

MEDICAL COUNCIL OF INDIA
NEW DELHI

Minutes of the meeting of the Board of Governors held on 07.09.2011 at 10.00 a.m. in the Council office at Sector-8, Pocket-14, Dwarka, New Delhi-110077.

Following members were present:

1.	Dr. K.K. Talwar	Chairman, Board of Governors
2.	Dr. (Prof.) H.S. Rissam	Member, Board of Governors
3.	Dr. Purshotam Lal	Member, Board of Governors
4.	Prof.K.S. Sharma	Member, Board of Governors
5.	Dr.Rajiv Chintaman Yeravdekar	Member, Board of Governors
6.	Dr. Ashok Kumar Gupta	Member, Board of Governors
7.	Dr. Sangeeta Sharma	Secretary, Member Secretary, BOG meeting.
8.	Dr.P.Prasannaraj	Addl. Secretary

1. Minutes of the BOG's meetings dated 02.09.2011 - Confirmation of.

The Board of Governors confirmed the minutes of the meeting held on 02.09.2011.

2. Order passed in the matter of grant of permission for increase of seats from 150 to 250 in MBBS course at Rajah Muthaiah Medical College Annamalai Nagar, Chennai - in compliance to the Court order of the Hon'blble High Court of Chennai.

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The Board of Governors considered the matter and passed the following order:-

- In pursuance of the Order of the Hon'ble High Court of Judicature at Madras dated 05.08.2011 passed in the Writ Petition No. 16298 of 2011 and M.P. Nos. 1,2, 3 of 2011, a personal hearing to the representatives of Rajah Muthiah Medical College, Annamalai Nagar, was given by us on 02.09.2011.
- It may be recalled that the operative part of the Order of the Hon'ble Mr. Justice N. Paul Vasanthakumar reads as under:-

"... I am of the view that the interest of justice would be met by quashing the impugned order dated 30.6.2011 giving liberty to the petitioner to pay the inspection fee within one week to make a fresh inspection/assessment and based on the same, the second respondent is directed to consider the whole issue and pass fresh orders on merits and in accordance with law, within a period of one week from the date of inspection. It is made clear that it is entirely upto the second respondent, who is an expert body, to decide either to grant or refuse the request of petitioner considering all the requirements. The entire exercise is directed to be completed before the end of August, 2011."
- In accordance with the said directions of the Hon'ble High Court the Rajah Muthiah College deposited the inspection fees with the Office of the Medical Council of India on 09/08/11. The Inspection was carried out by a team of Assessors consisting of (i) Dr. A. K. Jain, Director, Professor of Physiology, Maulana Azad Medical College, New Delhi; (ii) Dr. S.K. Maulik, Professor of Pharmacology, All India Institute of Medical Sciences, Ansari Nagar, New Delhi; and (iii) Dr. Santosh Saragade, Professor of Medicine, Seth G.S Medical College, KEM Hospital, Mumbai. The Report of the Assessment Team was received and placed before the Undergraduate Committee on 29/08/2011.

4. An application was moved before the Hon'ble High Court of Madras by the Medical Council of India on 29/08/11 requesting for an extension of time by one week to comply with the order of the Hon'ble High Court. The Hon'ble High Court was pleased to extend time until 08/09/11 to comply with the Orders of the Court.

5. The Medical Council of vide MCI Letter No. 37 (1)/2011-Med./33565 dated 30/08/11 intimated the Principal of Rajah Muthiah Medical College of the deficiencies that were noted by the Undergraduate Committee and concurred to by the Board of Governors and the same is reproduced herein for the sake of ready reference: -

"Sir,

It may be kindly recalled that in accordance with the directions of the Hon'ble High Court of Madras in Rajah Muthiah Medical College, Annamalai Nagar Vs. Medical Council of India & ors (Writ Petition No. 16298 of 2011), dated 09.08.2011, an Assessment of the physical and the other teaching facilities available for increase of MBBS seats from 150 to 250 at Rajah Muthiah Medical College, Annamalai Nagar u/s 10A of the IMC Act, 1956 for the academic year 2011-2012 was carried out on 25th & 26th August 2011. The Assessment Report dated 25th & 26th August, 2011 was considered by the Undergraduate Committee and following deficiencies were noted:

- i) *Staff: There is deficiency in teaching staff and residents in terms "Minimum Requirements for 250 M.B.B.S. Admissions Annually Regulations, 1999;*
- ii) *Clinical Material: Clinical material relating to Bed Strength and Admissions are deficient in the terms of "Minimum Requirements for 250 M.B.B.S. Admissions Annually Regulations, 1999";*
- iii) *Infrastructural deficiencies in terms of "Minimum Requirements for 250 M.B.B.S. Admissions Annually Regulations, 1999";*
- iv) *University status, which was pointed out by UG Committee on 10-11 January, 2011 has not been clarified;*
- v) *Other deficiency as noted in the Assessment Report.*

The Board of Governors concurred with the above findings of the Undergraduate Committee.

In view of the above, and in accordance with the Indian Medical Council Act, 1956 and in compliance with the aforesaid orders of the Hon'ble High Court of Madras in the aforesaid case, the Board of Governors in supersession of the Medical Council of India has decided to afford your Institution a reasonable opportunity of being heard wherein you may explain to the Board of Governors why your application should not be disapproved in view of the deficiencies noted above u/s 10A of the IMC Act.

You are therefore requested to appear before the Board of Governors either personally or through your duly authorized representative along with all relevant papers in support of your College on **Friday, 2 September 2011 at 10:30 AM** in office of the Medical Council of India for hearing.

A copy of the Assessment Report is enclosed herewith."

6. Accordingly, the representatives of the Rajah Muthiah Medical College, namely Prof. Dr. M. Ramanathan, M.S. (G.S.), Vice Chancellor, Anna Malai University, Dr. N. Chidambaram, Principal of Rajah Muthiah Medical College & Dean, Faculty of Medicine, Annamalai University and Mr. Muthuvelu, PRO appeared before the Board of Governors and made their submissions.

7. The Vice-Chancellor of the University submitted that the Rajah Muthiah College was 27 years old and was providing free service to the people in the neighboring areas.

It was submitted by them that they had taken all necessary steps to meet the statutory norms prescribed by the Medical Council of India. The Principal of the College read out the steps taken by the College in relation to the deficiencies pointed out. A written submission and the following documents were also submitted by the College: (i) Copy of Attendance Register of Senior Residents and Junior Residents; (ii) List of Clinical Materials/copies of in-patient nominal registers; (iii) List of Para-Medical Staff; (iv) Copy of Undertaking; and (v) Photographs and CD of Library.

8. The College representatives submitted that in view of the facts presented with supporting documents to accept their explanation and grant LOP for increase of MBBS seats from 150 to 250 from Academic Year 2011-12.

9. The Board of Governors have given their due consideration to the submissions and also gone through the detailed written representations. The Board of Governors are of the unanimous opinion that the College has failed to meet the requirements of the Regulations and therefore, the Letter of Permission for increase of MBBS seats from 150 to 250 cannot be granted for reasons recorded herein below: -

I. STAFF

A. Teaching Staff

10. The College was informed by MCI Letter dated 30.08.11 that there was deficiency in teaching staff and residents in terms of "Minimum Requirements for 250 M.B.B.S Admissions Annually Regulations, 2010". The College in its reply submitted that as per the Assessors report sent to them, it was clearly mentioned on pages 9 of 10 that the teaching faculty shortage is 4% (i.e. 9 out of 216). The copies of the leave letters of the 9 teaching staff had been already submitted to Assessors during the assessment on 25th and 26th August 2011. The College submitted that as the shortage of teaching staff was marginal and fell within the acceptable limits, that deficiency pointed out may be condoned.

11. As regards the shortage of Residents, the College submitted that out of 177 Senior and Junior Residents, 160 were actually present on the days of assessment and hence the shortage was only less than 10% as against the recorded shortage of 42% (i.e. 73 out of 173) as mentioned at page 7-10 of the Assessors' Report. They contended that even that actual shortage was due to the reason that 13 Residents were on "Post-Duty off" and 4 were on leave. The College also contended that the discrepancy between the Assessors' Report and their claim was due to the fact that the physical verification of Residents was not done on the first day and it was carried out on the second day and abruptly closed at 10.30 a.m. itself. The remaining 60 Residents, though physically present, waiting to be verified, were denied of the opportunity. In support of their claim the leave letters of the 4 Residents had been already submitted by them to the Assessors and copies of the Attendance Register had been submitted with their written representation for the perusal of the Board of Governors.

12. On perusal of the assessment report, the Board of Governors note that the Assessors in their report have noted that there is a shortage of 4% in teaching faculty and there is a shortage of 42% as regards Residents. Further, on perusal of records it is noted that on the first day of inspection i.e. 25.08.2011 only 156 Faculty had signed the declaration forms against the requirement of 217. It is also noted that an additional 51 faculty had signed on 26.08.2011. However, as per MCI guidelines for assessors the faculty presented on the day one are to be counted. In view of this guideline the deficiencies of faculty is 28% and not 4%, as mentioned in the Assessor's report. We consider it strange that why the entire Faculty was not produced before the Assessors on the first day of assessment on 25.08.2011.

13. As regards the Residents on the first day of assessment the attendance of Residents is Nil. Again this has to be examined in the context of MCI guidelines that lay down that Residents are also to be counted on the first day itself. As per Regulation, 173 Residents are required however, only 100 Residents are employed by the college. Therefore, there is a deficiency of 73 Residents amounting to 42%

deficiency in terms of Residents staff. The college has produced attendance register for the month of August 2011 for Junior & Senior Residents. The total number of Senior Residents is indicated in this register to be 89 and Junior Residents to be 88. Together it comes to 177 Residents which is more than what is required in terms of Regulations. It is pertinent to note in this regard that for the "Verification of Teaching Faculty/Others" the Assessors Guide, provides that:

Faculty attendance should be checked before 11:00 a.m. on the first day of assessment. If Junior residents were on night duty in their own hospital, Dean/Director should be advised to call them by 12:00 Noon,. In case, it is reported that any doctor is conducting surgery/procedure, this must be physically verified by a member of the assessment team, and then should be considered as a teacher.

14. In view of this guideline the Residents are also to be counted on the first day of assessment itself. Therefore, the shortage of Residents, if we take into account the above-mentioned guideline is 100% not 42% as indicated in the Assessment report.

15. Although the college had submitted the attendance register for Residents for the month of August, 2011 vide the MCI letter dated 30.08.2011, the college was asked to produce before us all relevant papers in support of their application for increase intake from 150 to 250. In this regard, the college could have submitted the joining report and other relevant papers of the Residents to support its contention that there is no deficiency in terms of Residents in the College. Therefore, we hold that the college is deficient in terms of Residents staff by atleast 42%.

B. Paramedical Staff

16. The Medical Council of India in its communication of 30.08.11 had conveyed to the College about the persisting deficiency of para-medical staff in the College. In its written submission the College has stated that the relevant para-medical staff were available and had been shown in their respective departments and other areas in Form-B the total of which is 431 besides the staff nurses (of 524 in numbers) who are also to be considered as paramedical staff. The college contends that the statement recorded by the assessors in page 6 of 10 under paramedical staff indicates that the assessors have taken into account of the Lab Technicians (57) Lab Assistants (40) Lab Attendants (20) only, without considering other categories of para-medical staff. The College has categorically submitted in its written statement that the number of 431 Para-Medical Staff mentioned by them was above the requirement of 182 for 250 admissions.

17. On perusal of the Assessors Report, we find that at p. 6 of the Assessors Report wherein it is mentioned that the total paramedical staff is 117. This is against the requirement of 182. The claim of the College Authorities is not verified by the Assessment Team, therefore, we hold that the College has paramedical staff of 117 only, and is deficient in terms of the requirements of the Regulations.

II. CLINICAL MATERIAL

18. The Medical Council of India in its communication of 30.08.11 has informed the College that there was deficiency in terms of Clinical material relating to Bed Strength and Admissions as laid down in the terms "Minimum Requirements for 250 M.B.B.S. Admissions Annually Regulations, 2010". The College in its reply submitted that the bed occupancy on the first day of Assessment (i.e. on 25.8.2011), the actual census of in-patients was as follows:

Department of Medicine	203/240
Department of Paediatrics	126/150
Department of Surgery	197/240
Department of Orthopedics	133/150
Department of ENT	49/60
Department of Ophthalmology	51/60

19. The representative of the College during the hearing alleged that the Assessors have recorded the census based on the visits only to 4 out of 38 wards available in their teaching hospital. In Support of their claim the representatives of the College submitted copies of the Nominal Registers maintained in the wards indicated above. They also contended that in addition the Assessors have confirmed in their report from pages 4 to 10 their statement related to daily average.

20. We took note of the allegation made by the representative of the College that the Assessors have visited only 4 out of the 38 wards. Accordingly, we enquired with the Assessors in this regard and the Assessors have informed us that their assessment is based upon visit to all the wards. In view of the submission made by the Assessors we hold that the Assessors have inspected all the 38 wards of the College.

21. On perusal of the Assessment Report, we find that the Assessors have noted that there are gross deficiencies in general in clinical material. They have stated that on the day of assessment, the bed occupancy is 502/1100 i.e. 45.6%. This is much less than the 60% bed occupancy required for increase in annual intake capacity from 150 to 250. In addition, they have also noted on the basis of indoor registration record from the wards that out of the above patients, 75% of patients were admitted on the previous day only. In a teaching hospital of this magnitude, we consider that these deficiencies are of a very serious nature. In view of this, we hold that the College is deficient in terms of clinical material.

III. INFRASTRUCTURAL DEFICIENCIES

22. The Medical Council of India in its communication of 30.08.11 has informed the College that the College had Infrastructural deficiencies in terms of Minimum Requirements for 250 M.B.B.S. Admissions Annually Regulations, 2010. The College in its written statement submitted that no specific deficiency has been pointed out.

23. We note that for Central Library the College has submitted that the Coordinator/Assessor on the first day of assessment had physically verified the seating capacity of 640 as against the requirement of 500 as per the MCI norms for 250 Admissions Annually. The College has submitted photographs of the Library during the hearing.

24. On perusal of records, we find that the Library is under the process of expansion to meet the current requirement which is 500. Further, the date of completion is left blank.

25. We also find that there is no mention of the Auditorium of 2000 sq meter in the Assessment Report that is required as per the MSR for 250 Admissions Annually Regulations, 2010.

IV. TB AND CHEST UNIT DOES NOT HAVE ANY EQUIPMENT

26. It was mentioned in the MCI Letter dated 30.08.11 that the "TB and Chest Unit does not have any equipment. The College in its written submission has stated that the Pulmonary Function Test, Ventilator Support Services and other related and essential equipments were available in the Respiratory Intensive Care Unit, Department of General Medicine and Surgical ICU and that was verified by the Assessor. The College has also given an undertaking that these facilities would be made available in the TB & Chest General Ward within the prescribed time frame.

27. We are of the view that the Regulations require the availability of required equipments in the TB and Chest Unit and on the day of assessment, the department as per the requirement was lacking in it and accordingly there was deficiency in this regard.

V. DECISION

28. In view of the deficiencies noted above in terms of Staff (teaching and paramedical), clinical material, and lack of equipment in TB & Chest unit and after giving due consideration to the oral and written submissions made by the College, we are of the unanimous opinion that the College has failed to meet the requirements of the Regulations and therefore, the Letter of Permission for increase of MBBS seats from 150 to 250 cannot be granted.

3. **Order passed in the matter of grant of permission for the Establishment of new medical college by Shree Chatrapati Shivaji Educational Society, at Satara Kolhapur(Maharashtra) – in compliance to the Court order of the Hon’ble High Court of Delhi dt. 21.07.2011.**

Read: Order passed in the matter of grant of permission for the Establishment of new medical college by Shree Chatrapati Shivaji Educational Society, at Satara Kolhapur(Maharashtra) – in compliance to the Court order of the Hon’ble High Court of Delhi dt. 21.07.2011.

The Board of Governors considered the matter and deferred for consideration of the matter for the subsequent meeting.

4. **Define the subject of Postgraduate Course for which the disabled person can be admitted without any difficulty – W.P. (c) No. 184 of 2005 – Dr. Kumar Sourav Vs. Union of India & Ors.**

Read: Define the subject of Postgraduate Course for which the disabled person can be admitted without any difficulty – W.P. (c) No. 184 of 2005 – Dr. Kumar Sourav Vs. Union of India & Ors.

The Board of Governors considered the matter of W.P. (c) No. 184 of 2005 filed by Dr. Kumar Sourav Vs. Union of India & Ors. before the Hon’ble Supreme Court of India and noted Council’s advocate letter dated 25.08.2011 informing the Council that the captioned matter was listed for hearing on 25th August, 2011 before a Bench of the Hon’ble Supreme Court comprising Hon’ble Mr. Justice R.V. Raveendran and Hon’ble Mr. Justice A.K. Patnaik.

The Senior Advocate of the Council who was duly briefed and assisted by Sh. Amit Kumar, Advocate appeared and argued the matter at length.

After the arguments, the Hon’ble Court considered the request of the learned counsel for the petitioner whereby he sought introduction of roster system for implementation of 3% reservation provided to the physically disabled persons in admission to postgraduate medical courses and identification of seats in clinical and non-clinical streams thereto and directed the Medical Council of India, being the expert body, to prepare a report as to which are the disciplines of postgraduate medical courses in which the physically disabled persons can be easily absorbed without much difficulty and which are the disciplines where accommodation of physically challenged persons are practically difficult.

The Court granted four weeks time to prepare such report and directed the same to be placed before it within such time so as to enable the Court to pass suitable orders directing the Union of India, concerned State Governments, Colleges and authorities concerned for implementation to introduce the roster system after identification of seats available for physically challenged persons. With the above direction the matter was adjourned for four weeks.

The Hon'ble Supreme Court has directed the MCI to prepare a report as to which are the disciplines of postgraduate medical courses in which the physically disabled persons can be easily absorbed without much difficulty and which are the disciplines where accommodation of physically challenged persons are practically difficult within 4 weeks.

In this connection, it is stated that the following regulations have been prescribed in the postgraduate medical education regulation vide Gazette notification dated 25th March 2009 which reads and under:-

3. In Clause 9 under the heading "SELECTION OF POSTGRADUATE STUDENTS", the following **shall be added** after sub-clause 9(1): -

"1(a). 3% seats of the annual sanctioned intake capacity shall be filled up by candidates with locomotory disability of lower limbs between 50% to 70%.

Provided that in case any seat in this 3% quota remains unfilled on account of unavailability of candidates with locomotory disability of lower limbs between 50% to 70% then any such unfilled seat in this 3% quota shall be filled up by persons with locomotory disability of lower limbs between 40% to 50% - before they are included in the annual sanctioned seats for General Category candidates.

Provided further that this entire exercise shall be completed by each medical college / institution as per the statutory time schedule for admissions and in no case any admission will be made in the Postgraduate Medical course after 31st of May."

4. The following **shall be added** after the words "general category candidates" in the fourth line of first proviso to Clause 9 (2) (iv):-

", 45% for persons with locomotory disability of lower limbs in the same manner as stipulated in Clause 9(1)(a) above."

The Board of Governors deliberated on the issue of above regulations for reservation for seats in admission of postgraduate course for disable person, in the light of Hon'ble Supreme Court order and noted that the regulations is silent with regards to the eligibility of physically challenge person for specific postgraduate course(s).

In view of above, the board directed the Council to seek the current practice in this regard by the Head of the premier institutes namely AIIMS New Delhi & PGI Chandigarh.

5. Clarification as requested by Mr. Keshav Desiraju, Additional Secretary, MOH & FW, New Delhi regarding Rational use of Medicines.

Read: Clarification as requested by Mr. Keshav Desiraju, Additional Secretary, MOH & FW, New Delhi regarding Rational use of Medicines.

The Board of Governors considered the DO Letter dt. 01.09.2011 from Mr. Keshav Desiraju, Additional Secretary, MOH & F.W, New Delhi in which it is stated as under:-

"As you are aware, recently there was a "Starred Question on World Medicines Situation" 2011 report of the WHO. The chapter on "Rational Use of Medicines" of the report inter alia mentions that in developing and transitional countries, average dispensing time for medicines is one minute and only half of patients are told how to take the medicines and about 1/3rd of patients do not know how to take their medicines. The question sought to elicit the reasons for this inadequate attention of doctors towards the patients.

While replying to the question, HFM has assured the Hon'ble Member of Parliament that Govt. will issue an advisory to Medical Council of India to disseminate appropriate instructions among all registered medical practitioners in this regard.

Hence, I shall be grateful if appropriate action in this regard is taken by Medical Council of India immediately either through amending the Regulations on Code of Ethics or through issue of a suitable directive to all medical practitioners registered with MCI."

The Board of Governors after due deliberation on the above matter decided that a circular may be sent to all the heads of medical colleges/institutions (undergraduate and postgraduate), which are presently permitted/ recognized by the Medical Council of India requesting them to ensure every doctor in their institution while treating a patient is advised to spent adequate time to make their patient understand in the language he/she knows what disease(s) he/she is suffering from and the proper way of taking the prescribed medicine(s) and related advice.

(Dr.P.Prasannaraj)
Addl. Secretary

(Dr. Sangeeta Sharma)
Secretary

(Dr. Ashok Gupta)
Member

(Dr. Purushotham Lal)
Member

(Prof. K.S. Sharma)
Member

(Dr. Rajiv Chintaman Yeravdekar)
Member

Dr. (Prof.) Harbhajan Singh Rissam
Member

(Prof. K.K. Talwar)
C H A I R M A N