

**No.MCI-5(2)/2005-Med./**

**MEDICAL COUNCIL OF INDIA**

**EXECUTIVE COMMITTEE**

Minutes of the meeting of the Executive Committee held on 28.12.2005 at 11.30 a.m. in the Council office at New Delhi where the members of the Adhoc Committee appointed as per the Hon'ble Supreme Court order dated 20.11.2002 were also present.

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**Present:**

Dr..P.C. Kesavankutty Nayar	]President (Acting) ]Former Dean, ]Govt. Medical College, ]Trivandrum
Prof. P.N.Tandon	]Former Prof. & Head of Neuro- ]Surgery, A.I.I.M.S, New Delhi and ]Member, Adhoc Committee ]appointed by the Hon'ble Supreme ]Court
Dr. (Mrs.) S. Kantha	]Former Vice-Chancellor, ]Rajiv Gandhi University of Health ]Sciences, Bangalore and ]Member, Adhoc Committee ]appointed by the Hon'ble Supreme ]Court
Dr. D.K. Sharma	]Former Professor & Head, ]Department of Paediatrics, ]L.L.R.M. Medical College, ]Meerut
Dr. P.K. Sur	]Director, ]I.P.G.M.E.R., ]Kolkatta.
Dr. Mukesh Kr. Sharma	]Deptt. of General Surgery, ]S.M.S. Medical College, ]Jaipur
Dr. Nitin S. Vora	]Director, ]ESIC, Govt. of Gujarat
Lt.Col. (Retd.) Dr. A.R.N. Setalvad	- ]Secretary

The apologies for absence were received from Prof. N. Rangabhashyam, Adhoc Committee member and Dr. J.R. Kher, Dr. B.C. Das and Dr. G.B. Gupta, members of the Executive Committee.

**1. Minutes of the Executive Committee Meeting held on 12.11.2005 – Confirmation of.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council confirmed the minutes of the meeting of the Executive Committee held on 12<sup>th</sup> November, 2005.

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

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the action taken by the office on the various items included in the agenda of the Executive Committee meeting held on 12<sup>th</sup> November, 2005 with the following observations/modifications:-

Item No. 9: Establishment of new medical college at Muzaffarnagar by Fateh Chand Charitable Trust.

Item No.10: Establishment of new medical college at Jadcherla, Mahabubnagar Distt. A.P. by Governing Council of the Conference of the Mennonite Brethern Church of India.

Item No. 18: Increase of MBBS seats from 50 to 100 at Shri Guru Ram Das Institute of Medical Sciences & Research, Amritsar-Permission of Central Government-Regarding.

The action taken be read as "the inspection has been postponed at the request of the college and are being placed as agenda item in this meeting."

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

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the list of pending items arising out of the decision of the Executive Committee with the following observations -

- (a) The office was directed to arrange for the inspection of the colleges after giving them a final deadline and also specifying that no further extension would be granted and to carry out the inspection after the extended deadline is over without any further notice or extension.
- (b) The office shall arrange for the meetings of the Sub-Committees before the end of January, 2006 and the Sub-Committees be requested to submit their final report before end of February, 2006.

## 4. List of medical colleges where the Central Govt. had granted permission/renewal of permission in contravention of decision of Executive Committee not to grant permission/renewal of permission.

Read: List of medical colleges where the Central Govt. had granted permission/renewal of permission in contravention of decision of Executive Committee not to grant permission/renewal of permission.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council directed the office to ascertain from the Central Government further progress in the matter and decided to place the facts before the Council Advocate for further necessary action in the matter.

## 5. Establishment of new medical college at Warangal by Medicare Educational Trust, Warangal u/s 10A of the I.M.C. Act, 1956.

Read: The Council Inspectors report (22<sup>nd</sup> & 23<sup>rd</sup> Nov., 2005) for Establishment of new medical college at Warangal by Medicare Educational Trust, Warangal u/s 10A of the I.M.C. Act, 1956.

This item is discussed alongwith item no. 69.

**6. Establishment of new medical college at Jadavpur by K.P.C. Medical College & Hospital Society, Kolkata u/s 10A of the I.M.C. Act, 1956.**

Read: The Council Inspectors report (22<sup>nd</sup> & 23<sup>rd</sup> Nov., 2005) for Establishment of new medical college at Jadavpur by K.P.C. Medical College & Hospital Society, Kolkata u/s 10A of the I.M.C. Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (22<sup>nd</sup> & 23<sup>rd</sup> Nov., 2005) and noted the following :

1. The affiliated teaching Hospital will be housed in the building of existing TB Hospital which is managed by the Govt. of West Bengal and hence it is not functional. As per the Govt. of West Bengal, Department of Health & F.W. MS Branch GN-29, Sector V, Salt Lake City, Kolkata – 700 091 vide letter no. HF/O/MS/W-119/04 dated 27.05.2004, the TB Hospital will be shifted in other existing building after renovation. The society will make necessary repair and alteration in the K.S. Roy T.B. Hospital buildings which is necessary for setting up the said Medical college & Hospital.
2. The K.S. Roy T.B. Hospital is functioning in the building which is earmarked for the Medical College Hospital which is managed by the Govt. of West Bengal.
3. Dr. M.S. Seal is the Medical Superintendent of KPC Medical College & Hospital. He is MS (1973 Gen. Surgery), FRCS 1974 and he has no administrative experience. He is not qualified for the post of Medical Superintendent as per Minimum Qualifications for Teachers in Medical Institutions Regulations.
4. Teaching and other facilities are not available, as the Medical College & Hospital are not yet established.
5. Clinical Material is not available, as the teaching hospital is not yet established.
6. Except Principal, no teaching faculty is appointed. The shortage of teaching faculty is 88%.
7. Other deficiencies/remarks are in the report.

In view of above, whereby it has been found that the applicant has failed to fulfill the mandatory and statutory pre-condition laid down in the Establishment of Medical College Regulations, 1999 of having a functional hospital of 300 beds and the functional hospital has not yet been established, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. to disapprove the scheme for establishment of medical college at Jadavpur by K.P.C. Medical College & Hospital, Kolkata u/s 10A of the IMC Act, 1956.

**7. Establishment of new medical college at Srinagar, Pauri Garhwal by Govt. of Uttaranchal u/s 10A of the I.M.C. Act, 1956.**

Read: The Council Inspectors report (22<sup>nd</sup> & 23<sup>rd</sup> Nov., 2005) for Establishment of new medical college at Srinagar, Pauri Garhwal by Govt. of Uttaranchal u/s 10A of the I.M.C. Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report on 22<sup>nd</sup> – 23<sup>rd</sup> November, 2005 and noted the following:-

1. a) Dean /Principal is yet to be appointed.  
b) The shortage of teaching faculty is 68% as under :-
  - i) Professor - 5 (1 Anatomy, 1 Physiology, 1 Biochemistry, 1 General Medicine, 1 Gen. Surgery)
  - ii) Associate Professor – 13 (2 Anatomy, 2 Physiology, 1 Biochemistry, 1 Pharmacology, 1 Pathology, 1 Microbiology, 1 Paediatrics, 1 Orthopaedics, 1 OBG, 1 Anaesthesia, 1 Radio-diagnosis)
  - iii) Assistant Professor – 15 (3 Anatomy, 2 Physiology, 1 Biochemistry, 1 Forensic Medicine, 1 Comm. Medicine, 1 Gen. Medicine, 1 Gen. Surgery, 1 ENT, 1 Ophthalmology, 1 OBG, 1 Anaesthesia, 1 Radio-diagnosis)
  - iv) Tutor – 16 (4 Anatomy, 4 Physiology, 2 Biochemistry, 1 Pharmacology, 1 Microbiology, 1 Forensic Medicine, 1 Comm. Medicine, 1 Anaesthesia, 2 Radio-diagnosis)

- c) The shortage of Residents is 72% as under :-
- i) Senior Residents - 8
  - ii) Junior Residents – 20
2. Dr. S. R. S. Rana is the Medical Superintendent. He is DCH (Paediatrics 1991) and has 4 months of administrative experience as Superintendent. He is not qualified to hold the post of Medical Suptd. as per Minimum Qualifications for Teachers in Medical Institutions Regulations.
3. The Clinical material is grossly inadequate as under :-

	Daily Average	Day of Inspection
OPD Attendance	200	250
Bed Occupancy	50%	52%
Operative Work		
No. of major surgical operations		
No. of minor Surgical operations	2	3
No. of Normal deliveries	3	4
No. of Caesarian Section	5	4
	1	2
Radiological Investigations		
X-Ray	25	30
Ultrasonography	10	8
Special Investigations	-	-
CT Scan	2	4
Laboratory Investigations		
Biochemistry	20	25
Microbiology	10	12
Serology	3	4
Parasitology	6	8
Haematology	15	20
Histopathology	-	-
Cytopathology	-	-
Others	5	5

4. Registration and Medical Record Section is not computerized. There is no medical record department.
5. There are 3 operation theatres having total 3 tables. None of the OTs is having central oxygen & nitrous oxide supply and central suction.
6. Central sterilization department is not available.
7. Intercom is not available.
8. Central laundry is not available.
9. Para Medical Staff is grossly inadequate as under :-
- |                        |   |    |
|------------------------|---|----|
| Laboratory Technicians | : | 10 |
| Laboratory Assistants  | : | 05 |
| Laboratory Attendants  | : | 02 |
10. Nursing staff is inadequate as under :-
- |                        |   |     |
|------------------------|---|-----|
| Nursing Superintendent | : | 1   |
| Deputy Nursing Suptd.  | : | 1   |
| Matron                 | : | Nil |
| Asst. Nursing Suptd.   | : | 1   |
| Nursing Sisters        | : | 30  |
| Staff Nurses           | : | 10  |
11. OPD Services are run daily in one session. Space for teaching area is not available in any of the OPDs.

- 12. The photographs in the Declaration Forms are signed by Chief Suptd., who does not have the requisite degree and experience to be accepted as Medical Superintendent. They are not signed by Dean/Principal as he is not appointed.
- 13. The number and distribution of beds in the affiliated teaching hospital is adequate. But the basic fault in the design of wards of internal cubicles with glass partition should be corrected. Teaching areas and wardside laboratories should be developed.
- 14. Other deficiencies /remarks are in the main report.

In view of above, the members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Government not to issue Letter of Intent for establishment of new medical college at Srinagar, Pauri Garhwal by Govt. of Uttaranchal u/s 10A of the IMC Act,1956.

8. Establishment of new medical college at Rohilkhand Medical College & Hospital, Pilibhit by Rohilkhand Educational Charitable Trust, Bareilly u/s 10A of the I.M.C. Act, 1956.

Read: The Council Inspectors report (29<sup>th</sup> & 30<sup>th</sup> Nov., ,2005) for Establishment of new medical college at Rohilkhand Medical College & Hospital, Pilibhit by Rohilkhand Educational Charitable Trust, Bareilly u/s 10A of the I.M.C. Act, 1956.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the inspection report (29<sup>th</sup> & 30<sup>th</sup> Nov., 2005) and noted the following :

- 1. a) Dr. Niyaz Ahmed Ansari, MD (Pharmacology-1976) has got 28 years of teaching experience as Asst. Professor and Associate Professor in Pharmacology at GSVM Medical College, Kanpur and has been retired from the post of Associate Professor on 31<sup>st</sup> October 2005. He is not having any experience as Professor /Head of the Deptt. which is required as per MCI Norms. He has joined as Principal of the college on 01.11.2005 and he was the Principal on the 1<sup>st</sup> day of inspection i.e. 29<sup>th</sup> November 2005. He is not qualified for the post of Dean/Principal as per Minimum Qualifications for Teachers in Medical Institutions Regulations.
- b) Dr. D. K. Mittal, Ms (General Surgery – 1968) has got 33 years of teaching experience and has retired from the post of Professor and Head on 31<sup>st</sup> January 2003. He has worked as Professor for 17 years which includes Professor and Head experience of more than 10 years. The management of the college has appointed him as Principal vide letter order/APP/10 dated 15.11.2005 but he has joined as Principal only on 30<sup>th</sup> November 2005 (2<sup>nd</sup> day of inspection) due to personal reasons.
- c) The shortage of teaching staff is 27.27% as under :-
  - i) Professor : 1(Physiology)
  - ii) Associate Professor : 1 (Biochemistry)
- 2. Proposed teaching hospital has 300 beds, but various subjects and allied specialities and units displaying are yet to be done.
- 3. The Clinical material is grossly inadequate as under :-

	Daily Average	Day of Inspection
OPD Attendance	175	209
Casualty Attendance	6	7
Bed Occupancy	25%	17%
Operative Work		
No. of major surgical operations	.075	1
No. of minor Surgical operations	Registers are not	3
No. of Normal deliveries	maintained so far.	2

No. of Caesarian Section			1	
Radiological Investigations	OP	IP	OP	IP
X-Ray				
Ultrasonography	4	3	24	10
Special Investigations			5	10
CT Scan			-	
			-	
Laboratory Investigations				
Biochemistry				
Microbiology				
Serology				
Parasitology				
Haematology	15	8	18	10
Histopathology				
Cytopathology				
Others				

4. Operation register, Casualty Register, Investigation Register, Ward Register and Birth Register were not maintained.
5. Nursing Staff is grossly inadequate as under :-

Nursing Superintendent

:

1

Deputy Nursing Suptd.

:

Supervisor

:

2

Asst. Nursing Suptd.

:

-

Nursing Sisters

:

-

Staff Nurses

:

47

Total

:

50
6. The qualifications of Associate Professor in Biochemistry Deptt. is M.Sc., not from Medical Faculty, which is not as per MCI Norms.
7. Other deficiencies/remarks are in the report.

In view of above, the members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. not to issue Letter of Intent for establishment of new medical college at Pilibhit by Rohilkhand Educational Charitable Trust, Bareilly u/s 10A of the I.M.C. Act, 1956.

9. **Establishment of new medical college at Pondicherry by Pondicherry Medical College Society, Pondicherry u/s 10A of the I.M.C. Act, 1956.**

Read: The Council Inspectors report (29<sup>th</sup> & 30<sup>th</sup> Nov., ,2005) for Establishment of new medical college at Pondicherry by Pondicheery Medical College Society, Pondicherry u/s 10A of the I.M.C Act, 1956.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the inspection report (29<sup>th</sup> & 30<sup>th</sup> Nov., 2005) and noted the following :

1. Dr. S. S. Prabu, MBBS (1973), DTCD (1976) is the Medical Superintendent. He has no teaching experience and has 8 years of administrative experience. He is not qualified to hold the post of Medical Superintendent as per Minimum Qualifications for Teachers in Medical Institutions Regulations.
2. Only 150 beds are available at present in the proposed teaching hospital against the requirement of 300 beds as prescribed in the MCI Regulations and all of them belong to TB & Chest Medicine only, which is also not as per MCI Norms.

3. Clinical Material is grossly inadequate. There are only 200 to 220 OPD cases daily with 40 to 50 Microbiology investigations pertaining to TB & Chest Medicine. No other services are available.
4. Registration and Medical Record Section is not available.
5. Central Casualty Service is not available.
6. Clinical Laboratories : Only a Microbiology laboratory is available, one microbiologist and four technicians are working.
7. Intensive Care : One ICU ward with ten beds is available. There are no equipments available and ward is non-functional.
8. Labour room is not available.
9. Pharmacy is not available.
10. Intercom is not available.
11. Canteen is not available.
12. Para medical staff is grossly inadequate as under :-
 

Laboratory Technicians	:	4
Laboratory Assistants	:	Nil
Laboratory Attendants	:	2
13. Nursing staff is inadequate :-
 

Nursing Superintendent	:	1
Deputy Nursing Suptd.	:	Nil
Matron	:	Nil
Asst. Nursing Suptd.	:	Nil
Nursing Sisters	:	4
Staff Nurses	:	25
14. Principal is yet to be appointed.
15. No teaching staff has been appointed. The shortage of teaching faculty is 100%.
16. Other deficiencies/remarks are in the report.

In view of above, whereby it has been found that the applicant has failed to fulfill the mandatory and statutory pre-condition laid down in the Establishment of Medical College Regulations, 1999 of having a functional hospital of 300 beds, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. to disapprove the scheme for establishment of new medical college at Pondicherry by Pondicherry Medical College Society, Pondicherry u/s 10A of the I.M.C. Act, 1956.

**10. Establishment of new medical college at Bhatinda by Adesh Foundation Muktsar Punjab u/s 10A of the I.M.C. Act, 1956.**

Read: The Council Inspectors report (6<sup>th</sup> & 7<sup>th</sup> Dec. ,2005) for Establishment of new medical college at Bhatinda by Adesh Foundation Muktsar Punjab u/s 10A of the I.M.C. Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (06<sup>th</sup> & 07<sup>th</sup> Dec., 2005) and decided to recommend to the Central Govt. to issue Letter of Intent for establishment of new medical college at Bhatinda by Adesh Foundation Muktsar Punjab u/s 10A of the IMC Act, 1956 with an annual intake of 150 students for the academic session 2006-07.

11. **Increase of MBBS seats from 50 to 100 at M.G. M. Medical College, Jamshedpur.**

Read: The Council Inspector reports (30<sup>th</sup> Nov. & 1<sup>st</sup> Dec., 2005) for Increase of MBBS seats from 50 to 100 at M.G.M. Medical College, Jamshedpur.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the inspection report (30<sup>th</sup> Nov., & Ist Dec.,2005) and noted the following :

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

a) The shortage of teaching faculty is 20.5%

i) Professor- 1 (Biochemistry – 1)

ii) Associate Professor - 5 (Anatomy – 1, Physio. – 2, Ortho. – 1, Radio. – 1)

iii) Assistant Professor - 7 (Anatomy – 3, Bioche. – 1, Pharma. – 1, Anaes. – 1, Radio. –1)

iv) Tutor - 1 (Anatomy –1)

b) The shortage of Residents is 17 % as under :-

i) Sr. Resident 2

ii) Jr. Resident 5

c) There is no staff in the department of TB Chest, Psychiatry and Radio-diagnosis.

d) Teachers are not provided adequate space to sit and work.

2. There were no beds provided in the hospital in the TB Chest and Psychiatry departments. However students are posted in RIMPAS (Mental Hospital, Ranchi) for clinical training in psychiatry.

3. Clinical material is grossly inadequate as under :-
- |                                     | Daily | Average | Day of Inspection |
|-------------------------------------|-------|---------|-------------------|
| Bed occupancy%                      |       | 45%     | 58%               |
| Operative work                      |       |         |                   |
| Number of major surgical operations | 7     |         | 12                |
| Number of minor surgical operations | 80    |         | 432               |
| Number of normal deliveries         | 14    |         | 7                 |
| Number of caesarian Sections        | 2     |         | 1                 |
| <u>Radiological Investigations</u>  |       |         |                   |
| X-ray                               | 30    |         | 29                |
| Ultrasonography                     | 4     |         | 4                 |
| Special Investigations              | x     |         | x                 |
| C.T. Scan                           | x     |         | x                 |
| <u>Laboratory Investigations</u>    |       |         |                   |
| Biochemistry                        | 14    |         | 38                |
| Microbiology                        | -     |         | -                 |
| Serology                            | -     |         | -                 |
| Parasitology                        | 3     |         | 8                 |
| Haematology                         | 84    |         | 69                |
| Histopathology                      | -     |         | -                 |
| Cytopathology                       | -     |         | -                 |
| Others                              | 6     |         | 1                 |
- Note : Service Laboratories are in Medical College, but not functional.
4. The departmental libraries need to be upgraded.

5. Teaching areas are not provided in the OPD and wards.

6. There is no functioning statistical unit.

7. Adequate space is not available for all teaching activities in all the departments.



8. The hospital as well as college building are in a very bad shape requiring immediate face lift. Water is flowing from walls, furniture is broken and damaged. Equipments are very old and are not in order. Many rooms look like stores of condemned items.
9. Auditorium is not available.
10. Examination Hall is available with a capacity of 150 seats which is not as per MCI Norms. It is non-functional.
11. Common room for boys and girls are not available.
12. Total number of journals subscribed are 14 Indian and 19 foreign, which are inadequate as per MCI Norms.
13. Internet and medlar facilities are not available.
14. The three PHC's are not under the administrative and financial control of the college. No lecturer cum medical officer having M.D.{P.S.M.} is available. There is no labour room at RHTC.
15. Principal of MGM Medical College and Medical Director of TMH could not provide any letter / order by which either MCI and / or Central Govt. have granted permission to Tata Memorial Hospital to be used as a affiliating teaching hospital with Mahatama Gandhi Memorial.
16. Teaching facilities like patient couch, stools, x-ray, view box, examination tray, etc. are not provided in each room. Each speciality is not provided teaching areas. There is no separate injection room for male and female. There is one dressing room, no plaster room, no plaster cutting room, no
17. E.C.G. room, no audiometry room (soundproof & Air-conditioned), no immunization room.
18. Each ward is not provided with a duty doctor room or nurse duty room. Nursing stations are away from the wards and nursing supervision is not possible.
19. There is no pantry, examination / procedure room and teaching area in the wards.
20. There are no clinical demonstration areas in the wards.
21. There are no seminar halls in the major departments. All these areas have not been provided with audiovisual aids or other teaching facilities. Teaching facilities are not as per MCI norms.
21. Registration and Medical Record Section is not computerized. There are no separate clerks for indoor registration. It is not computerised and not cross linked with outdoor registration numbers. There is a medical record department. It is not computerized. It has only one clerk for record keeping. ICD X Classification of diseases is not followed for indexing. Follow up service is not available.
22. There is no central oxygen & no nitrous oxide supply and no central suction.
23. The intensive care areas are not available. Facilities and equipment in ICUs are not available.
24. There is one labour room with ten tables, which is not as per MCI Norms. The breakup of the beds is not done.
25. There are two static X-Ray units – (725 mA and 200 mA) which is inadequate as per MCI Norms. There is no bowl sterilizer, no glove inspection machine and no instrument washing machine in CSSD. There are no racks, trays and mixers. The receiving and distribution points are not separated. CSSD facilities and staff are inadequate and not as per MCI norms.
26. There is no EPABX. There are three incoming lines and no extension lines are provided. All the wards, O.T., O.I.D., offices and departments are not connected.
27. Paramedical staff is grossly inadequate as under :
 

Laboratory Technicians	:	Three
Laboratory Assistants	:	Three
Laboratory Attendants	:	Five
28. Nursing Staff is grossly inadequate as under :
 

Nursing Superintendent	:	NIL
Deputy Nursing Superintendent	:	NIL
Matron	:	NIL
Asstt. Nursing Superintendent	:	NIL
Nursing Sisters	:	Three
Staff nurses	:	Sixty eight
29. Other deficiencies/remarks are in the report.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. not to issue Letter of Intent for increase of MBBS seats from 50 to 100 at M.G.M. Medical College, Jamshedpur u/s 10A of the I.M.C. Act, 1956.

**12. Increase of MBBS seats from 100 to 150 at Kamineni Institute of Medical Sciences, Narketpally.**

Read: The Council Inspector reports (1<sup>st</sup> & 2<sup>nd</sup> Dec., 2005) for Increase of MBBS seats from 100 to 150 at Kamineni Institute of Medical Sciences, Narketpally.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (01<sup>st</sup> & 02<sup>nd</sup> Dec., 2005) and decided to recommend to the Central Govt. to issue Letter of permission for increase of MBBS seats from 100 to 150 at Kamineni Institute of Medical Sciences, Narketpally u/s. 10A of the IMC Act, 1956 for the academic session 2006-07.

**13. Increase of MBBS seats from 100 to 150 at Vijayanagar Institute of Medical Sciences, Bellary.**

Read: The Council Inspector reports (9<sup>th</sup> & 10<sup>th</sup> Dec., 2005) for Increase of MBBS seats from 100 to 150 at Vijayanagar Institute of Medical Sciences, Bellary.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (9<sup>th</sup> & 10<sup>th</sup> Dec., 2005) and noted the following :

1. The shortage of teaching staff is as under :-
  - a) Faculty - 27.4%
    - Professor : 2 (Biochemistry-1, RD-1)
    - Associate Professor – 18 (Anaesthesia-1, Physiology-4, Pharmacology-1, Pathology-1, Microbiology-1, FM-1, P&SM-1, Gen. Medicine – 1, Paediatrics-2, Tb & Chest-1, Psychiatry-1, Ophthalmology-1, Radio-diagnosis-2)
    - Assistant Professor – 23 (Anatomy-5, Physiology-1, Biophysics-1, Pathology-3, FM-1, P&SM-4, Paediatrics-2, Skin & VD-1, Psychiatry-1, Orthopaedics-1, Aneasthesia-1, RD-2)
    - Tutor : 12 (Anatomy – 1, Physiology-3, Biochemistry-1, Pharm. Chem-1, Microbiology-1, P& SM-5)
  - b) The shortage of Resident is as under :-
    - i) Sr. Resident : 17%, Orthopaedics – 1, Anaesthesia-3, Radiiodiagnosis-2)
    - ii) Jr. Resident – 12%, General Medicine – 2, TB & Chest-1, Psychiatry-3)
2. Examination hall is not available.
3. There is no separate hostel available for Residents.
4. Hostel accommodation for Nurses is inadequate.
5. Dr. Harsoor, MBBS (1978), MD (1987) is the Medical Superintendent of Govt HQ Hospital. He has 4 years of administrative experience. He is not qualified to hold the post of Medical Superintendent as per Minimum Qualifications for Teachers in Medical Institutions Regulations.
6. Distribution of beds is not as per Council recommendations as under :-

Speciality	Required Beds/Units	Present Beds/Units	Deficiency (if any)
Medicine & Allied Specialities			
General Medicine	120/4	120/4	Nil
Paediatrics	60/2	60/1	Def. of 1 unit
TB & Chest	20/1	30/0	No functional unit
Skin & VD	10/1	30/2	Nil
Psychiatry	10/1	20/0	No functional unit.
Total	220	260	
Surgery & Allied Specialities			
General Surgery	120/4	138/4	Nil
Orthopaedics	60/2	66/2	Nil
Ophthalmology	20/1	44/1	Deficiency of 1 Unit is not as per Council recommendations.
ENT	20/1	33/2	
Total	220	281	
Obstetrics & Gynaecology			
Obstetrics & ANC	60/2	150/5	
Gynaecology			
Total	500	500	Nil

7. There is no teaching area provided in Medicine OPD. Needle Destroyer is not available. TB & Chest OPD has got 2 rooms and no class room. There is a small classroom available with no black board and view box. Surgery OPD has got two common halls and 2 examination rooms and 3 cubicles. Only one dressing room is available and no minor OT is available. There is no teaching area provided in Orthopaedics and Paediatrics OPD. There is no teaching area provided in ENT OPD and no minor OT is available. There is an air-conditioned soundproof audiometry room available but no technician is available. There is no classroom available in OBG OPD.
8. One 30 bedded ward for the Paediatrics and 20 bedded ward for OBG and one 20 bedded Psychiatry ward are provided in the Medical College Hospital and they are non-functional.
9. Clinical Material is inadequate as under :-

	Daily Average	Day of Inspection
OPD Attendance	460 to 600	512
Casualty Attendance	20 to 25	16
Number of admissions /discharge	44/45	63/62
Bed Occupancy	80% to 90%	90%
Operative Work		
No. of major surgical operations	15 to 19	19
No. of minor Surgical operations	02 to 04	02
No. of Normal deliveries	-	
No. of Caesarian Section	-	
Radiological Investigations		
X-Ray	75 to 90	72
Ultrasonography	19 to 22	15
Special Investigations	04 to 06	04
CT Scan	08 to 10	08
Laboratory Investigations		
Parasitology	Nil	01
Haematology	110 to 130	140
Histopathology	5 to 8	04
Cytopathology	5 to 8	-

10. Central Oxygen supply and Central Suction are available for 4 beds only. No emergency equipments are available.
11. In Anatomy Department, the Demonstration rooms have a capacity of 60 seats only. Histology lab has a capacity of 60 seats only.
12. In Physiology Department, there is only one demonstration room available with the capacity of 50 seats. Each laboratory has got 30 seats only.
13. In Biochemistry Department, there is a deficiency of 1 Professor and 3 Tutors. Laboratory has got only 40 seats.
14. In Pharmacology Department, only one demonstration room with the capacity of 50 seats. Laboratories have got capacity of 40 only.
15. In Pathology Department, one demonstration room has less number of seats. Laboratories can accommodate 40 students only.
16. In Microbiology Department, only one Demonstration room is available.
17. In Forensic Medicine Deptt., there is only one demonstration room with 40 seats. The Laboratory has got only 30 seats capacity.
18. In Community Medicine Deptt., only one demonstration room is available in Comm. Medicine Deptt. Laboratory has a capacity of only 30 seats. Adequate Number of vehicles are not available.
19. Other deficiencies/remarks are in the report.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. not to issue Letter of Intent for increase of MBBS seats from 100 to 150 at Vijayanagar Institute of Medical Sciences, Bellary u/s 10A of the I.M.C. Act, 1956.

**14. Approval of Aarupadai Veedu Medical College & Hospital, Pondicheery for the award of MBBS degree granted by Pondicherry University, Pondicherry.**

Read: The Council Inspectors report (5<sup>th</sup> & 6<sup>th</sup> Dec., 2005) for approval of Aarupadai Veedu Medical College & Hospital, Pondicherry for the award of MBBS degree granted by Pondicherry University.

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 (5<sup>th</sup> & 6<sup>th</sup> Dec., 2005) and noted the following deficiencies:-

1. a) The shortage of teaching staff is 9.23% as under :-
  - i) Professor : 4 (Physiology 1, Medicine 1, Ophthalmology 1, Radio-diagnosis -1)
  - iii) Asst. Professor : 8 (Physiology - 1, Lecturer (Bio.)-1, Epidemiologist /Lect.- 1, RHTC-1, UHTC-1, Ophthalmology-1, Radio-diagnosis-2)
- b) The shortage of Residents is 15.78% as under :-
  - i) Sr. Resident : 12 (Medicine-3, TB & Chest-1, Psychiatry-1, Paediatrics-2, Surgery-1, Orthopaedics-1, ENT-1, OBG-2)
2. There are 3 manually operated registration counters, one for New cases (Male and Female), the other for Old cases (Male and Female & Senior Citizens) and third one is for indoor admissions. They are not computerized.
3. Waiting area outside the registration counters are not provided with Drinking water and Toilet facilities.
4. Clinical Material is inadequate in terms of Surgical workload and deliveries as under :-

	Daily Average	Day of Inspection
Operative Work		
No. of Major Surgical Operations	6	1
No. of Minor Surgical Operations	12	2
No. of Normal deliveries	2	-
No. of Caesarian Section	1	-

5. The OPD attendance submitted by the institution and the patients available in waiting area for registration do not match.
6. On randomly examining, the indoor patients by the inspection team (Physician, Surgeon and Gynaecologist) 20 to 25% of cases do not require indoor admissions.
7. In CSSD, two Horizontal and one vertical autoclaves are installed, which is inadequate as per Norms.
8. There is no ICCU.
9. The books in Departmental Libraries are inadequate as under
- TB & Chest

:

69
- Skin & VD

:

70
- Psychiatry

:

65
10. Other deficiencies/remarks are in the main report.

In view of above, the members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided not to approve Aarupadai Veedu Medical College & Hospital, Pondicherry for the award of MBBS degree granted by Pondicherry University.

15. **Approval of Alluri Sitarama Raju Academy of Medical Sciences, Elluru for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada.**

Read: The Council Inspectors report (9<sup>th</sup> & 10<sup>th</sup> Nov.,2005) for approval of Alluri Sitarama Raju Academy of Medical Sciences, Elluru for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada.

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 (9<sup>th</sup> & 10<sup>th</sup> Nov.,2005) and decided to recommend that Alluri Sitarama Raju Academy of Medical Sciences, Elluru be approved for the award of MBBS degree granted by N.T.R. University of Health Sciences, Vijayawada for the annual intake of 100 students.

16. **Approval of Bankura Sammilani Medical College & Hospital, Bankura for the award of MBBS degree granted by University of Calcutta for increase number of seats i.e. 50 to 100.**

Read: The Council Inspectors report (5<sup>th</sup> & 6<sup>th</sup> Dec., ,2005) for approval of Bankura Sammilani Medical College & Hospital, Bankura for the award of MBBS degree granted by Calcutta University for the increased number of seats i.e 50 to 100 alongwith the letter dated 15.7.2004 from the Joint Secretary, Govt. of India, Ministry of Health & F.W..

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (5<sup>th</sup> & 6<sup>th</sup> Dec., ,2005) alongwith the letter dated 15.7.2004 from the Joint Secretary, Govt. of India, Ministry of Health & F.W. and decided to recommend that Bankura Sammilani Medical College & Hospital, Bankura be approved for the award of MBBS degree granted by Calcutta University for the increased number of seats i.e. 50 to100.

**17. Katuri Medical College, Guntur- Renewal of permission for admission of 5<sup>th</sup> batch of students for the academic session 2006-2007.**

Read: The Council Inspectors report (29<sup>th</sup> & 30<sup>th</sup> Nov., 2005) for renewal of permission for admission of 5<sup>th</sup> batch of students for the academic session 2006-2007 at Katuri Medical College, Guntur.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (29<sup>th</sup> & 30<sup>th</sup> Nov., 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 5<sup>th</sup> batch of 100 students for the academic session 2006-07 at Katuri Medical College & Hospital, Guntur.

**18. Establishment of a new medical college at Lucknow by Sardar Patel Shikshan Samiti, Lucknow.**

Read: The application for establishment of a new medical college at Lucknow by Sardar Patel Shikshan Samiti, Lucknow alongwith the letter dated 23.11.2005 received from the Chairman of the Samiti.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the application for establishment of new medical college at Lucknow by Sardar Patel Shikshan Samiti, Lucknow and noted that the applicant has failed to submit the sale/lease deed of land as required to consider the application by the Council.

The Committee further noted that as per the schedule prescribed in the Regulations the Council has to send its recommendations to the Central Govt. for issue of Letter of Intent by 31<sup>st</sup> December. The members of the Adhoc Committee and of the Executive Committee also observed the judgement dated 12.1.2005 delivered by the Hon'ble Supreme court in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. in W.P. © Nos. 206 of 2004 wherein it was directed that:-

*"14.....time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.*

*15. time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.*

In view of above, whereby it has been found that the applicant has failed to submit the sale/lease deed of land and hence not fulfilled the qualifying criteria pertaining to owning and possessing of land, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return the applications to the Central Government recommending disapproval of scheme for establishment of new medical college at Lucknow by Sardar Patel Shikshan Samiti, Lucknow u/s 10A of the Indian Medical Council Act, 1956.

**19. Applications received u/s 10A of the IMC Act, 1956 from Govt. of India for Establishment of new medical colleges/increase of seats for the year 2006-2007- Request received from the colleges for carrying out the inspection after Dec., 2005 – Regarding.**

Read: The matter with regard to carrying out the inspection after Dec., 2005 for the applications received u/s 10A of the IMC Act, 1956 for establishment of new medical colleges and increase of MBBS seats.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the requests received from the authorities of the following medical colleges for carrying out inspection after December, 2005 beyond the last date prescribed in the Regulations for sending the recommendations of the Council to the Central Government for grant of LOI :-

**(a) Establishment of new medical colleges:-**

Establishment of new medical college at Pondicherry by Sri Lakshmi Ammal Educational Trust, Chennai-

**Requested to carry out the inspection in the month of Feb., 2006 for LOP.**

Establishment of new medical College at Kadappa, A.P. by Govt. of Andhra Pradesh-

**Requested to carry out the inspection in the month of April, 2006 both for LOI and LOP.**

Establishment of medical college at Saifai Etawa, U.P. by Govt. of Uttar Pradesh-

**Requested to carry out the inspection in the month of March, 2006 for LOP.**

Establishment of medical college at Jorhat by Govt. of Assam-

**Requested to carry out the inspection in the last week of April, 2006.**

Establishment of medical College at Barpeta by Govt. of Assam. –

**Requested to carry out the inspection in the last week of April, 2006.**

**(b) Increase of seats**

1. Mamata Medical College, Khammam 100 to 150.  
**Requested to carry out the inspection in the month of April, 2006 for LOI and LOP.**
2. Narayana Medical College, Nellore 100 to 150.  
**Requested to carry out the inspection end of the March, 2006.**
3. Medical College, Kottayam 100 to 150.  
**Requested to carry out the inspection in the month of April, 2006 for LOI and LOP.**
4. T.D. Medical College, Alapuzha 100 to 150.  
**Requested to carry out the inspection in the month of April, 2006 for LOI and LOP.**
5. Govt. Medical College, Thrissur 100 to 150.  
**Requested to carry out the inspection in the month of April, 2006 for LOI and LOP.**

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that as per schedule prescribed in the Regulations the Council has to send its recommendations to the Central Govt. for issue of Letter of Intent by **31<sup>st</sup> December**. The members of the Adhoc Committee and of the Executive Committee also observed the judgement dated 12.1.2005 delivered by the Hon'ble Supreme court in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. in W.P. © Nos. 206 of 2004 wherein it was directed that:-

**“14.....time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.**

**15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.**

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return the applications to the Central Government recommending disapproval of the scheme for establishment of new medical college/increase of MBBS seats u/s 10A of the Indian Medical Council Act, 1956.

**20. Health & Family Welfare Department-Medical Education Service-Establishment-Bifurcation of Clinical Psychology from Psychiatry-Reg.**

Read: The letter dated 20.10.005 received from the Additional Secretary, Govt. of Kerala, Health & Family Welfare Department seeking comments/views of the Council with regard to Bifurcation of Clinical Psychology from the Department of Psychiatry.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 20.10.2005 received from the Additional Secretary, Govt. of Kerala, Health & Family Welfare Department and noted that the statement made by Kerala Clinical Psychologists Association that there is a separate department of Clinical Psychology at A.I.I.M.S. is not factually correct. They also observed that clinical psychology is only a diagnostic arm and a Clinical Psychologist not being a medically trained person cannot be given independent charge of treating a patient and therefore decided that the Clinical Psychology cannot be bifurcated from the department of Psychiatry and further did not agree for establishment of independent Clinical Psychology OP and department or unit in the medical colleges.

**21. Conferment of autonomous status of Katihar Medical College, Katihar (Bihar).**

Read: The letter dated 7<sup>th</sup> Oct., 2005 received from the Joint Secretary, University Grant Commission with regard to conferment of autonomous status of Katihar Medical College, Katihar.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 7<sup>th</sup> Oct., 2005 received from the Joint Secretary, University Grant Commission and observed that there is no provision in the Indian Medical Council Act, 1956 or in the Regulations framed thereunder to grant autonomous status to a medical college and therefore decided that the No Objection Certificate to a medical college for grant of autonomous status cannot be issued as it is not permitted under the Indian Medical Council Act or its Regulations.

**22. Establishment of a new medical college at Jagdalpur, Chattisgarh by Govt. of Chattisgarh.**

Read: The Council Inspectors report (13<sup>th</sup> & 14<sup>th</sup> Dec., 2005) for Establishment of new medical college at Jagdalpur, Chattisgarh by Govt. of Chattisgarh u/s 10A of the I.M.C. Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report on 13<sup>th</sup> & 14<sup>th</sup> Dec., 2005 and noted the following:-

1. Dr. P.N. Kothari is the Medical Superintendent. He possesses Diploma in Ophthalmology (1980) and has no administrative experience. He is not qualified to hold the post of Medical Superintendent as per Minimum Qualifications for Teachers in Medical Institutions Regulations.
2. Each speciality is provided one room for examination of patients and accommodation for the doctors. No teaching areas have been provided in any of the OPD. There is a common injection room for male and female. Audiometry room is not available.
3. There is a common registration counter for O.P.D. cases in O.P.D. It is not computerized. Indoor registration counter is in causality. It is not computerised and not cross linked. There is a medical record department. It is not computerised and has inadequate staff.
4. Total four beds are available in casualty area. No Central oxygen supply, central suction, defibrillator, pulse oximeter, ambu bag, and disaster trolley etc. are available.
5. There is no central sterilization department.
6. Central laundry is manual.
7. Para medical staff is inadequate as under:

Laboratory Technicians: 8  
Laboratory Assistants: -  
Laboratory Attendants: 6



8. Nursing Staff is inadequate as under: -

Nursing Superintendent	:	one post vacant
Deputy Nursing Superintendent	:	-
Matron/Asst. Nursing Supdt.	:	2
Nursing Sisters	:	14
Staff nurses	:	49

9. Three Readers, one each in Anatomy, Physiology & Biochemistry are not available at this stage. The shortage of teaching faculty is more than 25% required at this stage.
10. One Medical Superintendent though available is not qualified for the post as per MCI norms.
11. Other deficiencies/remarks are in the report.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. not to issue Letter of Intent for establishment of new medical college at Jagdalpur by Govt. of Chhattisgarh u/s. 10A of the IMC Act, 1956.

23. **Excess admission done by Govt. Medical College, Jammu for the academic year 2005-2006.**

Read: The matter with regard to excess admission done by Govt. Medical College, Jammu for the academic year 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided that action under section 10B of the Indian Medical Council Act, 1956 be initiated in respect of four excess admissions at Govt. Medical College, Jammu.

24. **Excess admission done by Govt. Medical College, Srinagar for the academic year 2005-2006.**

Read: The matter with regard to excess admission done by Govt. Medical College, Srinagar for the academic year 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to obtain the legal opinion and directed the office to take action in accordance with the legal opinion.

25. **Excess admission done by various Govt. Medical Colleges in the State of Tamilnadu in the academic year 2005-2006.**

Read: The matter with regard to excess admission done by various Govt. Medical Colleges in the State of Tamilnadu in the academic year 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the excess admissions done by various Govt. Medical Colleges in the State of Tamilnadu in the academic year 2005-2006 and decided that the Council Advocate may be asked to request the Hon'ble Supreme Court for early disposal of the case.

26. **Admission of 1<sup>st</sup> year MBBS students at Narayana Medical College, Nellore in excess of 15% NRI quota in the academic year 2005-2006.**

Read: The matter with regard to admission of 1<sup>st</sup> year MBBS students at Narayana Medical College, Nellore in excess of 15% NRI quota in the academic year 2005-2006 alongwith the order passed by the Hon'ble Supreme Court in the case of State of West Bengal Vs. Chayan Kumar Roy passed in SLA (Civil) No. 21532-51534/2004.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the order passed by the Hon'ble Supreme Court permitting only 15% admissions under NRI quota in the case of State of West Bengal Vs. Chayan Kumar Roy passed in SLA (Civil) No. 21532-51534/2004 and other similar cases, decided that Narayana Medical College, Nellore could not have made more than 15 admissions in the NRI category. Therefore, as 10 students have been admitted in excess in the NRI category, the college should be required to ensure that it shall not make more than 5 admission in the NRI category in the next academic year i.e. 2006-07, so as to offset the undue advantage gained by admitting 10 students in the NRI category in excess of permissible 15% intake of 15 seats in any given academic year.

**27. Admission of 1<sup>st</sup> year MBBS students at Kasturba Medical College, Manipal in excess of 15% NRI/Foreign/PIO quota in the academic year 2005-2006.**

Read: The matter with regard to admission of 1<sup>st</sup> year MBBS students at Kasturba Medical College, Manipal in excess of 15% NRI/Foreign/PIO quota in the academic year 2005-2006 alongwith the decision of the Executive Committee at its meeting held on 31.1.2005 and the order passed by the Hon'ble High Court of Karnataka in Writ Petition No. 12673/2005.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that Kasturba Medical College, Manipal has made 66 admissions in the NRI category during the academic year 2005-06.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further observed that at its meeting held on 31.1.2005, the matter with regard to the excess admissions made by the college under the category of NRI/Foreign/PIO for the academic year 2004-05 in violation of the Hon'ble Supreme Court order alongwith the opinion of the Council Advocate was discussed wherein 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 deliberated upon the issue at length and decided to act in accordance with one of the option given in the opinion of the Council Advocate that the Council would be required to consider that Manipal Academy of Higher Education could not have made more than 37 admissions in the NRI category in each of its medical colleges and comes to the conclusion that 103 students have been admitted in excess in the NRI category in Kasturba Medical College, Manipal, the Academy should be required to ensure that it shall not make any admission in the NRI category in the next 3 academic years i.e. 2005-06 (37 seats), 2006-07 (37 seats) and 2007-08 (29 seats) in Kasturba Medical College, Manipal so as to off-set the undue advantage gained by it by admitting 103 students in the NRI category in excess of permissible 15% intake of 37 seats in any given academic year.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further decided that similar decision should also be made applicable *mutatis mutandis* in respect of other colleges where it has been observed that the college has made admissions in excess of permissible 15% intake in the NRI category. In all such cases, the college/institute should be required to ensure that it shall adjust the admissions in the NRI category to the extent the admissions in excess of permissible 15% intake have been made under NRI quota in any given academic year."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further observed that Manipal Academy of Higher Education has filed a Writ Petition in the Hon'ble High Court of Karnataka bearing no. 12673/2005. The Hon'ble High Court of Karnataka has passed the following order in the said petition, the operative part of which reads as under:-

*".....keeping in mind that the first petitioner is a University and it has been admitting students under NRI quota at 25% of the total intake permitted in both the colleges put together, we are of the view that it will be in the interest of justice to permit the University to admit under NRI quota upto 25% for the academic year 2005-2006 only in both the colleges put together, with the further condition that in the event of the petitioners failing in the writ petition, the admission made for the academic year 2005-2006 and the excess seats already notified should be adjusted either in the academic years 2006-2007, 2007-2008, 2008-2009 or in any one of those years subject to the appropriate direction that may be given by this Court at the time of final disposal of this petition.....".*

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 even as per the orders of the Hon'ble High Court of Karnataka, Manipal Academy of Higher Education could not have made more than 63 admissions in the NRI category at Kasturba Medical College, Manipal. Thus, the college has made three admissions in excess under the category of NRI/Foreign/PIO quota during the academic year 2005-06.

It was further decided that the Academy should be required to ensure that it shall not make any admission in the NRI/Foreign/PIO category in the academic year 2007-08 by further three seats so as to off-set the undue advantage gained by it by admitting in NRI category in excess than 25% permitted by the above cited order of Hon'ble High Court of Karnataka in W.P. No. 12673/2005.

**28. Admission of 1<sup>st</sup> year MBBS students at Kasturba Medical College, Mangalore in excess of 15% NRI/Foreign/PIO quota in the academic year 2005-2006.**

Read: The matter with regard to admission of 1<sup>st</sup> year MBBS students at Kasturba Medical College, Mangalore in excess of 15% NRI/Foreign/PIO quota in the academic year 2005-2006 alongwith the decision of the Executive Committee at its meeting held on 31.1.2005 and the order passed by the Hon'ble High Court of Karnataka in Writ Petition No. 12673/2005.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that Kasturba Medical College, Manglore has made 59 admissions in the NRI category during the academic year 2005-06.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council observed that at its meeting held on 31.1.2005, the matter with regard to the excess admissions made by the college under the category of NRI/Foreign/PIO for the academic year 2004-05 in violation of the Hon'ble Supreme Court order alongwith the opinion of the Council Advocate was discussed wherein 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 deliberated upon the issue at length and decided to act in accordance with one of the option given in the opinion of the Council Advocate that the Council would be required to consider that Manipal Academy of Higher Education could not have made more than 37 admissions in the NRI category in each of its medical colleges and comes to the conclusion that 103 students have been admitted in excess in the NRI category in Kasturba Medical College, Manipal, the Academy should be required to ensure that it shall not make any admission in the NRI category in the next 3 academic years i.e. 2005-06 (37 seats), 2006-07 (37 seats) and 2007-08 (29 seats) in Kasturba Medical College, Manipal so as to off-set the undue advantage gained by it by admitting 103 students in the NRI category in excess of permissible 15% intake of 37 seats in any given academic year.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further decided that similar decision should also be made applicable *mutatis mutandis* in respect of other colleges where it has been observed that the college has made admissions in excess of permissible 15% intake in the NRI category. In all such cases, the college/institute should be required to ensure that it shall adjust the admissions in the NRI category to the extent the admissions in excess of permissible 15% intake have been made under NRI quota in any given academic year."

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further observed that Manipal Academy of Higher Education has filed a Writ Petition in the Hon'ble High Court of Karnataka bearing no. 12673/2005. The Hon'ble High Court of Karnataka has passed the following order in the said petition, the operative part of which reads as under:-

".....keeping in mind that the first petitioner is a University and it has been admitting students under NRI quota at 25% of the total intake permitted in both the colleges put together, we are of the view that it will be in the interest of justice to permit the University to admit under NRI quota upto 25% for the academic year 2005-2006 only in both the colleges put together, with the further condition that in the event of the petitioners failing in the writ petition, the admission made for the academic year 2005-2006 and the excess seats already notified should be adjusted either in the academic years 2006-2007, 2007-2008, 2008-2009 or in any one of those years subject to the appropriate direction that may be given by this Court at the time of final disposal of this petition.....".

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 as the number of admissions made under NRI/Foreign/PIO category made by the Academy i.e. 59 admissions are less than those permitted by the Hon'ble High Court of Karnataka in W.P. No. 12673/2005, no further action in respect of these admissions is required.

**29. Admission of 1<sup>st</sup> year MBBS students made by various medical colleges/institutions in excess of 50% Management Quota for the academic year 2005-2006.**

Read: The matter with regard to admission of 1<sup>st</sup> year MBBS made by various medical colleges/institutions in excess of 50% Management Quota for the academic year 2005-2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council perused the names of the Medical Colleges/Institutions those have admitted students in excess of its 50% management quota and after detailed deliberations decided that suitable communication be sent to concerned State Governments for the respective medical colleges/institutions where the admissions have been made by them in excess of their management quota for the academic year 2005-06 by calling upon them to correspondingly reduce the admissions in the management quota for those medical colleges for the academic year 2006-07 and for corresponding increased allocation of the free seat candidates by the concerned State Govt., for the academic year 2006-07 in those medical colleges/institutions so as to set-off the undue advantage gained by those medical colleges/institutions by making excess admissions in the management quota for the academic year 2005-06.

**30. Approval of Minutes of the meeting of the Teachers Eligibility Qualification Sub-Committee held on 23<sup>rd</sup> August, 2005.**

Read: The minutes of the Teachers Eligibility Qualification Sub-Committee held on 23<sup>rd</sup> Aug., 2005.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the minutes of the Teachers Eligibility Qualification Sub-Committee held on 23<sup>rd</sup> Aug., 2005.

**31. Clarification as requested by Secretary, Tripura Complementary Medical Association.**

Read: The clarification as requested by Secretary, Tripura Complementary Medical Association vide letter dated 28.7.2005 alongwith the recommendation of Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following decision of the Ethics Committee taken at its meeting held on 6<sup>th</sup> and 7<sup>th</sup> October, 05:-

*"The Ethics Committee noted that the council has received a letter dated 28.07.2005 from Secretary, Tripura Complementary medical Association, Tripura which is as follows:-*

*"To practice alternative / complementary – Medicine Registration Medical Council of India is required, can the Alternatice/ complementary medical Practitioner prescribe 42 (Essentials Drugs) can the practitioner of Alternative/complementary medicine use can suffix "Doctor" before their names."*

*The Ethics Committee decided to reply the above mentioned questions as follows:*

*According to the Indian Medical Council (Professional Conduct, Etiquette and Ethics) Regulation, 2002 as amended from time to time and Regulations on Graduate medical Education, 1999, all doctors with qualification of MBBS (having registration) can practice allopathic medicines as mentioned in the above two documents and also can suffix Doctor before their names."*

**32. Clarification as requested by Dr. A.K. Sinha.**

Read: The clarification as requested by Dr. A.K. Sinha alongwith the recommendation of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council deliberated upon the matter at length and observed that the Ethics Committee after detailed deliberations had earlier clarified as under:-

*"A physician shall not claim to be specialist unless he has special qualification in that branch. The special qualification means degree/diploma in the concerned speciality. However, this provision does not debar a doctor having proper documented/certified adequate training/exposure in an institution recognised by MCI thereby gaining, competency and experience to work in any particular discipline/branch where he has got special interest."*

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 a doctor who has a

degree of MS (General Surgery) and three years experience in Neurosurgery as Senior Resident in GB Pant Hospital, New Delhi and more than one year experience in the Neurosurgery in Sir Ganga Ram Hospital, New Delhi but does not possess any degree in Neuro-Surgery cannot claim to be a Neuro-Surgeon. However, in view of his experience in the speciality, he can perform Neuro-Surgical operations within his competence.

**33. Clarification as requested by Dr. R.C. Purohit(F.No.496/2005).**

Read: The clarification as requested by Dr. R.C. Purohit alongwith the recommendation of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following decision of the Ethics Committee taken at its meeting held on 28<sup>th</sup> and 29<sup>th</sup> November, 2005:-

*The Ethics Committee has gone through the request for clarification with regard to the rules for Pathology Laboratories by Dr. R.C. Purohit.*

*In this context, the Ethics Committee felt that the decision it has taken in its meeting held on 24-25 July 2002 is pertinent in this case and hence the same reply may be sent, which reads as under:-*

*"The Ethics Committee has gone through the letter of Dr. R.C. Purohit and decided that a Pathology laboratory can only be opened by trained Registered Medical Practitioner, who has registered qualifications as included in the Schedule of IMC, 1956"*

*The reference is hereby given to another decision of the Ethics Committee taken at its meeting held on 26-28 August 2004, Item No. 46, wherein it was held that Pathology laboratories do not come under the purview of MCI, however the Pathology report has to be signed by a Registered doctor.*

*The Ethics Committee decided to communicate this decision to Dr. R.C. Purohit."*

**34. Clarification as requested by Dr. V. Raveenthiran.**

Read: The clarification as requested by Dr. V. Raveenthiran alongwith the recommendation of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following decision of the Ethics Committee taken at its meeting held on 28<sup>th</sup> and 29<sup>th</sup> November, 2005:-

*The Ethics Committee noted that Dr.D.K. Gupta, Professor & Head, Deptt. of Peadiatric Surgery, AIIMS, New Delhi has sent his comments alongwith recommendations of the Curriculum Committee 1998 for M.Ch. Pead. Programme in India.*

*The Ethics Committee further noted that we have received a reply from PGIMER, Chandigarh. After due deliberations, the Ethics Committee was of the opinion that all the conditions mentioned by Dr.Raveenthiran are congenital and the speciality of Pead. Surgery usually deals with congenital malformation in children.*

*In view of above, Dr. Raveenthiran is qualified to treat the above condition mentioned by him as M.Ch. Pead. Surgery. The above mentioned decision may be communicated to Dr. Raveenthiran."*

**35. Complaint against Dr. Sushil Mathur & Dr. D.K. Gupta Birla Vikas Hospital, Satna as alleged by Dr. Sudhir Singh.(F.No. 262/2004).**

Read: The complaint against Dr. Sushil Mathur & Dr. D.K. Gupta Birla Vikas Hospital, Satna as alleged by Dr. Sudhir Singh alongwith the recommendation of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following decision of the Ethics Committee taken at its meeting held on 28<sup>th</sup> and 29<sup>th</sup> November, 2005:-

*"The Ethics Committee considered the complaint against Dr. Sushil Mathur & Dr. D.K. Gupta, Birla Vikas Hospital, Satna as alleged by Dr. Sudhir Singh and noted the letter dated 4.9.2005 from Chief Administrator of Birla Vikas Hospital alongwith some documents. However, from the record, it is found that Medical Director, Dr. S.K. Maheshwari in his letter dated 24.4.2004 has issued a letter to Dr.Sushil*

*Mathur and appointment order wherein Dr. Mathur has been engaged as an Observer with a stipend of Rs.5000/- per month.*

*In view of above, Ethics Committee was of the unanimous opinion that the services of the above mentioned two persons Dr.Sushil Mathur & Dr. D.K. Gupta were utilized by Birla Vikas Hospital, Satna as they were issued an appointment letter and they were paid a monthly stipend of Rs.5000/- per months.*

*The Ethics Committee further decided to ask the hospital authorities how they could employ unregistered medical person in their hospital (from the Indian Medical Register, these two person's name were not found neither in MCI nor in any State Medical Council). A copy of the same may be sent to the complainant."*

**36. Compliant against Management of Dayanand Medical College and Hospital, Ludhiana as alleged by Executive Member, Society for Medical Ethics (Regd.) (F.No.406/2005).**

Read: The complaint against Management of Dayanand Medical College and Hospital, Ludhiana as alleged by Executive Member, Society for Medical Ethics alongwith the recommendation of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council observed that this is a matter which has wider ramifications and therefore decided that persons with wider experience and associations like I.M.A. and other professional bodies may also be involved in the consultative process and directed the office to initiate a consultative process including them and also inform the Council Advocate at Chandigarh accordingly.

**37. Appeal against the order passed by Andhra Pradesh Medical Council on the complaint made by Mr. S. Sainni Babu against doctors of Care Hospital, Visakhapatnam.(F.No.348/2004).**

Read: The appeal against the order passed by Andhra Pradesh Medical Council on the complaint made by Mr. S. Sainni Babu against doctors of Care Hospital, Visakhapatnam alongwith the recommendation of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following decision of the Ethics Committee taken at its meeting held on 28<sup>th</sup> and 29<sup>th</sup> November, 2005:-

*"The Ethics Committee noted the earlier decision of the Ethics Committee taken at its meeting held on 11<sup>th</sup> and 12<sup>th</sup> August, 2005 wherein the Committee after thorough inquiry and study has come to the final decision in this case and has communicated the said decision to the complainant as well as to Andhra Pradesh Medical Council. After that decision Mr. S. Sainni Babu has again on 3.10.2005 written a letter to the Ethics Committee reiterating the old complaint only and asking for punishment i.e. suspension of Dr. P.V. Satyanarayana from private practice. The Committee further noted that he has not provided any new evidence or complaint in this case.*

*Therefore, the Ethics Committee feels that there is no point of taking up this complaint again and decided that the matter may be dropped and the file may be treated as closed."*

**38. Clarification with regard to rules for Pathology Laboratories.(F.No.463/2005).**

Read: The letter dated 7.9.2005 received from the President, Indian Medical Association, Khandwa seeking clarification with regard to rules for Pathology Laboratories alongwith the recommendation of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following decision of the Ethics Committee taken at its meeting held on 28<sup>th</sup> and 29<sup>th</sup> November, 2005:-

*"The Ethics Committee has gone through the request for clarification with regard to the rules for Pathology Laboratories by President and Secretary, Indian Medical Association, Khandwa, Madhya Pradesh.*

*In this context, the Ethics Committee felt that the decision it has taken in its meeting held on 24-25 July 2002 is pertinent in this case and hence the same reply may be sent, which reads as under:-*

*"The Ethics Committee has gone through the letter of President and Secretary of Indian Medical Association, Khandwa and decided that a Pathology laboratory can only be opened by trained Registered Medical Practitioner, who has registered qualifications as included in the Schedule of IMC, 1956"*

*The reference is hereby given to another decision of the Ethics Committee taken at its meeting held on 26-28 August 2004, Item No. 46, wherein it was held that Pathology laboratories do not come under the purview of MCI, however the Pathology report has to be signed by a Registered Doctor.*

*The Ethics Committee decided to communicate this decision to the Indian Medical Association, Khandwa Branch."*

**39. Selection for the post of Joint Secretary in the office of the Medical Council of India.**

Read: The recommendation of the Selection Committee for the post of Joint Secretary in the office of the Medical Council of India.

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 Selection Committees which met in the Council Office on 6.12.2005 to select Dr.P. Prasannaraj, Prof. & HOD of Community Medicine, JSS Medical College, Mysore, Karnataka for the post of Joint Secretary in the pay scale of Rs. 14,300-400-18,300.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further directed the office to issue the appointment order to the selected candidate Dr.P. Prasannaraj, Prof. & HOD of Community Medicine, JSS Medical College, Mysore for the post of Joint Secretary immediately.

**40. Selection for the post of Deputy Secretary(Medical) in the office of the Medical Council of India.**

Read: The recommendation of the Selection Committee for the post of Deputy Secretary(Medical) in the office of the Medical Council of India.

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 Selection Committees which met in the Council Office on 6.12.2005 that no candidate was found suitable for the post of Deputy Secretary (Medical) and therefore none was selected.

**41. Selection for the post of Whole Time Inspector in the office of the Medical Council of India.**

Read: The recommendation of the Selection Committee and the report of Dr. (Mrs.) S. Kantha, member, Adhoc Committee for the post of Whole Time Inspector in the office of the Medical Council of India.

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 Selection Committees which met in the Council Office on 6.12.2005 to select Dr. Kamlesh Kohli, New Delhi for the post of Whole Time Inspector in the pay scale of Rs. 18,400-500-22,400.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further directed the office to issue the appointment order to the selected candidate Dr. Kamlesh Kohli, New Delhi for the post of Whole Time Inspector immediately.

**42. Issue of certificate to Dr. A.S. Nayyer, Deputy Secretary by Shri Ranvir Singh, Assistant Secretary.**

Read: The issue of certificate to Dr. A.S. Nayyer, Deputy Secretary by Shri Ranvir Singh, Assistant Secretary.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council took a very serious note of the matter and directed the Secretary to call Shri Ranvir Singh in the meeting. Shri Ranvir Singh explained that the

certificate was brought to him under the pretext that it is required to be produced in a Bank and as the request was made by his superior officer, he could not refuse on the spur of the moment and also apologized for issuing such a certificate and further stated that such an incident would not recur. In view of the explanation and the apology tendered by Shri Ranvir Singh in the meeting and also in view of the fact that this was first such offence committed by Shri Ranvir Singh, he was rebuked by the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council and a warning be issued to Shri Ranvir Singh, Asstt. Secretary that such a mistake should not be repeated in future.

**43. Request for acceptance of Technical Resignation of Mrs. Kavita Harish, L.D.C. who is on deputation to C.E.C. as Stenographer.**

Read: The request for acceptance of Technical Resignation of Mrs. Kavita Harish, L.D.C. who is on deputation to C.E.C. as Stenographer.

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 21.11.2005 of Consortium for Educational Communication, New Delhi proposing to absorb Mrs. Kavita Harish who is on deputation at C.E.C. for the post of Stenographer Grade I in the pay scale of Rs. 4000-100-6000 in their organisation and decided to accept the technical resignation of Mrs. Kavita Harish w.e.f. 30.11.2005 as per rules.

**44. Approval of the Minutes of Finance Committee Meeting held on 30<sup>th</sup> September, 2005.**

Read: The minutes of Finance Committee Meeting held on 30<sup>th</sup> September, 2005.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the minutes of Finance Committee Meeting held on 30<sup>th</sup> September, 2005.

**45. Compliant against Dr. Rashmi P. Bhavasar as alleged by Ms. Pooja Bhatt (F.No.433/2004).**

Read: The compliant against Dr. Rashmi P. Bhavasar as alleged by Ms. Pooja Bhatt alongwith the recommendation of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following decision of the Ethics Committee taken at its meeting held on 28<sup>th</sup> and 29<sup>th</sup> November, 2005:-

*"The Ethics Committee, after detailed enquiry and deliberation, including personal appearance of Dr. Rashmi P. Bhavasar and her recorded statement, had already come to final decision. The decision was communicated to the complainant as well as Dr. Rashmiben P. Bhavsar, Ahmedabad by letter dated 8.7.2005. On 21.09.2005, a letter was received by Ms. Pooja Bhatt of Lalita Devi Society, the original complainant in the subject "Mal Practice – Ethics Committee – against Medical Council Regulations 2002".*

*After going through the contents of the letter, it has been seen that no new issues have been raised by the complainant. As the case is already closed, the Ethics Committee feels that there is no need for any further action in this regard. Hence the Ethics Committee decided to drop this matter and the file may be treated as closed."*

**46. Establishment of new medical college at Kulasekhram, Tamilnadu by Padanilam Welfare Trust, Kulasekhram u/s 10A of the I.M.C. Act, 1956.**

Read: The Council Inspectors report (16<sup>th</sup> & 17<sup>th</sup> Dec., 2005) for Establishment of new medical college at Kulasekhram, Tamilnadu by Padanilam Welfare Trust, Kulasekhram u/s 10A of the I.M.C. Act, 1956.

The members of the Adhoc Committee appointed by the Hon'ble supreme Court and of the Executive Committee considered the inspection report (16<sup>th</sup> & 17<sup>th</sup> Dec., 2005) and decided to recommend to the Central Govt. to issue letter of Intent for establishment of new medical college at Kulasekhram, Kaniyakumari Distt. by Padanilam Welfare Trust, Kulasekhram u/s10A



of the Indian Medical Council Act, 1956 with an annual intake of 100 students for the academic session 2006-2007.

**47. N.R.I. Medical College, Guntur – Renewal of permission for admission of 4<sup>th</sup> batch of MBBS students for the academic session 2006-2007.**

Read: The Council Inspector's report (15<sup>th</sup> & 16<sup>th</sup> Dec. 2005) for renewal of permission for admission of 4<sup>th</sup> batch of MBBS students for the academic session 2006-2007.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (15<sup>th</sup> & 16<sup>th</sup> Dec., 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 4<sup>th</sup> batch of 150 students for the academic session 2006-07 at N.R.I. Medical College, Guntur.

**48. Sree Balaji Medical College & Hospital, Chennai-Renewal of permission for admission of 4<sup>th</sup> batch of MBBS students for the academic session 2006-2007.**

Read: The Council Inspector's report (15<sup>th</sup> & 16<sup>th</sup> Dec. 2005) for renewal of permission for admission of 4<sup>th</sup> batch of MBBS students for the academic session 2006-2007.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the inspection report (15<sup>th</sup> & 16<sup>th</sup> Dec., 2005) and decided to recommend to the Central Govt. to renew the permission for admission of 4<sup>th</sup> batch of 100 students for the academic session 2006-07 at Sree Balaji Medical College & Hospital, Chennai.

**49. Establishment of new medical college at Muzaffarnagar by Fateh Chand Charitable Trust-Request received for postponement of LOI inspection.**

Read: The request received from the Chairman, Fateh Chand Charitable Trust for postponement of LOI inspection.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the council noted that the inspection for grant of Letter of Intent (LOI) was arranged to be carried out by the Council Inspectors on 20<sup>th</sup> & 21<sup>st</sup> Dec., 2005. However, the Chairman, Fateh Chand Charitable Trust vide letter dated 17.12.2005 has requested to conduct the inspection for grant of Letter of Permission in the 4<sup>th</sup> week of April, 2006.

The Committee further noted that as per the schedule prescribed in the Regulations the Council has to send its recommendations to the Central Govt. for issue of Letter of Intent by **31<sup>st</sup> December**. The members of the Adhoc Committee and of the Executive Committee also observed the judgement dated 12.1.2005 delivered by the Hon'ble Supreme court in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. in W.P. © Nos. 206 of 2004 wherein it was directed that:-

**“14.....time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.**

**15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.**

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return the application to the Central Government recommending disapproval of scheme for establishment of new medical college at Muzaffarnagar by Fateh Chand Charitable Trust u/s 10A of the Indian Medical Council Act, 1956.

**50. Establishment of new medical college at Kannur by Prestige Educational Trust-Request received for postponement of LOI inspection.**

Read: The request received from the Chairman, Prestige Educational Trust for postponement of LOI inspection.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the inspection for grant of Letter of Intent (LOI) was arranged to be carried out by the Council Inspectors on 25<sup>th</sup> & 26<sup>th</sup> Dec., 2005. However, the Chairman, Prestige Educational Trust vide letter dated 21.12.2005 had requested to conduct the inspection for grant of Letter of Permission in the week starting 6<sup>th</sup> March, 2006.

The Committee further noted that as per the schedule prescribed in the Regulations, the Council has to send its recommendations to the Central Govt. for issue of Letter of Intent by **31<sup>st</sup> December**. The members of the Adhoc Committee and of the Executive Committee also observed the judgement dated 12.1.2005 delivered by the Hon'ble Supreme court in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. in W.P. © Nos. 206 of 2004 wherein it was directed that:-

**“14.....time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.**

**15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.**

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return the application to the Central Government recommending disapproval of scheme for establishment of new medical college at Kannur by Prestige Educational Trust u/s 10A of the Indian Medical Council Act, 1956.

**51. Increase of MBBS seats from 50 to 100 at Sri Guru Ram Das Instt. of Medical Sciences & Research, Sri Amritsar-Request received for postponement of LOI inspection.**

Read: The request received from the Director- Principal, Sri Guru Ram Das Instt of Medical Sciences & Research, Sri Amritsar for postponement of LOI inspection.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the inspection for grant of Letter of Intent (LOI) for increase of MBBS seats from 50 to 100 at Sri Guru Ram Das Instt. of Medical Sciences & Research, Sri Amritsar was arranged to be carried out by the Council Inspectors on 20<sup>th</sup> & 21<sup>st</sup> Dec., 2005. However, the Director, Principal, Sri Guru Ram Das Instt. of Medical Sciences & Research, Sri Amritsar vide letter dated 17.12.2005 had informed that they are in process of shifting to the newly constructed 500 bedded hospital inside the new campus of the institute which will take some more time and requested that the inspection be deferred to the month of April, 2006 both for Letter of Intent and Letter of Permission.

The Committee further noted that as per the schedule prescribed in the Regulations the Council has to send its recommendations to the Central Govt. for issue of Letter of Intent by **31<sup>st</sup> December**. The members of the Adhoc Committee and of the Executive Committee also observed the judgement dated 12.1.2005 delivered by the Hon'ble Supreme court in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. in W.P. © Nos. 206 of 2004 wherein it was directed that:-

**“14.....time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.**

**15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.**

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return the application to the Central Government recommending disapproval of scheme for increase of MBBS seats from 50 to 100 at Sri Guru Ram Das Instt. of Medical Sciences & Research, Sri Amritsar u/s 10A of the Indian Medical Council Act, 1956.

**52. NTRUHS-Establishment of Digital library consortium with e-journals-Considering e-journal on par with conventional journals- Regarding.**

Read: The request of the Registrar, NTR University of Health Sciences, Vijayawada for establishment of Digital library consortium with e-journals.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the request of the Registrar, NTR University of Health Sciences, Vijayawada for establishment of Digital library consortium with e-journals and decided to reiterate the decision of the General Body meeting dated 29.03.2004 which reads as under:-

*"The Council noted the following recommendations of the Executive Committee:-*

*"The members of the Ad-hoc Committee and of the Executive Committee of the Council accepted the proceedings of the meeting of the Study Group for making observations and recommendations for the acceptance of e-journals as a substitute for print journals by MCI held on 14<sup>th</sup> July, 2003 at Rajiv Gandhi University of Health Sciences, Bangalore."*

*The Council further noted the following recommendations made by the Study Group at its meeting held on 14.07.2003 constituted by the MCI with regard to the acceptance of e-journals as a substitute for print journals:-*

1. *To accept and promote the concept of e-journals consortium.*
2. *To consider the e-journals consortium as an alternative to the existing MCI norms of mandatory 100 journals in Medical Colleges who can provide e-journals through e-journal consortium.*
3. *The following logistics have to be worked out before making it mandatory for all the Medical Colleges in the country:-*
  - a. *The impact factor of journals.*
  - b. *Number of journals required for Undergraduate course (MBBS), Postgraduate courses and Superspeciality along with cost need to be worked out.*
  - c. *To find out whether WHO has made any recommendations on e-journals.*
  - d. *To study the availability of required infrastructure in the medical colleges infrastructure availability for accessing e-journals.*

*After much deliberations in the matter, the Council was of the view that there are many institutions in the country where the required infrastructure for accessing the e-journals through e-journals consortium are not available. It was also opined that wherever the required infrastructure for accessing e-journals are available only there journals can be obtained through e-journals consortium in addition to print journals.*

*In view of above, the Council decided to agree with the recommendation No. 1 made by the Study Group which reads as under:-*

1. *To accept and promote the concept of e-journals consortium."*

**53. Removal of name of Dr. Anil Kumar S.R. from the Indian Medical Register.**

Read: The letter dt. 25<sup>th</sup> July, 2005 received from the Registrar/President, Karnataka Medical Council, Bangalore intimating that Dr. Anil Kumar S.R. bearing Regn. No. 17360 dated 16.7.2005 has surrendered his original Registration certificate as he would like to pursue his career in Law and his name has been removed from the Register of Registered Medical Practitioners.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the letter dated 25.07.2005 received from the Registrar/President, Karnataka Medical Council intimating that Dr. Anil Kumar S.R.

(Registration No.17360, dated 16.7.2005) has surrendered his original registration certificate as he would like to pursue his career in law and his name has been removed from the Register of Registered Medical Practitioners.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council 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 and place the same before the General Body of the Council.

**54. Removal of name of Dr. Nirmalya Chakrabarti from the Indian Medical Register.**

Read: The letter dt. 8<sup>th</sup> Dec., 2005 received from the Registrar, West Bengal Medical Council, Kolkata intimating that the name of Dr. Nirmalya has been removed from the Register of Registered Medical Practitioners for a period of six months w.e.f. 6.12.2005 due to fake MD degree qualification in his prescription pad without possessing the same.

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 08.12.2005 received from the Registrar, West Bengal Medical Council intimating that the name of Dr. Nirmalya has been removed from the Register of Registered Medical Practitioners for a period of six months w.e.f. 6.12.2005 due to fake MD degree qualification his prescription pad without possessing the same.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council 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 and place the same before the General Body of the Council.

**55. Undertaking given by Dr. H.P. Shiva Prasad 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. H.P. Shiva Prasad for working in more than one medical college alongwith the recommendations of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October, 2005.

“The Ethics Committee heard Dr. H.P. Shiva Prasad who appeared before the Ethics Committee at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October, 2005. Written statements was also taken from him which are as under:-

**Statement of Dr. H.P. Shiva Prasad**

I Dr. H.P. Shiva Prasad did my MBBS from Dr. B.R. Ambedkar Medical College in 1989 and I did my MD (Pharmacology) from Mysore Medical College in 1995. My date of birth is 20.03.1960. My registration no. is 27905 of Karnataka Medical Council. I am working at Adichunchangiri Instt. of Medical Sciences, Bellur since 10.01.1990 and till date I am working there at during that period I have appeared before the MCI inspections held there. On 06.06.2003, I was physically present during the MCI inspection being held at Malankara Orthodox & Syrian Church Medical College, Kolencherry and the declaration form at that college bears my photograph and signature. I went there to join but I did not join.

I signed the declaration form because they did not ask resignation letter/relieving letter from AIMS BG Nagar, if they would have insisted to submit the resignation/relieving letter, I would have not signed. They have called me to sign one more declaration form but I did not go and I have not signed, if it is signed it is not my signature. I was physically present to join the college but I did not. I have now drawn any salary from that college. Above error was not intentional. Kindly forgive me for the above I won't do this error in future. Kindly excuse for above, I hope I will oblige and do the needful.

Sd/-

**(Dr. H.P. Shiva Prasad)**

12.08.2005

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. H. P. Shiva Prasad**, 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. H. P. Shiva 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. H. P. Shiva 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.”*

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council further decided as under;-

1. The name of Dr. H.P. Shiva Prasad be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July,2008.
2. He will not be eligible to be counted as a teacher at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.
3. The name of Dr. H.P. Shiva Prasad be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

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

**56. Undertaking given by Dr. N. Uma Jyoti 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. N. Uma Jyoti for working in more than one medical college alongwith the recommendations of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October,2005:-

“The Ethics Committee heard Dr. N. Uma Jyoti who appeared before the Ethics Committee at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October,2005. Written statements was also taken from her which are as under:-

**Statement of Dr. N. Uma Jyoti**

I Dr. N. Uma Jyoti did my MBBS from Guntur Medical College in 1993 and I did my MD (Psychiatry) from the KMC, Manipal in 1997. My date of birth is 20.08.1968 and my registration no. is 35983 of A.P. Medical Council.

I joined AP Govt. Service at Guntur Medical College on 02.02.2002 and was physically present during the MCI inspection there at on 12.02.2004

I was also physically present during the MCI Inspection at Alluri Sitaram Raju Academy of Medical Sciences, Eluru on 19.06.2003. Actually I went there for interview for an appointment with better pay scale. Later on I came to know that there is no separate post in Psychiatry department in the college I have to give night duties in the medicine department hence, I did not join there. However, I am extremely sorry for the same. I may be excused for that.

Sd/-  
(Dr. N. Uma Jyoti)  
12.08.2005

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. N. Uma Jyoti**, 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. N. Uma Jyoti** 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. N. Uma Jyoti** 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. Uma Jyoti** 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.”

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council further decided as under;-

1. The name of Dr. N. Uma Jyoti be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July, 2008.

2. She will not be eligible to be counted as a teacher at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.
3. The name of Dr. N. Uma Jyoti be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also noted that Dr. N. Uma Jyoti has been found working in Govt. institution & simultaneously in another private medical college, her 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.

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

**57. Undertaking given by Dr. Vijayalaxmi 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. Vijayalaxmi for working in more than one medical college alongwith the recommendations of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October, 2005:-

“The Ethics Committee heard Dr. Vijayalaxmi Parija who appeared before the Ethics Committee at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October, 2005. Written statements was also taken from her which are as under:-

**Statement of Dr. Vijayalaxmi Parija**

I Dr. Vijayalaxmi Parija did my MBBS from SCB Medical College in 1973 and I did my MD (Anatomy) from the same institute in 2001. My date of birth is 15.11.1948. My registration no. is 5758 of Orrissa Medical Council.

I was not physically present during the MCI inspection at Kesar Sal medical college, Ahmedabad, PES Instt. of Medical Sciences, Kuppam and Alluri Medical College, Alluru. However, I signed blank declaration form of MCI and submitted my photograph to these 3 institutes as mentioned above. I have never worked in any of these three institutes. I am excused for my fault, which I have done inadvertently.

Sd/-  
(Dr. Vijayalaxmi Parija)  
12.08.2004

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. Vijayalaxmi Parija**, 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. Vijayalaxmi Parija** 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. Vijayalaxmi Parija** 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. Vijayalaxmi Parija** 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.”

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council further decided as under;-

1. The name of Dr. Vijayalaxmi Parija be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July,2008.
2. She will not be eligible to be counted as a teacher at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.
3. The name of Dr. Vijayalaxmi Parija be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council also noted that Dr. Vijayalaxmi Parija has been found working in Govt. institution & simultaneously in another private medical college, her 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.

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

**58. Undertaking given by Dr. G.C. Javalgi 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. G.C. Javalgi for working in more than one medical college alongwith the recommendations of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October,2005:-

“The Ethics Committee heard Dr. G.C. Javalgi who appeared before the Ethics Committee at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October,2005. Written statements was also taken from him which are as under:-

### **Statement of Dr. G.C. Javalagi**

I Dr. G.C. Javalagi did my MBBS from KMC, Hubli in 1970 and I did my MS (Anatomy) from the JNMC, Belgaum in 1990. My date of birth is 08.05.1944. My registration no. is 8564 of Karnataka Medical Council.

I am working in department of Anatomy at J.N.M.C., Belgaum since 1985 and till date I am working there as a full time teacher. On 21.06.2003, I was physically present during the MCI inspection at Jubilee Mission Medical College, Thrissur. I have also present during the MCI inspection being held at PES Instt. of Medical Sciences, Kuppam on 30.03.2004. I availed casual leave during above mentioned period of inspections from my parent Instt. i.e. J.N.M.C., Belgaum. The declaration forms of both the colleges i.e. Jubilee Mission Medical College, Thrissur and PES Instt. of Medical Sciences, Kuppam were signed by me, photograph was provided by me but the form was filled up by the college authorities I have submitted to them a blank form.

I know that I have done a wrong thing but it was inadvertent error without any ulterior motive and this will not be repeated in future.

Sd/-  
(Dr. G.C. Javalagi)  
12.08.2005

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. C. Javalagi**, 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. G. C. Javalagi 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.C. Javalagi 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 members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further decided as under;-

1. The name of Dr. G.C. Javalagi be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July, 2008.
2. He will not be eligible to be counted as a teacher at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.

3. The name of Dr. G.C. Javalagi be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

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

**59. Undertaking given by Dr. O.P. Srivastava 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. O.P. Srivastava for working in more than one medical college alongwith the recommendations of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October,2005:-

“The Ethics Committee heard Dr. O.P. Srivastava who appeared before the Ethics Committee at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October,2005. Written statements was also taken from him which are as under:-

**Statement of Dr. O.P. Srivastava**

I Dr. O.P. Srivastava did my MBBS from GMC Vikram University, Ujjain in 1969 and I did my MD (Pathology) from the Gandhi Medical College in 1973. My date of birth is 07.03.1945. My registration no. is 1033 of M.P.Medical Council.

I was not present during the MCI inspection at U.C.M.C., Nepal but I was physically present during the MCI inspection held on 22.09.2003 at Maharaja Agarsen Medical College, Agroha and the form was signed by me, the photograph was given by me but the form was filled up by the college authorities I have submitted to them a blank form wherein the date of joining has been shown as 10.05.2003 but actually I was present on the day of inspection there at.

I was present during the MCI inspection on 06.05.2004 at Chalmeda Anand Rao Medical College, Karimnagar and the form was signed by me, the photograph was given by me but the form was filled up by the college authorities I have submitted to them a blank form. I have been there only for the day of inspection. I confess that the I was forced by my friends to take personal decision by way of attending MCI inspection and I regret for it.

Sd/-  
(Dr. O.P. Srivastava)  
12.08.2005

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. O. P. Srivastava**, 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 king 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. O. P. Srivastava** 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. O. P. Srivastava** 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 members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council further decided as under;-

1. The name of Dr. O.P. Srivastava be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July, 2008.
2. He will not be eligible to be counted as a teacher at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.
3. The name of Dr. O.P. Srivastava be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

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

**60. Undertaking given by a medical teacher for working in more than one medical college-Action to be taken in view of Code of Medical Ethics.**

Read: The undertaking given by a medical teacher for working in more than one medical college alongwith the recommendations of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council approved the following decision of the Ethics Committee taken at its meeting held on 6<sup>th</sup> and 7<sup>th</sup> October, 2005:-

*"The Ethics Committee heard the following 16 medical teachers who appeared before this Committee on 11<sup>th</sup> & 12<sup>th</sup> August, 2005. All of them were given sufficient time and ample opportunity to give their explanation and under which circumstances; they have worked in more than one college simultaneously. Written statements were also taken from them which are as under:-*

**3.1.21 - Statement of Dr.R.P. Upadhyah**

*I Dr. R. P. Upadhyay did my MBBS from Jabalpur Medical College in 1965 and I did my MS (Anatomy) from the same institute in 1969. My date of birth is 01.10.1940. My registration no. is 1491 of Mahakaushal Medical Council.*

*I have worked at Padamshri Dr. D.Y. Patil, Navi Mumbai w.e.f. 15.11.1991 to 30.09.2000. I joined at U.C.M.S. Nepal on 01.10.2000 and resigned from there on 20.09.2002. I joined at Maharaja Agarsen Medical College, Agroha on 23.09.2002 and was relieved in the forenoon on 01.12.2003 from that institute. I was physically present during the MCI inspection at L.B. Medical College, Azamgarh on 11.12.2003*

*Sd/-*

**(Dr. R. P. Upadhyay)**

**11.08.2005**

**3.2.3. Statement of Dr.B.Veereshalingam**

*I, Dr. B.Veereshalingam did my MBBS in the year 1967 from Guntur Medical College, Guntur. I did my MS (Gen.Surgery) in 1973 from Kurnool Medical College, Kurnool. My date of birth is 27<sup>th</sup> August, 1944. My registration Number is 3845 of A.P. Medical Council.*

*I worked in Mamta Medical College, Khammam from 7.2.2002 to 30.6.2003 and was relieved after resignation. The service certificate given by the Principal, Mamta Medical College, Khammam has already been submitted to the Council office.*

*I joined at Narayana Medical College, Nellore, A.P. on 1.7.2003 after being relieved from Mamta medical College, Khammam on 30.6.2003. Since 1.7.2003, I still working at Narayana Medical College, Nellore.*

*I say, I have not done anything wrong in this case.*

Sd/-  
(Dr. B.Veereshalingam)

#### 3.2.4 **Statement of Dr. Gajanan Nayak**

*I, Dr. Gajanan Nayak did my MBBS in the year 1998 from KIMS, Hubli and did my MD (For.Merd.) in the year 2002 from J.N. Medical College, Belgaum. My date of birth is 28.12.1964. My registration No.50110 of Karnataka Medical Council.*

*I joined at Karnataka Instt. Of Medical Sciences, Hubli on 24<sup>th</sup> Feb., 1999 and since then I was continuously working there till date. I was physically present during MCI inspection on 19.2.2004. I have never worked PES Instt. Of Medical Sciences & Research, Kuppam. Rather to be very honest this is the first time I am coming out of Karnataka State.*

*The declaration form of Kuppam does not bear my handwriting nor my signature. However, I cannot say specifically about the photograph whether it is mine or not.*

*I was not physically present during MCI inspection at PES Instt. Of Medical Sciences & Research, Kuppam on 17.9.2003. I had been physically present as a witness in the Court of Addl. Civil Judge at Hubli and on the same evening I also took class in my college. Documents in favour of the above statement are submitted herewith.*

Sd/-  
(Dr. Gajanan Nayak)

#### 3.2.11. **Statement of Dr. Archana Dambal**

*I, Dr. Archana Dambal did my MBBS in the year 1993 from J.N. Medical College, Belgaum. I did my MD (Medicine) in the year 1999 from KMC, Hubli. My date of birth is 31<sup>st</sup> July, 1971. My Registration Number is 40365 of Karnataka Medical Council.*

*I joined at S.Nijalingappa Medical College, Bhagalkot on 25<sup>th</sup> January, 2003 and resigned from that institution in 11.7.2003. I joined Sri Dharmasthala Manjunatheshwara College of MS& Hos., Dharwad on September, 2003 and was physically present during MCI inspection on March, 2003 and resigned from Dharwad on 6<sup>th</sup> July, 2004.*

*At present, I am not working anywhere. I am submitting herewith my service record at S. Nijalingappa Medical College, Bhagalkot.*

Sd/-  
(Dr.Archana Dambal)

#### 3.2.12. **Statement of Dr. S.Mohamed Musthafa.**

*I, Dr. S.Mohamed Musthafa did my MBBS from Coimbatore Medical College, Coimbatore in the year 1982. I did my MD (Pharmacology) in the year 1998 from Postgraduate Instt. Of Basic Medical Sciences, Taramani. My date of birth is 25.7.1958. My registration number is 37828 from T.N. Medical Council. I am working as Asstt. Prof. at Coimbatore Medical College, Coimbatore. I was physically present during MCI inspection at Govt. Medical College, Salem on 2.7.2004 as I was posted there at that time. However, I was not present MNR Medical College, Sangareddy. The photograph in the declaration from was not mine nor the signature is mine.*

Sd/  
(Dr.S.Mohamed Musthafa)

#### 3.2.13. **Statement of Dr. Bandana Talukdar.**

*I, Dr.Bandana Talukdar did my MBBS in the year 1962 from Calcutta Medical College, Calcutta and did my DGO from the same institute in the year 1966 and Ph.D. Medicine in Biochemistry from Calcutta University in the year 1980. My date of birth is 21<sup>st</sup> March, 1941. My registration No. is 28686 of West Bengal Medical Council.*

*I joined at Maharaja Instt. Of Med. Sciences, Agroha on 8.10.2002 and was relieved from the same institute on 1.8.2003. I joined at MM College of Med. Sciences, Ambala on 1.9.2003 and was physically present during MCI inspection on 25.5.2004.*

*I was never present during MCI inspection at Maharaja Agrasen Medical College, Agroha on 12<sup>th</sup> September, 2003. The declaration form as has been shown to me neither my handwriting nor the signature of mine and though the photograph was of mine.*

Sd/-  
(Dr.Bandana Talukdar)

### 3.2.1. Statement of Dr. M.N. Ambekar

*I Dr. M.N. Ambekar did my MBBS from Govt. Medical College, Aurangabad in 1964 and I did my MS (Anatomy) from V.M. Medical College, Sholapur in 1979. My date of birth is 07.07.1942. My registration no. is 20641 of Maharashtra Medical Council.*

*I joined S. Nijalingappa Medical College, Bhagalkot on 18.06.2003 and was physically present during the MCI inspection held on 11.09.2003 and resigned from the college on 24.01.2004.*

*I joined S.V.S. Medical College, Mahboobnagar on 31.01.2004 and was physically present during the MCI inspection held on 19.02.2004 and resigned from the institute on 25.02.2004 after that I joined Navodaya Medical College, Raichur on 28.02.2004 and was physically present during the MCI inspection held on 09.03.2004 and also on 31.05.2005 and resigned from the same institute on 24.06.2004.*

*After that, I joined Kamineni Instt. of Medical Sciences, Narkatpally on 20.10.2004 and I am still working there.*

Sd/-  
(Dr. M.N. Ambekar)  
11.08.2004

### 3.3.1. Statement of Dr. Ranjan Kumar Das

*I Dr. Ranjan Kumar Das did my MBBS from S.C.B. Medical College in 1986 and I did my MS (Anatomy) from the same institute in 1991. My date of birth is 26.08.1962 and my registration no. is 9662 of Orissa Medical Council.*

*I joined in the health service of Orissa Govt. in 1992 and was posted at SCB Medical College on 25.06.1999 wherein I was physically present during the MCI inspection held on 05.09.2003. At present I am working at M.K.C.G. Medical College, Berhampur. I have never been present during the MCI inspection being held at Kesar Sal Medical College, Ahmedabad and P.E.S. institute of Medical Sciences, Kuppam. The declaration forms of these colleges bears my photographs. These declaration forms were not filled by me and signatures have not done by me. I applied there for job alongwith photograph in these colleges. As such, I have not done anything wrong.*

Sd/-  
(Dr. Ranjan Kumar Das)  
12.08.2005

### 3.3.3. Statement of Dr. V.K. Chaudhary

*I Dr. V.K. Chaudhary did my MBBS from Bikaner Medical College in 1967 and I did my MD (Pathology) from the same institute in 1972. My date of birth is 17.11.1942. My registration no. is 2017 of Rajasthan Medical Council.*

*I joined at Maharaja Agarsen Medical College, Agroha on 01.03.2003 and resigned from that college, the date I have forgotten. I joined at MG Medical college, Jaipur on 15.10.2003 and resigned from the college on 30.04.2004 and I was present during the MCI inspection held there on 31.03.2004.*

*I again joined at Maharaja Agarsen Medical College, Agroha on 11.05.2004 and appear before the MCI inspection held on 28.05.2004 and 11.03.2005.*

Sd/-  
(Dr. V.K. Chaudhary)  
12.08.2005

### 3.3.4. Statement of Dr. A.C. Jesudoss Prabakaran

*I Dr. A.C. Jesudoss Prabakaran did my MBBS from Stanley Medical College in 1981 and I did my MD (Pharmacology) from the same institute in 1986. My date of birth is 20.09.1958. My registration no. is 36141 of Tamilnadu Medical Council.*

*I joined at Arogyavaram Medical College (instt. of medical sciences), Arogyavaram on 15.03.2004 and was physically present during the MCI inspection held on 12.04.2004 (F.N.) I resigned from that instt. on the same day (12.04.2004) forenoon and joined at Meenakshi Medical college and RI, Kanchipuram on 12.04.2004 afternoon. I was physically present during the MCI inspection held on 3.6.04 and 11.03.2005.*

*Since I was not satisfied with the infrastructural provisions at Arogyavaram Medical College and when I received the message that I got an appointment at Meenakshi Medical College, Tamilnadu which is nearer to my residence. I resigned my job in Arogyavaram Medical College in the forenoon 12.04.2004 and joined Meenakshi Medical College on 12.04.2004 afternoon. I have not committed any illegality or impropriety. This letter may be considered as my reply of statement to the queries made by Medical Council of India.*

Sd/-  
(Dr. A.C. Jesudoss Prabakaran)  
12.08.2005

### 3.3.7. Statement of Dr. K.K. Agarawal

*I Dr. K.K. Agarawal did my MBBS from Amritsar Medical College in 1961 and I did my MS (E.N.T.) from the AIIMS, New Delhi in 1965. My date of birth is 01.03.1939. My registration no. is 1393 of Rajasthan Medical Council.*

*I have joined Swami Vivekanand Medical College, Valia on 01.06.2003 and left the institute on 10.10.2003 and joined at MGIMS, Jaipur on 15.10.2003.*

*I have retired from MGIMS, Jaipur on 31.03.2004 after attaining the age of 65 years. After that, I worked at Valia as a teacher but not as a regular faculty member. I was physically present during the MCI inspection at Valia on 14.05.2004 but I told the inspector that I have already crossed 65 years of age. I have not worked simultaneously in two institutes. If I have done anything wrong I may be excused for the same.*

Sd/-  
(Dr. K.K. Agarawal)  
12.08.2005

### 3.3.9. Statement of Dr. G. R. Shantha

*I, Dr. G.R. Shantha, I did my MBBS from Madras Medical College, Chennai in the year 1988 and I did my Postgraduate in M.Sc. (Physiology) from the Faculty of Medicine in Madras Medical College, Madras in the year 1966. My registration No. is 45895 from the Tamil Nadu Medical Council. My Date of Birth 08.09.1942.*

*I am to state that I was physically present during the MCI inspection at Katuri Medical College, on 08.09.2003 and my date of joining 20.01.2003 where the Declaration Form of the college bearing my signature and my photograph however I did not fill up the form. All the forms filled by the college authorities I just signed the blank form.*

*I was physically present during the MCI inspection at Narayana Medical College, Nellore on 30.01.2004 and my date of joining there is 16.08.2003. In this institution also I signed a blank declaration form and the forms filled by the college authorities.*

*I was physically present during the MCI inspection at Amala Institute of Medical Sciences, Amalanagar on 07.05.2004 in there I also signed a blank declaration form and the college authorities filled the form.*

*I have never worked at the above mentioned three medical colleges. I was only physically present during the MCI inspection in those colleges it was due request of my friend and colleagues. I have agreed to attend the inspection and helped to set the department. 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.*

Sd/-  
(Dr. G. R. Shantha)

### 3.3.11. Statement of Dr. P.V. Narayanan

*I Dr. P.V. Narayanan did my MBBS from Calicut Medical College in 1982 and I did my MD (Pharmacology) from the same institute in 1991. My date of birth is 15.11.1955. My registration no. is 12834 of T.C. Medical Council.*

*I have joined in the Govt. service of Kerala Govt. and posted at Calicut Medical College since 1986 and till date I am working there. I received a letter from the Health and F.W., Govt. of Kerala wherein they have asked me to join immediately to Cooperative Medical College, Kochi alongwith four other teachers. At first I refused to go but Govt. forced me to go there and after going there I was not allowed to give any joining report nor they give any relieving order but they have asked to appear before the MCI inspection on 13.10.2003 and go back to Calicut next day. Even I have not filled any declaration form nor I have signed it and I have not even submit any photograph to Dean of the Cooperative Medical College, Kochi but I was physically present during the MCI inspection just to obey the Govt. order. I received a copy of the declaration form through MCI. Somebody have managed photograph of mine and pasted it on the declaration form and signature are also done by somebody else. What I have done is first obeyed Govt. order.*

Sd/-  
Dr. P.V. Narayanan  
12.08.2005

### 3.3.14. Statement of Dr. Dinesh Maskeri

*I Dr. Dinesh Maskeri did my MBBS from KMC, Manipal in 1991 and I did my MD (Physiology) from Topiwala National Medical College, Mumbai in 1998. My date of birth is 05.08.1968. My registration no. is 71186 of Maharashtra Medical Council.*

*I joined at Jawaharlal Medical College, Wardha on 27.03.2003 and resigned from there on 05.02.2004. I joined at Navodaya Medical College, Raichur on 06.02.2004 and since then continuing in the same institute. I deny attending the inspection at Jawaharlal Nehru Medical College, Wardha in March, 2004.*

Sd/-  
(Dr. Dinesh Maskeri)  
12.08.2005



### 3.3.16. Statement of Dr. Naveena Aloysia

*I Dr. Naveena Aloysia did my MBBS from Rangaraya Medical College in 1999 and I did my MD (Pharmacology) from the same institute in 2004. My date of birth is 21.06.1974 and my registration no. is 44197 of A.P. Medical Council.*

*I joined at GSL Medical College, Rajamundari on 30.01.2004 and was physically present during the MCI Inspection held on 09.03.2004 and I have resigned from the same institute on 18.03.2004. I joined in Govt. Service on 19.03.2004 at Rangaraya Medical College as Assistant Professor (Pharmacology) and was physically present during the MCI inspection held on 15.04.2004. While filling up the declaration form at Rangaraya Medical college I have wrongly written the date of joining as 19.01.2004 instead of 19.03.2004. This mistake was done inadvertently. I am extremely sorry for the same. I may please be excused for this.*

Sd/-  
(Dr. Naveena Aloysia)  
12.08.2005

### 3.3.19. Statement of Dr. Y. Srinivasa Rao

*I Dr. Y. Srinivasa Rao did my MBBS from Kakatiya Medical College in 1972 and I did my MD (Pharmacology) from the Kurnool Medical College in 1977. My date of birth is 15.12.1940 and my registration no. is 4823 of A.P. Medical Council.*

*I joined at Kamineni Instt. of Medical Sciences, Narketpally on 12.01.2001 and left that college on 17.05.2003. I joined at Medicity Instt. of Medical Sciences, Ghanpur on 19.05.2003 and was physically present during the MCI inspection held on 26.05.2003 and resigned from the institute on 15.07.2003. On 16.07.2003 I again joined at Kamineni Instt. of Medical Sciences, Narketpally and was physically present during the MCI inspection on 19.01.2004 and till now I am continuing in that institute.*

*In the declaration form of Kamineni Instt. of Medical Sciences, Narketpally that I signed on 31.12.2003 inadvertently I wrote the date of joining as 12.01.2001 instead of 16.07.2003 I had not intentionally do it but mistaken I have done it. I apologize the Chairman and the member of the Ethics Committee for this blunder.*

Sd/-  
(Dr. Y. Srinivasa Rao)  
12.08.2005

*The above mentioned 16 (sixteen) medical teachers had submitted Declaration Forms 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. They had also incorporated a statement in the Declaration Form that all the contents and statements made in the Declaration Form duly signed by them are correct and true to their 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 all the above mentioned medical teachers have made misstatements and false declarations in the Declaration Forms submitted by them to the effect and to the result that they have 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.*

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

*All the above mentioned medical teachers, pursuant to the Show Cause Notices issued to them, have submitted their written responses giving their clarifications and explanations for the submission of more than one Declaration Form by them.*

*Upon the consideration of the Cases of all the above mentioned medical teachers, the Ethics Committee noted that explanations/clarifications provided by them have been found to be justified and satisfactory thereby establishing that they are actually working as full time medical teacher in only one medical college/institution.*

*The Ethics Committee, after detailed deliberations and perusal of all the relevant documents as well as the oral and written statements of all the above mentioned 16 (sixteen) teachers have come to the unanimous decision that they have not violated the "Professional Conduct, Etiquette and Ethics Regulations, 2002."*

*The Ethics Committee noted that some of the above mentioned doctors have categorically stated in their deposition that the college authorities have submitted the declaration forms wherein either that do not contain photograph, signature & handwriting was not of them. The institution against whom the teachers have submitted their grievances are as follows:-*

S. No.	Name of the Institution	Name of the Teacher
1.	PES Institute of Medical Sciences, Kuppam	Dr. Gajanan Nayak & Dr. Ranjan Kumar Das
2	MNR Medical College, Sangareddy	Dr. S. Mohamed Musthafa
3	Maharaja Agrasen Medical College, Agroha	Dr. Bandana Talukdar
4	Kesar Sal Medical College, Ahmedabad	Dr. Ranjan Kumar Das
5	Katuri Medical College Narayana Medical College, Nellore Amala Instt. of Medical Sciences, Amalanagar	Dr. G.R. Shanta
6	Jawaharlal Medical College, Wardha	Dr. Dinesh Maskeri

*In view of above, the Ethics Committee decided to write to these institutes providing them statements of the concerned doctors and direct to submit the affidavit that the concerned doctors were full time employee of their institute and was physically present during the MCI inspection on the respective days as mentioned above within 21 days of issue of this letter positively. This may be placed before the Executive Committee for approval.*

*The Ethics Committee after detailed deliberation in this matter was of the opinion that this issue of misappropriation regarding physical verification of teachers during the MCI inspection may be further reduced by taking photograph of teachers in the manner of C.B.S.E examination wherein a "slate" is being placed while taking photograph in front of Chest / abdomen wherein the name of the person and date is being written. In addition another arrangement to take a Polaroid photograph during the MCI inspection in front of MCI inspectors may also thought of."*

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

1. The names of above mentioned 16 doctors be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July,2008.
2. They will not be eligible to be counted as teachers at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.
3. The names of these 16 doctors be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

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

**61. Undertaking given by Dr. B. Karunakar 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. B. Karunakar for working in more than one medical college alongwith the recommendations of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October,2005:-

"The Ethics Committee heard Dr. B. Karunakar who appeared before the Ethics Committee at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October,2005. Written statements was also taken from him which are as under:-

**Statement of Dr.B.Karunakar**

I, Dr.B.Karunakar did my MBBS in the year 1998 from Osmania Medical College, Hyderabad and did my MD (For.Med.) in the year 2002 from Gandhi Medical College, Hyderabad. My date of birth is 9.6.1970. My registration number is 41770 of A.P. Medical Council.

I joined A.P. Govt. service in the year 2001 and still continuing in that service. I am posted at Gandhi Medical College, Hyderabad during the year 2004. I was posted at S.V. Medical College, Tirupati and was physically present during MCI inspection thereat on 15.4.2004.

I was present at NRI Medical College, Guntur during MCI inspection held thereat on 27.4.2004. The declaration form was filled up by me, signed by me and bears my photograph.

Basing on the promise of mediator of NRI Medical College, Guntur and I decided to join at NRI Medical College from 26.4.2004 and appeared in MCI inspection believing that I am going to join in this medical college, but on 27<sup>th</sup> evening the mediator told me I am unable to stand on my promise because the management is not agreeing for it. In this way he misguided me and made me to appear in inspection of NRI Medical College, Guntur. I did not receive any kind of salary from them. The date of joining on 11.1.2004 is wrong and not written by me.

I am sorry for the same and I do not have any intention to appear in the MCI inspection within 11 days. I will not repeat in future any kind of mistake.

Sd/-  
(Dr.B.Karunakar)

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. B. Karunakar**, 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.B. Karunakar** 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. B. Karunakar** 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. B. Karunakar** 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.”

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council further decided as under;-

1. The name of Dr. B. Karunakar be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July,2008.
2. He will not be eligible to be counted as a teacher at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.

3. The name of Dr. B. Karunakar be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council also noted that Dr. B. Karunakar has been found working in Govt. institution & simultaneously in another private medical college, his 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.

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

**62. Undertaking given by Dr. R. Kanagasabai 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. R. Kanagasabai for working in more than one medical college alongwith the recommendations of the Ethics Committee.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the following recommendations of the Ethics Committee taken at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October, 2005:-

“The Ethics Committee heard Dr. R. Kanagasabai who appeared before the Ethics Committee at its meeting held on 6<sup>th</sup> & 7<sup>th</sup> October, 2005. Written statements was also taken from him which are as under:-

**Statement of Dr. R. Kanagasabai**

I Dr. R. Kanagasabai did my MBBS from Stanley Medical College in 1988 and I did my MD (Radio-diagnosis) from Madras Medical College in 1997. My date of birth is 16.06.1997. My registration no. is 46793 of Tamilnadu Medical Council.

I joined Tamilnadu Health Services in 1993 since then I am continuing in Tamilnadu Health Services. I was physically present during the MCI inspection at Kilpauk Medical College on 12.01.2004 where I am still posted. On 28.01.2004, I was physically present during the MCI inspection at Sree Balaji Medical College & Hospital, Chennai I was on call in my capacity as a visiting consultant in Interventional Radiology and was unaware of the status in which I was shown during the MCI inspection.

Sd/-  
(Dr. R. Kanagasabai)  
11.08.2005

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. R. Kanagasabai**, 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 there under 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 king 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. R. Kanagasabai 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. Kanagasabai 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. Kanagasabai 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.”

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council further decided as under;-

1. The name of Dr. R. Kanagasabai be erased temporarily from the Indian Medical Register upto 31<sup>st</sup> July, 2008.
2. He will not be eligible to be counted as a teacher at the inspections to be carried out by MCI for the academic years 2006-07 and 2007-08.
3. The name of Dr. R. Kanagasabai be published on the website and a circular be sent to all the Directors of Medical Education of all the States, all the universities and all the Medical Colleges/Institutions.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council also noted that Dr. R. Kanagasabai has been found working in Govt. institution & simultaneously in another private medical college, his 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.

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

**63. Permission to practice medicine in India u/s 14(1) of the Indian Medical Council Act, 1956-request from erstwhile Indian doctors regarding.**

Read: The request received from erstwhile Indian doctors who got registration with State Medical Council/Medical Council of India and are now foreign National for permission to practice medicine in India u/s 14(1) of the Indian Medical Council Act, 1956.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council deliberated upon the matter at length and decided that the matter be decided by the President (Acting) and Chairman, Registration & Equivalence Committee in mutual consultation.

**64. Permission to practice medicine in India u/s 14(1) of the Indian Medical Council Act, 1956-request for short term training regarding.**

Read: The matter with regard to practice medicine in India u/s 14 (1) of the Indian Medical Council Act, 1956 for short term training of foreign doctors.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council deliberated upon the matter at length and decided that the matter be decided by the President (Acting) and Chairman, Registration & Equivalence Committee in mutual consultation.

**65. GHP – Renaming of Govt. General Hospital, Pondicherry as Indira Gandhi Govt. General Hospital and Post-Graduate Institute, Pondicherry- Intimation – Regarding.**

Read: The change of name of Govt. General Hospital, Pondicherry as Indira Gandhi Govt. General Hospital and Post-Graduate Institute, Pondicheery.

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 26.10.2005 received from the Medical Superintendent, Govt. of Pondicherry, General Hospital, Pondicherry that the Govt. of Pondicherry has renamed this Hospital as "Indira Gandhi Government General Hospital and Postgraduate Institute, Pondicherry" with effect from 19.10.2005.

**66. Approval of Minutes of the Building Committee meeting held on 24.11.2005.**

Read: The minutes of the Building Committee meeting held on 24.11.2005.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the minutes of the Building Committee meeting held on 24.11.2005.

**67. Approval of Minutes of the Finance Committee meeting held on 23.12.2005.**

Read: The minutes of the Finance Committee meeting held on 23.12.2005.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council approved the minutes of the Finance Committee meeting held on 23.12.2005.

**68. To consider the letter dated 21/12/2005 received from the Controller of Examinations, Central Board of Secondary Education, Delhi conveying therein the recommendations of the Advisory Committee meeting held on 08/09/2005 for inclusion in the information bulletin for 2007 examination.**

Read: The letter dated 21/12/2005 received from the Controller of Examinations, Central Board of Secondary Education, Delhi conveying therein the recommendations of the Advisory Committee meeting held on 08/09/2005 for inclusion in the information bulletin for 2007 examination.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council accepted and approved the suggestions of the Advisory Committee of the Central Board of Secondary Education pertaining to upper age limit and number of attempts to be prescribed with the modifications as under:-

- (a) The upper age limit for All India Pre-Medical Entrance Examination be prescribed as 25 years as on 31<sup>st</sup> December of the year of the entrance examination. Further provided that this upper age limit shall be relaxed by a period of 5 (five) years for the candidates of Scheduled Castes/Schedule Tribes/Other Backward Classes.
- (b) The number of attempts which a candidate can avail at All India Pre-Medical Entrance Examination shall be limited to 3 (three) uniformly for all the candidates.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the further decided to place the above suggestions of the Advisory Committee of the Central Board of Secondary Education before the General Body of the Council.

**69. Establishment of new medical college at Warangal by Medicare Educational Trust, Warangal.**

Read: The Inspection report (21st Dec., 2005) alongwith the inspection report (22<sup>nd</sup>-23<sup>rd</sup> Nov., 2005) carried out for establishment of new medical college at Warangal by Medicare Educational Trust, Warangal.

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 22<sup>nd</sup> & 23<sup>rd</sup> Nov.,2005 and 21.12.2005 and noted the following:-

1. The following teachers were present during the last inspection dated 22<sup>nd</sup> & 23<sup>rd</sup> Nov.,2005 but were absent during the inspection on 21.12.2005:-

Sl.No.	Department	Designation	Name
1	Anaesthesiology	Assoc. Prof.	Dr.P.D.R.Vara Prasad
2	Anaesthesiology	Asst. Prof.	Dr.A.V.S.S.Subrabmanya Kumar
3	Anaesthesiology	Sr. Resident.	Dr.Ramesh Babu
4	Anaesthesiology	Sr. Resident.	Dr.Sudhakar
5	Anatomy	Prof.	Dr.Aruna Subbarayulu
6	Anatomy	Assoc. Prof.	Dr.Bharathi Govindarajan
7	Anatomy	Assoc. Prof.	Dr.Ramesh Srinivasan
8	Anatomy	Asst. Prof.	Dr.Suresh Kumar Jayaraj
9	Anatomy	Asst. Prof.	Dr.Anudha Ramaswamy
10	Anatomy	Asst. Prof.	Dr.Abdul Aleem A. H.
11	Anatomy	Tutor	Dr.Kaspa Reddy
12	Biochemistry	Prof.	Dr.M.Arumugam
13	Biochemistry	Assoc. Prof.	Dr.Ramesh Gopala Swamy
14	Biochemistry	Asst. Prof.	Dr.Srinivasan Venkatesan
15	Community Medicine	Asst. Prof.	Dr.Bhaskar Ganashekaran
16	Community Medicine	Tutor	Dr.Durga Prasad Mavani
17	Dental	Jr. Resident.	Dr.Anil Kumar Reddy J
18	ENT	Sr. Resident.	Dr.Soma Sreedhar
19	ENT	Jr. Resident.	Dr.V.Sreenivasa Rao
20	Forensic Medicine	Asst. Prof.	Dr.Ravichandran Rangaswamy
21	Forensic Medicine	Tutor	Dr.Singanaboin Rambabu
22	General Medicine	Jr. Resident.	Dr.Venkateshwarlu
23	General Medicine	Jr. Resident.	Dr.Ch.Babu Rao
24	General Medicine	Jr. Resident.	Dr.Subba Rao Daggubati
25	General Medicine	Jr. Resident.	Dr.Gatta Satya Kishore
26	General Medicine	Jr. Resident.	Dr.Gorijavolu Naveen Kumar
27	General Surgery	Prof.	Dr.Lakshminarayana
28	General Surgery	Asst. Prof.	Dr.K.Rajeshwar Rao
29	General Surgery	Asst. Prof.	Dr.B.Prathap Reddy
30	General Surgery	Jr. Resident.	Dr.Vikram Palaniswamy
31	General Surgery	Jr. Resident.	Dr.Naveena J
32	General Surgery	Jr. Resident.	Dr.K.Raj Gopal
33	General Surgery	Jr. Resident.	Dr.Gopi Kota
34	Microbiology	Prof.	Dr.Janardhan Rao
35	OBGY	Sr. Resident.	Dr.S.Yamuna
36	OBGY	Jr. Resident.	Dr.P.Kousalya
37	Ophthalmology	Asst. Prof.	Dr.Ramagiri Nagaraju
38	Ophthalmology	Jr. Resident.	Dr.Naveen Kumar G.
39	Orthopaedics	Assoc. Prof.	Dr.Vamshidar Dhanunjay
40	Orthopaedics	Sr. Resident.	Dr.V.Rakesh
41	Orthopaedics	Jr. Resident.	Dr.M.Srinivasa Murthy
42	Orthopaedics	Jr. Resident.	Dr.A.Pattabi Ramaiah
43	Paediatrics	Assoc. Prof.	Dr.Ravichandran Subbayyan
44	Paediatrics	Jr. Resident.	Dr.Venu Madhav
45	Pathology	Asst. Prof.	Dr.Usha Nanthini

46	Pharmacology	Assoc. Prof.	Dr.Karthikeyan Veluswamy
47	Pharmacology	Tutor	Dr.Pulluri Thirupathi
48	Physiology	Prof.	Dr.Ramesh Kanumurthy
49	Physiology	Assoc. Prof.	Dr.M.Ramaswamy
50	Physiology	Assoc. Prof.	Dr.Bharathmurthy K
51	Physiology	Asst. Prof.	Dr.Aruna Therlma Kiruba
52	Physiology	Asst. Prof.	Dr.S.Abdul Salam
53	Physiology	Asst. Prof.	Dr.G.Alexander
54	Physiology	Tutor	Dr.P.G.V.Siva Prasad
55	Physiology	Tutor	Dr.Battini Pradeep Kumar
56	Radiology	Assoc. Prof.	Dr.Raja Shanmugam T
57	Radiology	Asst. Prof.	Dr.Stalin Selvaraju
58	Radiology	Sr. Resident.	Dr.Ajay Gupta
59	Radiology	Sr. Resident.	Dr.Ajantha Sanjeevi

2. The shortage of teaching faculty required for Letter of Intent is 27.27% as under:-

- Associate Professors – 3 (Anatomy-1, Physiology-1, Biochemistry-1)

3. The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council observed that in relation to certain Declaration Forms submitted on behalf of the Medical teachers and endorsed by the Principal of the medical college, it was observed/found that teaching experience shown in those Declaration Forms is incorrect and in certain cases, it was seriously doubted. The office of the Council had undertaken the exercise of verifying the individual particulars regarding the claimed teaching experience from the Medical institutions concerned and found their claim to be fake. The following teaching faculty cannot be considered as the experience certificates submitted by them are forged as shown below:

#	Name	Designation	Department	Remarks
1	Dr. M. Rama Samy	Associate Professor	Physiology	In declaration form, he has shown experience at Rajah Muthiah Medical College, Annamalainagar from 03.04.1993 to 04.04.1998 as Assistant Professor and from 05.04.1998 to 19.05.2001 as Associate Professor. Rajah Muthiah Medical College has stated that he has never worked in their college. Thus the experience certificate submitted by him is forged and that experience cannot be considered. He is not eligible to be considered as Associate Professor.
2.	Dr. M. Arumugam	Professor	Biochemistry	In declaration form, he has shown experience at Rajah Muthiah Medical College, Annamalainagar from March 1990 to April,1995 as Assistant Professor. Rajah Muthiah Medical College has stated that he has never worked in their college. Thus the experience certificate submitted by him is forged and that experience cannot be considered. He is not eligible to be considered as Professor.

3.	Dr. Ramesh Gopalaswamy	Associate Professor	Biochemistry	In declaration form, he has stated that he has worked at Rajah Muthiah Medical College, Annamalainagar from March,1994 to October,1999 as Assistant Professor. Rajah Muthiah Medical College has stated that he has never worked in their college. Thus the experience certificate submitted by him is forged and that experience cannot be considered. He is not eligible to be considered as Associate Professor.
4.	Dr. R. Thanmarajan	Associate Professor	Radio-Diagnosis	In declaration form, he has stated that he has worked at Sri Ramachandra Medical College, Chennai from 02.02.1995 to 10.03.2001. Sri Ramachandra Medical College, Chennai has stated that he has never worked in their college. It has also been observed that he was also present at the inspection carried out at PSI Instt. of Medical Sciences, Vijayawada in 2004. However, the photograph submitted by him at the inspection at PSI Instt. of Medical Sciences, Vijayawada and at this institution in 2005 are different while other details are identical. Thus the experience certificate submitted by him is forged and that experience cannot be considered. There is also the discrepancy of the photograph which is not explained. He is not eligible to be considered as Associate Professor.
5.	Dr. P. Nanda Kishore	Associate Professor	Pathology	In declaration form, he has stated that he has worked at Prathima Institute of Medical Sciences, Karimnagar from 2002 to May,2004 while Prathima Institute of Medical Sciences, Karimnagar has confirmed that he worked in their college only for a period from 01.01.2003 to 21.05.2004. He has also stated in his declaration form that he has worked at Mamata Medical College, Khammam from 1997 to 2002 as Assistant Professor while Mamata Medical College, Khammam has confirmed that he had worked at their institution only for a period of one year i.e. from

				01.07.2002 to 30.06.2003. Thus the experience certificate submitted by him is forged and that experience cannot be considered. He is not eligible to be considered as Associate Professor.
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- 4. Available clinical material is inadequate in terms of operative work load. Most of the admitted patients were of no/little clinical importance.
- 5. Other deficiencies/remarks in the report.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council were, therefore, were clearly of the view that the Council should take steps for referring these cases to the Police authorities for registration of FIRs and conducting investigation in all such cases. It was also observed that in the complaint to be sent to the Police authorities, it should also be clearly requested that all those cases where there is a collusion and conspiracy of such persons with the management of the colleges, the necessary action should also be taken against the management of those colleges. It was further decided to take appropriate action be taken against these Doctors and the Dean/Principal in accordance with Professional Conduct (Etiquette and Ethics) Regulations 2002.

In view of above, the members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council decided to return the application to the Central Govt. recommending disapproval of scheme for establishment of new medical college at Warangal by Medicare Educational Trust, Warangal u/s 10A of the IMC Act, 1956.

70. **Mahatma Gandhi Medical College & Research Instt. Pondicherry - Renewal of permission for admission of 6<sup>th</sup> batch of students for the academic session 2006-2007.**

Read: The Council Inspectors report (16<sup>th</sup> & 17<sup>th</sup> Dec., 2005) for renewal of permission for admission of 6<sup>th</sup> batch of students for the academic session 2006-2007 at Mahatma Gandhi Medical College & Research Instt. Pondicherry.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (16<sup>th</sup> & 17<sup>th</sup> Dec.,2005) and noted the following:-

- 1. Shortage of teaching staff:-
  - (a) The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council observed that in relation to certain Declaration Forms submitted on behalf of the following Medical teachers and endorsed by the Principal of the medical college, it was observed/found that details shown in those Declaration Forms are incorrect and false.

S.N	Name	Designation	Department	Remarks
1	R. Vijaya Ramana Reddy	Associate Professor	Community Medicine	Submitted forged certificate of experience & Form No. 16 at Jawaharlal Nehru Medical College, Sawangi (Maghe) Wardha, Maharastra State  No joining letter.
2	M. Anil	Assistant Professor	Radiology	Forged Certificate of MD Radiology is attached. The candidate revealed the fact that he is only MBBS. No Appointment order

				No joining letter.
3	B. Nagabhushnam Reddy	Assistant Professor	General Medicine	The provisional passing certificate from Manipal is false as per the statement of the candidate. No appointment order. No joining letter. No experience certificate.
4.	G. Mothilal	Assistant Professor	P & SM	No Appointment order. No joining letter. No experience certificate. Information on p.2 of declaration form as stated by candidate is false.
5.	K. Raghunandhan	Associate Professor	Pathology	No relieving letter. No experience certificate. Information on p.2 of declaration form as stated by candidate is false.
6.	S. Venkat	Assistant Professor	Medicine	No joining letter. No experience certificate. No relieving order. Information on p.2 of declaration form as stated by candidate is false.
7.	B. Sankar	Assistant Professor	P & SM	No Appointment letter. No joining letter. No experience certificate. Information on p.2 of declaration form as stated by candidate is false.
8.	D. Sudheer	Assistant Professor	Anaesthesia	No appointment letter. No joining letter. No experience certificate. No relieving order. Information on p.2 of declaration form as stated by candidate is false. Wrong photograph was attached. It did not match the person who appeared.

- (b) The following teaching faculty who have joined after last inspection submitted incomplete declaration forms.

S.N	Name	Designation	Department	Remarks
1.	V. Vijay	Assistant Professor	Physiology	No appointment order. No joining letter. No experience certificate.
2.	K. Pradeep Kumar	Associate Professor	Anatomy	No Appointment Letter No Joining letter
3.	B. Hanumanth Barde	Assistant Professor	Anatomy	No joining letter. No experience certificate.
4.	Sadril Mohamad	Assistant Professor	Anatomy	No joining letter.
5.	K. Rajasekar Reddy	Assistant Professor	Anatomy	No joining letter. No experience certificate.

6.	R. Viruthagiri	Tutor	Anatomy	No joining letter. No Registration Certificate is attached, only provisional certificate is submitted which is also expired.
7.	V. Ezhil Nambi	Tutor	Anatomy	No joining letter. No Registration Certificate is attached.
8.	Devendar	Tutor	Anatomy	No joining letter. No Registration Certificate is attached.
9.	Syed Maqbool Ahmad	Professor	Forensic Medicine	No Appointment order No Joining Letter No relieving order. No experience certificate.
10.	Syed Sirazuddin	Associate Professor	Forensic Medicine	No appointment order. No joining letter. No experience certificate. No relieving order.
11.	S. Leelavathi	Professor	OBGY	No joining letter. No experience certificate. No relieving order.
12.	M. Sivakumar	Tutor	Pathology	No joining letter. No Registration Certificate is attached.
13.	M. Kishore	Tutor	Pathology	No joining letter. No Registration Certificate is attached.
14.	K. Sanjay Kumar	Associate Professor	Psychiatry	No joining letter. No experience certificate. No relieving letter. No Registration Certificate is attached.
15.	S. Ashok Kumar	Assistant Professor	Pathology	No appointment order. No joining letter. No experience certificate.
16.	Y. Yellappa	Associate Professor	Pathology	No joining letter. No experience certificate. No relieving order.
17.	B. Nagaraju	Tutor	Pathology	No joining letter. No Registration Certificate is attached.
16.	R. Ravishankar	Assistant Professor	Anaesthesiology	No joining letter. No experience certificate. No relieving order.
18.	G. Sivaprasad	Assistant Professor	Internal Medicine	No joining letter. No experience certificate.
19.	Praveen Anumula	Tutor	Physiology	No joining letter.
20.	J. Ramdoss	Tutor	Physiology	No joining letter.



21.	D. Vijayakumar	Tutor	Physiology	No joining letter.
22.	K. Srinivasa Naidu	Associate Professor	Pharmacology	No joining letter. No experience certificate. No relieving order.
23.	B. Jaya	Associate Professor	General Medicine	No joining letter. No experience certificate. No relieving order.

(c) The deficiency of teaching staff after excluding the above declaration forms is 34% as follows:-

Professor                                    4 (1Forensic Medicine, 1 Radiology, 1 OBGY, 1 Dentistry,)

Associate Professor    13 (1 Anatomy,1 Pharmacology,1FM, 1Comm.Medicine,  
1 Gen.Medicine, 1 TB,1 Psychiatry, 1 Pediatrics,  
1 Radiology, 1 Dentistry, 2 Pathology, 1 Anaesthesiology)

Assistant Professor    13 (3 Anatomy, 2 Physiology, 1Comm.Medicine, 3 Medicine,  
2 Radiology, 1 Dentistry, 1 Forensic Medicine)

Tutor                                        12 (3Anatomy, 4 Physiology, 3 Pathology, 2 Forensic Medicine)

(d) The shortage of Residents is 55% as under :-

i)        Sr. Resident    7 ( 4 Gen. Medi., 1 TB & Chest, 2 Anaesthesia)

ii)      Jr. Resident    43 (8 Medicine, 5 Paediatrics, 2 T.B. & Chest, 3 Skin,  
3 Psychiatry, 12 Gen. Surg., 3 Ortho. 3 Ophthal., 4 OBGY)

2. The clinical material on the day of inspection was as under:-

	Day of inspection	
O.P.D. attendance	450	
Bed occupancy	70	
<u>Radiological Investigations</u>		IPD
X-ray	25	05
Ultrasonography	25	02
Special Investigations	0	-
C.T. Scan	03	-

3. Nursing staff is inadequate as under:-

Nursing Superintendent                    -        01

Deputy Nursing Superintendent       -        01

Matron    -        -

Assistant Nursing Superintendent    ]        09

Nursing Sisters                                ]

Staff nurses                                    -        108

4. Other deficiencies/remarks in the report.

The members of the Adhoc Committee appointed by the Hon’ble Supreme Court and of the Executive Committee of the Council were, therefore, were clearly of the view that the Council should take steps for referring these cases to the Police authorities for registration of FIRs and conducting investigation in all such cases. It was also observed that in the complaint to be sent to the Police authorities, it should also be clearly requested that all those cases where there is a collusion and conspiracy of such persons with the management of the colleges, the necessary action should also be taken against the management of those colleges. It was further decided to take appropriate action be taken against these Doctors in accordance with Professional Conduct (Etiquette and Ethics) Regulations 2002.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to recommend to the Central Govt. not to renew the permission for admission of 6<sup>th</sup> batch of students at Mahatma Gandhi Medical College & Research Instt., Pondicherry for the academic session 2006-07.

**71. Approval of Pt. B.D. Sharma Postgraduate Instt. of Medical Sciences, Rohtak for the award of MBBS degree granted by Maharishi Dayanand University, Rohtak against the increased intake i.e. 115 to 150.**

Read: The Council Inspectors report (22<sup>nd</sup> & 23<sup>rd</sup> Dec., 2005) for approval of Pt. B.D. Sharma Postgraduate Instt. of Medical Sciences, Rohtak for the award of MBBS degree granted by Maharishi Dayanand University, Rohtak against the increased intake i.e. 115 to 150.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the Council Inspectors report (22<sup>nd</sup> & 23<sup>rd</sup> Dec., 2005) along with the letter dated 15.07.2004 from the Joint Secretary, Ministry of Health & F.W. and decided to recommend that Pt. B.D. Sharma Postgraduate Instt. of Medical Sciences, Rohtak be approved for the award of MBBS degree granted by Maharishi Dayanand University, Rohtak for the increased number of seats from 115 to 150.

**72. Establishment of new medical college at Munshiganj, Amethi, U.P. by Sanjay Gandhi Memorial Trust.**

Read: The application for establishment of new medical college at Munshiganj, Amethi, U.P. by Sanjay Gandhi Memorial Trust.

The Secretary informed that a letter dated 26.12.2005 has been received from the Central Govt. The operative part of which reads as under:-

*"In this connection it is also submitted that the time schedule prepared in 1999 was primarily to process the applications received for establishment of new colleges etc. and the Govt. and the Council had not fine-tuned, the same with reference to various time schedules laid down by the Supreme Court in the Mridul Dhar judgement. It may also be appreciated that various time schedules have been set to streamline the process to ensure that they serve a means to meet the main goal for ensuring availability of institutions meeting the requirement of MCI norms in time for student for pursuing the medical education. The Govt. is separately filing a detailed affidavit in the Mridul Dhar case in which this issue is also being addressed. Pending that, the Council may kindly process various applications forwarded to it for grant of LOI and LOP so that the colleges which meet the requirement of MCI norms are not denied permission. This is in public interest."*

In view of the above letter of the Central Govt., members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided that the item be withdrawn from the agenda.

**73. Establishment of new medical college at Jadcherla, Mahabubnagar Distt., A.P. by the Governing Council of the Conference of the Mennonite Brethren Church of India.**

Read: The request received from the President, Governing Council of the Conference of the Mennonite Brethren Church of India requesting to conduct the inspection for establishment of new medical college at Jadcherla, Mahabubnagar for LOI/LOP in March, 2006.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the application for establishment of new medical college at Jadcherla alongwith the request received from the President, Governing Council of the Conference of the Mennonite Brethren Church of India for combined inspection for grant of Letter of Intent and Letter of Permission in the 1<sup>st</sup> week of May, 2006 and noted that as per the schedule prescribed in the Establishment of Medical Colleges, Regulations, 1999 the Council has to send its recommendations to the Central Govt. for issue of Letter of Intent by **31<sup>st</sup> December**. The members of the Adhoc Committee and of the Executive Committee also observed the judgement dated 12.1.2005 delivered by the Hon'ble Supreme court in the case of Mridul Dhar (Minor) & Anr. Vs. Union of India & Ors. in W.P. © Nos. 206 of 2004 wherein it was directed that:-

“14.....time schedule for establishment of new college or to increase intake in existing college, shall be adhered to strictly by all concerned.

15. Time schedule provided in Regulations shall be strictly adhered to by all concerned failing which defaulting party would be liable to be personally proceeded with.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return the application to the Central Government recommending disapproval of scheme for establishment of new medical college at Jadcherla, Mahububnagar Distt. A.P. by Governing Council of the Conference of the Mennonite Brethren Church of India u/s 10A of the Indian Medical Council Act, 1956.

**74. Establishment of a new medical college at Ragolu, Sri Kakulum by Aditya Educational Society, Srikakulam,**

Read: The letter dt. 02/12/2005 received from the President, Aditya Educational Society, Srikakulam requesting to withdraw their application for establishment of medical college at Ragolu for the year 2006-07.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the inspection for establishment of new medical college at Ragolu, Sri Kakulum was arranged to be carried out by the Council Inspectors on 06<sup>th</sup> & 07<sup>th</sup> Dec., 2005. The Committee further noted the letter dated 02.12.2005 received from the President, Aditya Educational Society requesting to withdraw their application for establishment of medical college at Ragolu for this year i.e. 2006-2007 and they would like to apply afresh for the next year i.e. 2007-2008.

In view of above, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return the application for establishment of new medical college at Ragolu, Sri Kakulum by Aditya Educational Society, Srikakulam.

**75. Proposals for establishment of new medical college/increase in seats in MBBS course – permission regarding.**

Read: The letter dt. 26/12/2005 received from the Govt. of India, Ministry of Health & Family Welfare, requesting to consider the applications for establishment of new medical colleges/increase of seats in MBBS course received last year and were denied permission in view of the deficiencies pointed out in the inspection report for the year 2006-07.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted the contents of the letter dated 26.12.2005 received from the Govt. of India, Ministry of Health & F.W. The operative part of which reads as under:-

*“In this connection it is also submitted that the time schedule prepared in 1999 was primarily to process the applications received for establishment of new colleges etc. and the Govt. and the Council had not fine-tuned, the same with reference to various time schedules laid down by the Supreme Court in the Mridul Dhar judgement. It may also be appreciated that various time schedules have been set to streamline the process to ensure that they serve a means to meet the main goal for ensuring availability of institutions meeting the requirement of MCI norms in time for student for pursuing the medical education. The Govt. is separately filing a detailed affidavit in the Mridul Dhar case in which this issue is also being addressed. Pending that, the Council may kindly process various applications forwarded to it for grant of LOI and LOP so that the colleges which meet the requirement of MCI norms are not denied permission. This is in public interest.”*

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 applications of such medical colleges be processed and the inspections be carried out and inspection reports be placed before the Adhoc Committee/Executive Committee for its consideration.

**76. Selection for the post of Assistant Secretary in the office of the Medical Council of India.**

Read: The recommendation of the Selection Committee for the post of Assistant Secretary in the office of the Medical Council of India.

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 Selection Committee recommending that Mrs. Madhu Handa presently working as Administrative Officer be promoted to the post of Assistant Secretary in accordance with the recruitment rules.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further directed the office to issue the appointment order to the selected candidate Mrs. Madhu Handa for the post of Asstt. Secretary immediately.

**77. Establishment of new medical college Bhubaneswar by Kalinga Institute of Industrial Technology, Bhubaneswar.**

Read : The application for establishment of new medical college Bhubaneswar by Kalinga Institute of Industrial Technology, Bhubaneswar.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the application for establishment of new medical college Bhubaneswar by Kalinga Institute of Industrial Technology, Bhubaneswar and noted that no reply has been received from the Distt. Magistrate and Orissa Industrial Infrastructural Corporation with regard to the lease deeds of the land inspite of repeated reminders. It was also observed that the applicant Trust has also failed to provide clear sale deeds/lease deeds for 99 years in respect of the unitary plot of land of 25 Acres.

As the applicant trust has failed to fulfill the mandatory and statutory pre-condition of owning and possessing unitary plot of 25 Acres as laid down in the Establishment of Medical College Regulations, 1999, the members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided to return the application to the Central Govt. recommending disapproval of the Scheme for establishment of a medical college at Bhubaneswar by Kalinga Instt. of Industrial Technology, Bhubaneswar.

**78. Resignation of Dr. (Mrs.) Vandana Ajay Khanolkar, Whole-time Inspector.**

Read : Letter dated 28.12.2005 from Dr. (Mrs.) Vandana Ajay Khanolkar, Whole-time Inspector.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council considered the letter dated 28.12.2005 from Dr. (Mrs.) Vandana Ajay Khanolkar, Whole-time Inspector tendering her resignation from the post of Whole-time Inspector and decided to accept her resignation and to relieve her from the services of the Council w.e.f. 2.1.2006.

**79. Payment of bill of Shri K.K. Venugopal, Senior Advocate.**

Read: The bill of Shri K.K. Venugopal, Senior Advocate.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council noted that the issue for which the opinion of Shri K.K. Venugopal was sought as Senior Counsel was very important as it related to matters pertaining to the Establishment of Medical College Regulations, 1999 and adherence to the time schedule prescribed therein. They further noted that the Council had strictly followed the guidelines prescribed by the Hon'ble Supreme Court in Mridul Dhar's case for strict adherence to the time schedule prescribed in the Regulations till date.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council decided that it was very important for the Council to defend its stand of following the directives of the Hon'ble Supreme Court and strictly adhering to the time schedule and the Regulations and therefore it was essential for the Council to obtain the opinion of Shri K.K. Venugopal, Senior. Advocate.

The members of the Adhoc Committee appointed by the Hon'ble Supreme Court and of the Executive Committee of the Council further decided to pay the bill of Shri K.K. Venugopal, Senior Advocate under these circumstances.

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

*New Delhi, Dated the  
28<sup>th</sup> December, 2005*

**A P P R O V E D**

**(DR. P. C. KESAVANKUTTY NAYAR)  
PRESIDENT (ACTING)**