2760777 (R) 0121-2760555
3.	Dr. Surendra Kumar Sinha House No. B/2, Sector D/1, Kankarbagh, <u>Patna – 800 020.</u>	Ph (O) 0612-642754 M-09334358089	(R) 0612-352567
4.	Dr. V. Kanagaraj No.5,V, Cross Street, Indira Nagar, Adyer, <u>Chennai-600020.</u>		044-24412012 Mb.: 09444234530
5.	Dr. Ng. Bijoy Singh Vice Chancellor (Retd.) Leiren Mansion, Opposite Super Market, Lamphelpat, Imphal-795 004, <u>Manipur.</u>	Ph (O) 0385- 2435143 Fx (O) 0385- 2435765	0385-2413290, 2320393 Mb.: 9436021754
6.	Prof. A. Rajasekaran 70, First Avenue, Indra Nagar, <u>Madras-600020.</u>	Ph (O) 044- 24352140 Fx (O) 044- 24421032	Ph (R) 044-24414142 Ph (M) 9840190880
<i>Elected by the Council</i>			
7.	Prof. Sneha Bhargava, A-103, New Friends Colony, <u>New Delhi-110 065.</u>		Ph. : 26847706, 26847601. M – 9811110435.
8.	Dr. S.R. Maralihalli No. 1990, MCC’ ‘A’ Block, Davangere, <u>Karnataka.</u>	08192-232388	08192-225408 Mb.: 9844179999, 9448812746
9.	Dr. Indrajit Ray P/17, South End Garden P.O. Garia, <u>Kolkata- 700 084.</u>	033-22414920, Fax : 033 – 22413929, 22413953.	033-24301364, 24304464 Mb.: 09433059507

The main issues taken up by this committee are starting of & increase in intake capacity in various Postgraduate courses u/s 10A of the I.M.C. Act, 1956 and recognition of Postgraduate qualifications u/s 11(2) of the Act, considering matters of continuation of recognition of Postgraduate qualification of various subjects prescribing broad framework of syllabus and details of curriculum and fixing appropriate land of clinical material for various Postgraduate degree/diploma courses and making appropriate recommendations to the Central Government with due approval by the General Body of the Council.

Frequency of Meeting of Executive Committee and of Postgraduate Committee on an average has now increased to once every month.

In addition to the above mentioned two important and statutory Committees of the Council, there are certain Sub-committees to facilitate smooth functioning of the connected activities within the frame work of various Regulations and Policy decisions of the Council. Lists of members of Sub-Committees are enclosed. The details of such Sub-committees are as under:-

- a) **Migration Sub-Committee** - Though migration as a matter of principle are not encouraged by the Council, yet under the Regulations of the Council on Graduate Medical Education, 1997 there is a provision for migration of students at Undergraduate level from one recognised medical college to another recognised medical college with certain other conditions. The Migration Sub-Committee of the Council is entrusted with the job of consideration of genuine and legitimate migrations of the Candidates; whose

applications are received by the office and dealt with as per provisions of the Council Regulations. The office received 29 applications and allowed migration of 7 students only.

- b) **Teacher’s Eligibility Qualification Sub-Committee** - Council has prescribed minimum qualifications and teaching experience for recruitment of teachers in a medical college and further promotions in the teaching cadre. The matters, which cannot be decided by the appointing authorities (i.e. Universities or colleges etc.), are referred to this Committee for consideration.
- c) **Finance Committee**:- This is another important Sub-committee of the Council which decides upon the matters pertaining to finance of the Council in terms of preparation of budget, expenditure, implementation of Central Government orders with respect to service conditions etc.
- d) **Ethics Committee**: - The present day scenario has changed and as a result of the Consumer Protection Act made applicable to the practicing physicians, complaints against doctors have increased manifold. The Council received 732 matters of Ethical nature during the year under review. Out of 732 complaints, 293 have been referred to the concerned State Councils/Authorities for necessary action, 58 of these are awaiting clarification/details from complainants and/or comments from the concerned Doctors etc. while 381 complaints stand disposed by this Council. `

e) **CONTINUING MEDICAL EDUCATION ADVISORY COMMITTEE.**

The CME Conferences and type of CME programmes to be held at various places are decided after scrutinising the applications from institutions desirous of holding such programmes It may be mentioned that a grant of Rs.50,000/- is given for C.M.E. programmes held with Indian faculty and Rs. One Lakh for faculty including N.R.Is. This grant is used for local hospitality of the N.R.I. faculty and for publication of programme proceedings only.

In certain matters where it becomes difficult to arrive at a decision, or where certain policy decisions are required to be taken or certain changes in existing regulations are desirable, certain other Sub-committees are nominated/formed by the President/ Council/Executive Committee, as the case may be, to deliberate in detail on the issues and submit their report either to the President or to the Executive Committee or the concerned body of the Council for further action in the matter and/or a final decision.

DETAILS OF MEETINGS

Number of the various meetings held during the year under review is as follows, along-with dates when held giving an idea of the business transacted by the Council:-

A total No. of 82 Meetings of different Committees & Sub-Committees were held during the year under review as per details below:-

1.	General Body Meeting	10/3/2007
2.	Executive Committee	24/04/2006, 12/05/2006, 14-15/06/2006, 10/07/2006, 24/07/2006, 21/08/2006, 07/09/2006, 15/09/2006, 22/09/2006, 02/12/2006, 30/12/2006, 05/02/2007 & 03/03/2007
3.	A Meeting of Members of the Adhoc Committee appointed by the Hon’ble Supreme Court.	22/12/2006
4.	Postgraduate Committee	16/06/2006, 21/06/2006, 18/09/2006, 18/10/2006, 20/11/2006, 27/12/2006, 26/02/2007 & 28/02/2007
5.	Ethics Committee	24-25/04/2006, 18-19/05/2006, 10-11/07/2006, 23-24/08/2006, 18-19/09/2006, 27/09/2006, 13/10/2006, 27/10/2006, 15/12/2006, 05/01/2007, 19/02/2007 & 19/03/2007
6.	Meetings of Teachers Eligibility Qualification Sub-Committee.	27/04/2006 & 02/02/2007
7.	Building Committee	09/11/2006, 02/02/2007 & 28/03/2007
8.	Migration Sub-Committee	26/06/2006, 18/09/2006 & 27/12/2006
9.	Registration & Equivalence Committee	31/05/2006, 18/09/2006 & 22/03/2007
10.	Finance Committee	30/06/2006 & 09/11/2006
11.	Monitoring Committee	19/04/2006
12.	Scrutiny Committee with regard to PG matters	05/05/2006, 01/06/2006, 15/06/2006, 30/08/2006, 03/11/2006, 01/12/2006, 13/12/2006, 14/12/2006, 19/12/2006, 09/02/2007, 12/02/2007 & 13/02/2007

13.	Monitoring Committee (Legal)	09/01/2007
14.	A meeting with regard to dispose the P.G. matters.	19/12/2006
15.	A Scrutiny meeting of Ethics Committee	13/04/2006, 27/07/2006 & 03/11/2006
16.	A Meeting to represent the MCI at Consumer Z Media.	19/4/2006
17.	A Meeting with regard to starting of MD(Neonatology) course at Seth G.S. Medical College, Mumbai u/s 10A.	01/06/2006
18.	A Meeting of Sub-Committee regarding conversion of MBBS marks given in Grades by Universities abroad in percentage.	11/07/2006
19.	A Meeting with regard to problem faced by Indian doctors going abroad	24/07/2006
20.	A Meeting of Sub-Committee regarding response of MCI for submission to Valathian Committee.	03/08/2006 & 08/08/2006
21.	A meeting for personal hearing granted to Representative of Shankra Nethralaya for D.O. course.	10/08/2006
22.	A Meeting of Selection Committee	18/09/2006
23.	Meeting convened as per the Directions of the Hon'ble High Court of Punjab & Haryana W.P. (C) No. 11708 of 2006 – Dr. Veenu Singh & Ors. Vs. UOI	03/11/2006
24.	A joint meeting of the Govt. of India officials, MCI officials, Vice-Chancellors of Universities and Deans of Medical Colleges from Delhi	24/01/2007
25.	A meeting of Sub-Committee regarding need to have a separate Genetic Deptt. in all the major Govt. Hospital.	31/1/2007
26.	A meeting of Sub-Committee with regard to UG matter.	02/02/2007
27.	A Meeting with regard to hearing with Dr. Rashid Ali regarding Minimum Qualifications for Teachers	02/02/2007
28.	A Meeting of President and Registrar of all the State Medical Councils regarding compilation of IMR in DATA base	05/02/2007
29.	A Meeting of Sub-Committee regarding increase of seats in MBBS at Sri Rama Chandra Medical College, Chennai	02/03/2007
30.	A meeting of the Sub-Committee regarding Rationalization of Clinical material required for the different clinical subject i.e. Dermatology.	05.03.2007

INTERNATIONAL MEMORANDUM OF UNDERSTANDING

A delegation of the Council led by Dr.Ved Prakash Mishra, Chairman, Postgraduate Medical Education Committee with Dr. Indrajit Ray, Chairman, Ethics Committee in terms of their discussion with the representatives of Singapore Medical Council, at a joint meeting held in the office of Singapore Medical Council, Singapore on 8th & 9th September, 2006, had reached.

In the said agreement, it was brought out that:-

“1. Taking overall stock of the prevalent situations and circumstances, which necessitate working out a mutually agreeable recognition agreement catering to the joint interests in an equitable manner, so as to facilitate a permissible exchange of trained health manpower to cater to the ever-growing and expanding needs in the areas of teaching, training and research in medical education and healthcare services as a whole, the representatives of the two Councils jointly felt that :

With regard to the negotiations for a Mutual Recognition Agreement (MRA) between the Singapore Medical Council (SMC) and the Medical Council of India (MCI) in line with the needs and spirit of collaboration and co-operation between the two Governments under the India-Singapore

Comprehensive Cooperation Agreement (CECA), both the councils in principle agree to negotiate for an agreement that focuses on the registration of medical practitioners who intend to or are involved in areas of medical education, training and research.

2. As such, the SMC & the MCI in principle agree to avail section 14 of the Indian Medical Council Act,1956, which specifically provides that -

- “14(1) The Central Government after consultation with the Council, may, by notification in the Official Gazette, direct that medical qualifications granted by medical institutions in any country out-side India in respect of which a scheme of reciprocity for the recognition of medical qualifications is not in force, shall be recognized medical qualification for the purposes of this Act or shall be so only when granted after a specified date:
- (a) shall be permitted only if such persons are enrolled as medical practitioners in accordance with the law regulating the registration of medical practitioners for the time being in force in that country;
 - (b) shall be limited to the institution to which they are attached for the time being for the purposes of teaching, research or charitable work; and
 - (c) shall be limited to the period specified in this behalf by the Central Government by general or special order.”

The said agreement is an integral part of over all India Singapore Comprehensive Economic Cooperation Agreement (CECA) that has been worked out by the two Governments respectively. As such, in terms of the agreement wider vistas stand opened for medical professionals to the mutual interest of both the countries.

INSPECTIONS OF MEDICAL COLLEGES

Maintenance of standard of Medical Education is one of the major statutory requirements of the Council. For this purpose the Council carries out inspections of Medical Colleges both at Undergraduate and Postgraduate levels. These inspections may be u/s 10A of the Act for starting of a Medical College or starting of Postgraduate course in an already existing medical college, or for recognition of MBBS or Postgraduate qualification u/s 11(2) of the IMC Act. The inspections are also carried out for increase of seats in a particular course as per provisions of section 10A or for continuance of recognition of qualifications. Following are the details of inspections carried out by the Council, given separately at Undergraduate and Postgraduate level.

A) UNDERGRADUATE:

- | | |
|--|------|
| 1. Inspections for Establishment of new medical colleges | = 28 |
| 2. Inspections for renewal of permission | = 55 |
| 3. Compliance Verification Inspections | = 71 |
| 4. Inspections for Approval of the college | = 18 |
| 5. Inspections for Increase of seats | = 14 |
| 6. Inspections for renewal of permission for increase of seats | = 10 |
| 7. Compliance Verification inspections for increase of seats | = 09 |
| 8. Inspections for approval of the college for increase of seats | = 03 |
| 9. Periodical Inspections for continuance of recognition of MBBS qualification | = 61 |

B) POSTGRADUATE :

- i) 351 inspections for approval of starting various postgraduate medical courses at Medical Colleges were carried out subsequent to requests received u/s 10 A of the I.M.C. Act, 1956 through Central Government, Ministry of Health & Family Welfare.
- ii) 282 inspections for recognition of postgraduate medical qualification u/s 11(2) of the I.M.C. Act, 1956 were carried out.
- iii) 58 inspections for increase of seats in various courses u/s 10A of the I.M.C. Act, 1956 were carried out.

INSPECTION FOR RECOGNITION OF TEACHING HOSPITALS FOR HOUSEMENSHIP/INTERNSHIP

5 inspections were carried out for recognition of non teaching hospitals for compulsory rotating Housemanship training during the year under review.

4 inspections were carried out for recognition of non teaching hospitals for compulsory rotating Internship training during the year under review.

NOTIFICATION

On the recommendations of the Council, the Central Govt., Ministry of Health & Family Welfare issues notification in respect of qualifications recommended for recognition and their inclusion to the schedules to the Indian Medical Council Act, 1956. In addition, certain other notifications are issued with respect to Regulations u/s 33 of the Indian Medical Council Act, 1956 and modifications as and when required.

INDIAN MEDICAL REGISTER

The other major statutory requirement of the Council is maintenance of **All Indian Medical Register**. As stipulated u/s 22 of the I.M.C. Act, 1956 the State Medical Councils are required to send information to the MCI regarding registration granted by them. Based on these statistical information the Council maintains and notifies supplement to the Indian Medical Register on yearly basis. Total number of doctors registered in the Country up to 31st March 2007 are 675334. Statistical data from various State Medical Councils including MCI is tabulated at **Annexure II**.

REGISTRATION OF DOCTORS

Various types of **Registration Certificate** issued by this Council during the year under review are as under:-

i)	Permanent Registration Certificate	-	2528
ii)	Provisional Registration Certificate	-	577
iii)	Additional Qualification Certificate	-	718
iv)	Good Standing Certificate	-	2170
v)	Eligibility Certificate	-	3723

WEBSITE

The Council has provided information on its website: www.mciindia.org, which has been redesigned and updated. All important issues concerning medical education of the Council are displayed on the website.

Continuing Medical Education

In 1985 a Continuing Medical Education Cell was set up in the Medical Council of India – duly approved by the Central Government, Ministry of Health & Family Welfare, New Delhi and gain from expertise and to utilize the services of Indian Physicians settled in USA in continuing Medical Education and Patient Care in India. The following schemes were planned:-

1. Continuing Medical Education Scheme (CME Scheme)
2. Equipment Donation Scheme

The Medical Council of India has been the nodal agency to co-ordinate these schemes. For CME Scheme, an annual grant in-aid under the Plan Budget is released by the Central Govt., Ministry of Health & Family Welfare.

The Programmes initially covered faculty from USA. With passage of time, the increased popularity and importance of CME Programmes, the above schemes were extended in 1993 for participation of NRI doctors from UK and Canada.

Continuing Medical Education Scheme

The Central Govt. Ministry of Health & Family Welfare has approved the proposal of the MCI for increasing the financial assistance for an approved CME programme. With NRI faculty from USA/U.K./Canada. It is upto Rs. 1,00,000/- and the same is Rs. 50,000/- for a CME Programme with Indian faculty. This grant is extended for utilizing travel and stay of N.R.I. faculty and publication of proceedings of the programme. A total of 133 CME Programme were held successfully by various medical institutions/associations in the country during the year under review. The list of such programmes is attached. **Annexure-III**.

Equipment Donation Scheme:

During the year under review, no offer of donation of medical equipment/books and journals has been received under the Equipment Donation Scheme with the Council. This scheme has become more or less redundant.

LEGAL MATTERS

In the strict performance of statutory functions as per provisions of the Act and policy decisions taken by the Council from time to time, there could be some grievances by certain Institutions/individuals who may not be satisfied with the decisions of the Council. Such people both Institutions/individuals alone or enmasse approach

various courts in the country to get relief against Council’s decisions. This results into several litigations having been faced/being faced by the Council before various courts.

During the year under review Council received a total of 434 matters where the Council was a direct or an indirect party. 382 cases have been defended where the Council Regulations/various policy decisions were under challenge before the courts.

DR. B.C. ROY NATIONAL AWARDS

To commemorate the memory: of late Dr. Bidhan Chadra Roy a medico – political stalwart in the country-born and died on first July a society was formed under the aegis of Medical Council of India. The Trust announces awards on 1st July, under various categories every year which has declared as doctors day.

VIGILANCE

No complaint has been received during the year under review.

ACCOUNTS AND ESTABLISHMENT

The following amount was received from the Central Government as Grant in aid (Non plan) during the year **2006-2007**.

1.	PLAN:	
	CME, Printing & Revision of IMR	Rs. 1,00,00,000.00
2.	<u>NON-PLAN:</u>	
	Salaries, Contingency, TA/DA and other Expenditures	Rs. 60,00,000.00
	Total	Rs. 1,60,00,000.00

A sum of **Rs. 13,97,35,625.00** was received by the Council from April 2006 to March 2007 from other resources. The details of the amount thus received are as under:-

(A) INSPECTION FEE:

1.	Annual Inspection fee received in advance for the year 2007-2008	Rs. 60,000.00
2.	Annual Inspection fee received for the year 2006-2007.	Rs. 52,80,000.00
3.	Inspection Fee u/s 10A for new Medical college	Rs. 56,00,000.00
4.	Inspection Fee u/s 10A for Higher Courses.	Rs. 5,10,00,000.00
5.	Inspection Fee u/s 10A for Increase of seats.	Rs. 1,78,00,000.00
6.	Additional Inspection Fee (towards periodical inspection compliance verification etc.)	Rs. 4,96,30,000.00
7.	Inspection Fee from Non-Teaching Hospitals.	Rs. 3,50,000.00
	Total (A)	Rs. 12,97,20,000.00

(B) MISCELLANEOUS RECEIPTS:

1.	(a) Registration Fee	Rs. 34,07,000.00
	(b) IMR Reg. Fee	Rs. 14,50,300.00
2.	Fee for Certificate of Good Standing	Rs. 21,93,000.00
3.	Fee for Certificate of	Rs. 96,200.00

Additional qualifications

4.	Migration Fee	Rs.	15,000.00
5.	Fee for Elective Training	Rs.	2,61,000.00
6.	Fee for Eligibility Certificate	Rs.	25,93,125.00
Total (B)		Rs.	1,00,15,625.00

Grand Total (A + B) Rs. 13,97,35,625.00

Abridged Statements of Accounts and Audit report are enclosed herewith as **Annexure – IV.**

PUBLICATIONS

The Council has published recommendations/mandatory regulations u/s 33 of the Act. These are available as priced document from the Council Office. A list of these publications is given as under:-

S. No.	Publications	Prize
1.	Regulations on Graduate Medical Education, 1997	@ Rs. 100/- each.
2.	Minimum Standard Requirements for Medical College for 50 MBBS Admission Annually Regulation, 1999	@ Rs. 100/- each.
3.	Minimum Standard Requirements for Medical College for 100 MBBS Admission Annually Regulations, 1999	@ Rs. 100/- each.
4.	Minimum Standard Requirements for Medical College for 150 MBBS Admission Annually Regulation, 1999	@ Rs. 100/- each.
5.	Regulations on Postgraduate Medical Education, 2000	@ Rs. 50/- each.
6.	Minimum qualification for Teachers in Medical Institutions, Regulations 1998	@ Rs. 50/- each.
7.	Schedule to the Indian Medical Council Act, 1956	@ Rs. 200/- each.
8.	Code of Medical Ethics.	@ Rs. 10/- each.
9.	List of recognised medical colleges in India	@ Rs. 15/- each.
10.	Application form for Establishment of New Medical College.	@ Rs. 300/- each
11.	Application form for opening of Higher Courses of Study and Application form for increase of Admission capacity in Medical Colleges	@ Rs. 300/- each.
12.	Requirements to be fulfilled by the Applicant Colleges for obtaining Letter of Intent and Letter of permission for Establishment of the New Medical Colleges and Yearly Renewals under Section 10-A of the Indian Medical Council Act, 1956	@ Rs. 50/- each.

264. **Christian Medical College, Dichpalli, Andhra Pradesh – Proposal for invoking of Bank Guarantee and shifting of 89 MBBS students to other Government Medical Colleges in Andhra Pradesh.**

Read: The Central Govt., Ministry of Health, letter dated 11.10.2007 togetherwith letters/proposals dated 06/10/2007 and 08.10.2007 received from the Principal Secretary, Govt. of Andhra Pradesh with regard to invoke of Bank Guarantees and shifting of 89 MBBS students of Christian Medical college, Dichpally to other Government Medical Colleges in Andhra Pradesh.

The Council approved the following recommendations of the Executive Committee/Adhoc Committee:-

“The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council noted that with effect from 01.06.1992, Section 10A has been incorporated in the Indian Medical Council Act, 1956 stipulating grant of prior permission for establishing any New Medical College, for Opening of the New or Higher Course of study or Training (including Postgraduate course of study or training) and increase of admission capacity in any course of study or training (including a Postgraduate course of study or training) of any medical college/institution in any medical course.

Thereafter, statutory regulations had been framed for the minimum norms requirements and the procedures in relation to the entire process for the grant of permission u/s 10A of the Act. The permission is granted by the Ministry of Health, Govt. of India on the recommendations of the MCI.

It is a part of the statutory scheme as provided under the provisions of Section 10A of the Act and the statutory regulations made thereunder that the permissions shall be granted in the following manner : -

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

With a view to ensure that the applicants who are seeking permission u/s 10A of the Act and with a view to ensure that the students who are admitted in any college, granted permission u/s 10A on annual basis, are not prejudiced and do not suffer any harm in the event of any college not fulfilling the further requirements in augmentation of its infrastructure, teaching and other facilities for obtaining annual renewals on year to year basis and final recognition, the statutory provision of obtaining an essentiality certificate from the State Govt. has been laid down in the statutory regulations with a statutorily prescribed format of the undertaking to be furnished by the State Govt. to the Ministry of Health, Govt. of India – undertaking the responsibility of those students who are admitted in such Section 10A permitted colleges. The statutory format in the statutory regulations of the essentiality certificate incorporating therein the undertaking of the State Govt. is reproduced as under : -

FORM – 2

Subject:- ESSENTIALITY CERTIFICATE No.
Government of _____

Department of Health

Dated, the

To (applicant),

Sir,

The desired certificate is as follows:-

1. No. of institutions already existing in the State.
2. No. of seats available or No. of doctors being produced annually.
3. No. of doctors registered with the State Medical Council.

4. No. of doctors in Government service.
5. No. of Government posts vacant and those in rural/difficult areas.
6. No. of doctors registered with Employment Exchange.
7. Doctor population ratio in the State.
8. How the establishment of the college would resolve the problem of deficiencies of qualified medical personnel in the State and improve the availability of such medical manpower in the State.
9. The restrictions imposed by the State Government, if any, on students who are not domiciled in the State from obtaining admissions in the State, be specified.
10. Full justification for opening of the proposed college.
11. Doctor-patient ratio proposed to be achieved.

The (Name of the person) _____ has applied for establishment of a medical college at _____. On careful consideration of the proposal, the Government of _____ has decided to issue an essentiality certificate to the applicant for the establishment of a Medical College with _____ (no.) seats. It is certified that: -

- a. The applicant owns and manages a 300 bedded hospital which was established in ...
- b. It is desirable to establish a medical college in the public interest;
- c. Establishment of a medical college at _____ by (the name of Society/Trust) is feasible.
- d. Adequate clinical material as per the Medical Council of India norms is available.

It is further certified that in case the applicant fails to create infrastructure for the medical college as per MCI norms and fresh admissions are stopped by the Central Government, the State Government shall take over the responsibility of the students already admitted in the College with the permission of the Central Government.

Yours faithfully,

(SIGNATURE OF THE COMPETENT AUTHORITY)

In the recent past, except a few, almost all the medical colleges which had been granted permission u/s 10A of the Act, have been able to obtain statutory annual renewals on year to year basis and the final recognition thereafter. Not many colleges had been closed down after the grant of initial permission or any particular annual renewal.

One such case was of the private medical college at Azamgarh, started by All India Children Care Trust. This college had been closed down. The students who were admitted pursuant to the orders of the Hon'ble Supreme Court were then required to be adjusted in other medical colleges (Asheesh Pratap Singh & Ors. Vs. UOI & Ors. - [2002] 4 SCC 216)

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further considered the Central Govt., Ministry of Health, letter dated 11.10.2007 together with two letters/proposals both dated 8/10/2007 received from the Principal, Secretary, Govt. of Andhra Pradesh along with the order dated 06/10/2007 issued by the Govt. of A.P. canceling the Essentiality Certificate dated 06.03.1999 issued for establishment of a new medical - Christian Medical College at Dichapalli.

The Executive Committee noted that the Letter of Permission u/s 10A of the IMC Act, 1956 for establishment of new medical college namely Christian Medical College, Dichapalli, in the academic year 2003-04 with an annual intake of 100 (hundred) seats, was issued by the Central Govt. and thereafter applicant-college has failed to provide the minimum infrastructural, teaching and other staff, clinical material and other physical facilities in the college and therefore, could not secure any further renewal of permissions u/s 10A of the Act on the recommendations of the MCI by the Central Govt./MCI.

The students who had been admitted in this college in the academic year 2003-04, pursuant to the initial permission granted by the Govt. of India u/s 10A of the Act, are now to appear for their final MBBS examination to be held in November/December, 2007.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also observed from the contents of Govt. of A.P.'s letters dated 8/10/2007 wherein Govt. of A.P. has made requests for invocation of the Performance Bank Guarantees provided by the management of Christian Medical College, Dichapalli, Nizamabad District to MCI and to adjust the students admitted in this college by adjusting them in the Govt. Medical Colleges of the State. The relevant portion of the letter dated 08/10/2007 of the Govt. of A.P. is given below :-

".....3. the management of Christian Medical College, Dichapalli, Nizamabad District has failed in providing necessary infrastructural facilities in the Medical College or establish the teaching hospital fully as per MCI regulations, as evidenced by the consecutive non-renewal of permission by Govt. of India/Medical Council of India for the years 2004-05, 05-06 and 07-08. Even after the opportunity offered by Govt. of India vide its letter dated 1.11.2006 consequent upon the orders of the Hon'ble High Court of A.P., in W.P. No. 17136/06, the management failed to provide the infrastructure and facilities and get renewal of permission for the year 2007-08 as also affiliation of Dr. N.T.R. University of Health Sciences, for the final MBBS part I & II.

- 4. In view of the above, the only batch of students admitted during the year 2003-04 cannot continue their studies and get a valid and recognized MBBS degree. The options available to State Government as per Essentiality Certificate issued and as per MCI Regulations have been examined and the issue was taken up with Govt. of India vide our letters dated 19.7.2007 and 18.8.2007.*
- 5. In the above circumstances and keeping in view of the fact that the only batch of students have now reached final year of MBBS course and unless they are allowed to take examination from an affiliated college they would not be in a position to obtain Degree, the State Government have issued a show cause notice on 14.8.2007 to the Management to explain as to why the Essentiality Certificate issued to them be not cancelled and the bank guarantee furnished by the college to the GOI be invoked for shifting the only batch of students studying their to other Govt. Medical Colleges.*
- 6. In response to the said notice, the management of the college has sent a reply on 20.8.2007. The reply to the show Cause Notice submitted by the management has been examined and the State Government have issued orders in G.O.Ms.No.333, HM&FW(E1) Deptt., dt. 6.10.2007(Copy enclosed). Canceling the E.C. issued to the Management in order to shift the students to other Govt. Medical Colleges with the approval of the GOI.*
- 7. Pursuant to the above a detailed proposal for shifting of students of Christian Medical College, Dichapalli, Nizamabad District(89 students) to various Government Medical Colelges has been furnished alonwith the consent for equal reeducation in intake capacity of Govt. Medical Colleges for the year 2008-09 where they are proposed to be shifted.*
- 8. I am therefore to request to take up with the Medical Council of India to invoke the performance Bank Guarantees provided by the management of Christian Medical College, Dichapalli, Nizamabad District to Medical Council of India and facilitate the above proposal to adjust the students of Christian Medical College, Dichapalli, Nizamabad District in Govt. Medical Colleges of the State. The funds made available after involving the Bank Guarantee will be utilized for augmenting the infrastructure, teaching facilities in the departments of final MBBS part I & II subjects in the Medical Colleges where the students are shifted. The amount allotted to each college will be in proportion to the students allotted to that college....."*

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council further observed that Govt. of A.P. vide order its dated 06/10/2007 - which has been forwarded to the MCI by the Central Govt. along with its letters dated 11/10/2007 - have, while canceling the essentiality certificate of the applicant-college, inter-alia, issued the following directions : -

“.....7. taking into the consideration the reply given by the management of the college and the report of the Registrar, Dr. N.T.R. University of Health Sciences, Vijayawada and other relevant documents and the advise tendered by the MCI/GOI on the subject, Government have come to conclusion that the management of the college have failed to abide by the Establishment of Medical College Regulations 1999 and have failed to fulfill the conditions prescribed in the Essentiality Certificate issued to them for starting the MBBS course at the college, whereby the academic career of the only batch of MBBS students admitted in the year 2003-04 in that college is jeopardized and thus taking over of the responsibility of these students and shifting them to other Government Medical Colleges has become inevitable. In order to shift the students to other Government Medical Colleges, the State Government hereby cancels the Essentiality Certificate issued to the M/s. Church of South India Trust Association, Dichapalli, Nizamabad and to request the GOI to invoke the Bank Guarantee of Rs. 6.50 crores provided by the college in order to augment infrastructural facilities in the Government Medical Colleges, where students are to be shifted.....”

It was further observed by the members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council that through its letter dated 8/10/2007 the Govt. of A.P. vide have given the following proposal for a decision :-

“.....7. It is proposed to shift these 89 students to the existing ten(10) Govt. Medical Colleges of Andhra Pradesh as shown in the table below with corresponding reduction of seats in the colleges during the year 2008-09.

S.No.	Name of Medical College	Admission Capacity	Allotment of students of CMC in 2007-08	Corresponding reduction in 2008-09
1.	Osmania Medical College, Hyderabad	200	10	10
2.	Andhra Medical College, Visakhapatnam	150	9	9
3.	Rangaraya Medical College, Kakinada	150	9	9
4.	Guntur Medical College, Guntur	150	9	9
5.	Kurnool Medical College, Kurnool	150	9	9
6.	S.V. Medical College, Tirupathi	150	9	9
7.	Siddhartha medical College, Vijayawada	100	8	8
8.	Government Medical College, Anantapur	100	8	8
9.	Kakatiya Medical College, Warangal	150	9	9
10.	Gandhi Medical College, Secunderebad	150	9	9

8. The actual allocation of 89 students will be done by counseling after obtaining concurrence of Government of India. The respective students will do their internship in the colleges/hospitals to which they are allotted. The Registrar, Dr. N.T.R University of Health Sciences, Vijayawada in the letter 6th cited has also conveyed no objection to accept the proposal of the State Government to shift 89 students of CMC, Dichapalli, Nizamabad District to Govt. Medical Colleges. Subject to approval of Medical Council of India/Govt. of India.

9. *A proposal for invoking the Bank Guarantee furnished for augmenting the infrastructure for teaching facilities in the colleges where students are proposed to be shifted is separately submitted to concurrence of the Central Government.*

10. *In the circumstances, it is requested that the Govt. of India may give its approval to the above proposal for shifting of the only batch of students of Christian Medical College, Dichapalli to various Government Medical Colleges in A.P. at the earliest, to save the career and future of the students.....”*

The Members of the Executive Committee and of the Ad-hoc Committee appointed by the Hon'ble Supreme Court observed that the batch of students admitted in this college in 2003-04 upon the grant of permission u/s 10A of the Act, are now at the verge of appearing in their final MBBS examination. They, therefore, at this stage, do not require any further teaching and training for the final year of the MBBS course. Since they do not require any further teaching and training as they are scheduled to appear for final MBBS examination in November/December, 2007 – in these circumstances there would be a necessity or requirement to now, at this stage, shift them to any other medical college only for the purpose for allowing them to appear in III M.B.B.S. Part II examination of Dr. N.T.R. Health University from a recognized medical college.

On their completion of 4 ½ years of teaching and training in the MBBS course and upon qualifying in the final MBBS examination in November/December 2007, they would then be eligible to undergo rotatory internship of 12 months in any teaching medical hospital. At that stage, it would become necessary for their distribution / allocation in different teaching medical hospitals for their undertaking 12 months rotatory internship.

When these students of the 2003-04 batch scheduled to appear in the final MBBS examination in November/December 2007 – are required to be shifted at this stage to any other recognized medical college only for the purpose of allowing them to appear in III M.B.B.S. Part II examinations, it would also not be in the interest of anyone and in fact would be contrary to interest of those meritorious students in the State of A.P. who are going to become eligible for admission in the MBBS course for the academic session 2008-09 – to get deprived of precious MBBS seats in the State Medical Colleges and when, as observed above, no adjustment is needed / required when the students of 2003-04 batch are to appear in their final MBBS examination in November / December 2007.

In view of the above and having regard to the fact that transfer / adjustment of these students of the batch of 2003-04 is required to any other medical college only for the purpose of allowing them to appear in III M.B.B.S. Part II examination, the Members of the Ad-hoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided that although the proposal of the State Govt. of setting-off the number of MBBS seats in the respective colleges by the number of students getting adjusted into that college in the next academic year, i.e. 2008-09 – has been made, it would not be necessary – as observed above. No purpose would be served by making any adjustment in any other medical college for this batch of students of the academic year 2003-04 at this stage when they are all set to appear in their final MBBS examination in November / December 2007 and then to deprive same number of meritorious students of a chance of taking admissions in the State Medical Colleges for the academic year 2008-09.

Thus, there is neither any logic nor any rationality or justification in accepting any adjustment of these students, as proposed, at this stage and further in depriving meritorious students of the State of A.P. of a chance to those number of precious MBBS seats in Govt. medical colleges in that State for the academic year 2008-09.

Accordingly and having regard to the above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided that the 89 students admitted in the applicant-college in the academic year 2003-04 who have almost completed teaching and training of 4½ years and are scheduled to appear in their final MBBS examination in November/December 2007, be transferred to a recognized medical college as proposed by the State Govt. of Andhra Pradesh without any adjustment or reduction of seats in Govt. Medical Colleges in 2008-2009 as there is neither any logic nor any rationality or justification in any adjustment of these students, as proposed, at this stage and further depriving meritorious students of the State of A.P. of a chance to those number of precious MBBS seats in Govt. Medical Colleges in that State for the academic year 2008-09. It was further decided to recommend to the Central Govt. to permit the Council to invoke the performance Bank Guarantee provided by the management of Christian Medical College, Dichapally and make the funds available to the State Govt. of A.P. as requested by the State Govt. of A.P. in its proposal dated 08.10.2007."

265. Proposal for recognition of postgraduate medical qualification granted by medical institutions outside India under section 13 of the IMC Act, 1956 (outside the scheme of reciprocity).

Read: The report of the Sub-Committee regarding the proposal for recognition of postgraduate medical qualifications granted by medical institutions outside India under section 13 of IMC Act, 1956 (outside the scheme of reciprocity).

The Council approved the following recommendations of the Postgraduate Committee:-

"The Postgraduate Committee approved the following report of the Sub-Committee regarding the Proposal for recognition of postgraduate medical qualifications granted by medical institutions outside India under section 13 of IMC Act, 1956 (outside the scheme of reciprocity):-

"The Committee upon careful and critical discussion is pleased to observe as under:-

Section 13 of the I.M.C. Act, 1956 that deals with the recognition of the medical qualification granted by certain medical institutions whose qualifications are not included in the first or second schedule, is reproduced hereunder for ready reference:-

"13.

1. *The medical qualifications granted by medical institutions in India which are not included in the First Schedule and which are included in Part I of the Third Schedule shall also be recognised medical qualifications for the purposes of this Act.*
2. *The medical qualifications granted to a citizen of India:-*
 - a. *before the 15th day of August, 1947, by medical institutions in the territories now forming part of Pakistan, and,*
 - b. *before the 1st day of April, 1937, by medical institutions in the territories now forming part of Burma, which are included in part I of the Third Schedule shall also be recognised medical qualifications for the purposes of this Act.*
3. *The medical qualifications granted by medical institutions outside India, before such date as the Central Government may, by notification in the Official Gazette, specify which are included in Part II of the Third Schedule shall also be recognised medical qualifications for the purposes of this Act, but no person possessing any such qualification shall be entitled to enrolment on any State Medical Register unless he is a citizen of India and has undergone such practical training after obtaining that qualification as may be required by the rules or regulations in force in the country granting the qualification, or if he has not undergone any practical training in that country he has undergone such practical training as may be prescribed.*
4. *The Central Government, after consulting the Council, may, by notification in the Official Gazette, amend Part II of the Third Schedule so as to include therein any qualification granted by a medical institution outside India, which is not included in the Second Schedule. Provided that after the commencement of the Indian Medical Council (Amendment) Act, 2001, no such amendment shall be made in Part II of the Third Schedule to include any primary medical qualification granted by any medical institution outside India:*

Provided further that nothing contained in the first proviso shall apply to inclusion in Part II of the Third Schedule any primary medical qualification granted by any medical institution outside India to any person whose name is entered in the Indian Medical Register.

Explanation- *For the purposes of this sub-section, "primary medical qualification" means any minimum qualification sufficient for enrolment on any State Medical Register or for entering the name in the Indian Medical Register.*

It is necessary to note that in terms of Section 13 (3) – the medical qualifications granted by the medical institutions outside India vide an appropriate notification in the Official Gazette by the Govt. of India and included in Part II of the Third Schedule are treated as recognized qualifications for the purposes of I.M.C. Act, 1956. However, the embargo which is in operation is that – “no person possessing any such qualification shall be entitled for enrolment in any State Medical Register unless he/she is a citizen of India and fulfills such conditions as are in force in the country granting the concerned qualification.”

The incorporation of any addition in part II of the Third Schedule is required to be done in a manner mentioned in Sub-clause 4 of Section 13, wherein the consultation of the MCI in the said matter by the Govt. of India is necessary. However, the regulations on Screening Test having come into force since 2001, no amendment, can be incorporated in Part II of the Third Schedule to include any primary medical qualification granted by any medical institution outside India meaning thereby that any addition would be now available exclusively to postgraduate qualification only.

The incorporation of qualification in the schedule appended to the I.M.C. Act, 1956, operationally means that the said qualifications have parity among themselves and as such therefore entitle the person possessing them provided he/she is Indian citizen to be enrolled in the state medical register and thereby getting his name included in the Indian Medical Register. The Committee further noted that while inclusion in the Indian Medical Register by virtue of possessing the prescribed recognized medical qualification, a person is entitled to privileges in terms of Section 27 of the I.M.C. Act, 1956. The registration of additional qualification against the name of the person included in the Indian Medical Register is in terms of Section 26 of the said Act. The person registered under the Indian Medical Register and therefore being entitled to practice modern medicine is also governed vis-à-vis professional conduct vide the regulations notified by the Council prescribing the standards of professional conduct and Etiquettes and Code of Ethics for the medical practitioners in terms of Section 20 (a) of the said Act.

The Committee is of the considered opinion that it is necessary to take stock of the process/modalities which are must while recognizing the medical qualifications granted by Universities or medical institutions in the country. Ever since the promulgation of I.M.C. Act, 1956, such recognition is governed in terms of Section 11 of the Act which reads as under:-

“11.

- 1. The medical qualifications granted by any university or medical Institution in India which are included in the first Schedule shall be recognised medical qualifications for the purposes of this Act.*
- 2. Any university or medical Institution in India which grants a medical qualification not included in the First Schedule may apply to the Central Govt., to have such qualification recognised, and the Central Government, after consulting the Council, may, by notification in the official Gazette, amend the First Schedule so as to include such qualification therein, and any such notification may also direct that an entry shall be made in the last column of the First Schedule against such medical qualification declaring that it shall be a recognised medical qualification only when granted after a specified date.”*

In this context, it is pertinent to note that sub-clause 2 of Section 11 clearly brings out that - Any university or medical Institution in India which grants a medical qualification not included in the First Schedule, is required to make an application to the Central Govt. to have such qualification recognized and the Central Govt. upon consulting the Council made by notification in the Official Gazette amend the said schedule to incorporate therein the concerned qualification.

This scheme when read against the scheme which has been provided u/s 10A of the I.M.C. Act, 1956 which has come into force since 1993 brings out categorically that after the incorporation of Section 10A Scheme – no new medical college, undergraduate course, postgraduate course or augmentation of the existing intake thereto can be done without the prior approval of the Medical Council of India and Govt. of India respectively. The scheme therein provides for a technical evaluation by the Medical Council of India and the said technical evaluation is based in terms of evaluation of the minimum requirements which are prescribed by the Council through issuance of appropriate regulation framed and notified u/s 33 of the Act. The main regulations which are governing these premises are Regulations on (1) Minimum Requirements Regulation; (2) Graduate Medical Education Regulation; (3) Regulation on Postgraduate Medical Education and (4) Regulation on Teachers Eligibility Qualifications.

Section 18 of the Act provides for appointment of visitors during Examinations, who are required to inspect the standards of examination upon which the qualification granted by Indian University or medical institution could be recognized u/s 11 and included in the First schedule.

The purpose of bringing out these considerations primarily is to bring into focus that recognition of a qualification and inclusion thereof in the appropriate schedule by the Medical Council of India is subject to the satisfaction of the Council in respect of fulfillment the minimum prescribed standards pertaining to infrastructure, mode and methods of teaching, curriculum and syllabi, duration of study, scheme of examination and acquirable competencies. The purpose of prescribing these requirements is to maintain standards and ensure their implementation ensuring that no dilution is permitted in teaching and training which would result in compromise of the desired standards that have material bearing on effective health care.

It is also worthwhile to note that ever since the promulgation of Section 10A, the inclusion of the qualification in the 2nd Schedule vide Section 12 which is with reference to the scheme of reciprocity, the Council as a matter of policy has always insisted first hand appraisal of fulfillment of minimum standard requirement with reference to qualification included in the first schedule and it is only on satisfaction on such count that the recommendations have been made.

In view of the said procedure which the Council has consistently followed with reference to qualification in first and second schedule, it is logical that the same is required to be applied to with reference to inclusion of qualification in Part II of III Schedule as well for the purposes of equity and because the qualification once included in the schedule puts such qualification on parity with others.

The Committee would also like to underline the bare fact that recognition of medical qualification primarily cannot be granted by the Council suo moto as is evident in section 11(2) but is by soliciting.

The communication from the Govt. of India needs perusal on two main counts namely 1) MCI recommending inclusion of the PG qualification unilaterally. (2) Central Govt./Medical Council of India not to physically verify the facilities at the concerned institution. While taking stock of these two contentions, the Committee would not be in a position to turn a blind eye to the fact that MCI is an expert body under an Act of Parliament and is primarily meant for maintenance and monitoring of the standards of medical education so that the professional expertise generated thereof is capable of optimally fulfilling the requirements that cannot be compromised either explicitly or implicitly.

The Committee, therefore, feels that it is imperative to have an effective filter before a qualification is considered to be incorporated into a schedule thereby granting a recognized status. As a matter of fact Screening Test with reference to primary qualification is one such regulatory filter prescribed in the binding regulations.

In the absence of such regulatory filter with reference to postgraduate medical qualification, it is necessary that the same has to be incorporated in terms of evaluation of the required prescribed standards as is done in other cases with reference to first and second schedule.

However, with reference to postgraduate programme, additional requirement which has been prescribed in the postgraduate regulations warrant consideration of namely prescribed number of teaching beds, ratio of teaching beds to number of students, ratio of 1:1 with reference to teacher & student, the residential nature of the postgraduate training programme, duration of study, and orientation with research methodology including submission of thesis & curriculum having relevance to the needs of the country.

The Medical Council of India is also conscious of the increasing requirement of the teaching faculty with reference to expansion of medical education. However, fulfilling the same as has been proposed by the Ministry of Health & F.W. in the communication under reference would definitely marginalize the desired standards of postgraduate medical education in India and recognition of the same unilaterally would amount to mean that our standards are qualitatively inferior.

The Committee is of the considered opinion that it would not be prudent concept to concede to unilateral recognition of PG qualification granted by the foreign countries and incorporation thereof in part II of the Schedule II without physical verification thereof.

However, in order to tide over the current situation/problem as has been communicated by Govt. of India in their communication, for the purposes of grant of equivalency the matter may be considered on case to case basis with reference to academic eligibility for the appointment to the post of full time teaching faculty in the medical institution in the country by a standing mechanism for the same. The criteria of such equivalency would be appropriately prescribed including duration of study, course contents, residential character of training, teacher student ratio, student bed ratio, quantum and nature of clinical material,

relevance of the curriculum, scheme of examination prescribed expected competencies and orientation of research methodology including submission of thesis.

The Committee also takes note of para 2 of the communication from the Govt. of India dated 12th July, 2007, wherein it is brought out that in case the comments of the Council are not received by Ministry of Health & F.W., in a week's time, it would be construed that the Council has no comments to furnish on this important matter. On an issue where the comments of the Council in terms of consultation by Govt. of India is mandatory as prescribed in the Act, the Council is duty bound to furnish appropriate opinion by virtue of the learned expertise available at its disposal."

The meeting ended with vote of thanks to the chair.

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

Place: New Delhi,

Dated: 16th November, 2007.

A P P R O V E D

(DR. P.C.KESAVANKUTTY NAYAR)
PRESIDENT (ACTING)