

MEDICAL COUNCIL OF INDIA
NEW DELHI

Minutes of the meeting of the Board of Governors held on 26.12.2011 at 10.00 a.m. in the Council office at Sector -8, Pocket-14, Dwarka, New Delhi -110077.

Following members were present:

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| 1. | Dr. (Prof.) K.K. Talwar | Chairman, Board of Governors |
| 2. | Dr. (Prof.) K.S. Sharma | Member, Board of Governors |
| 3. | Dr. (Prof.) H.S. Rissam | Member, Board of Governors |
| 4. | Dr. Rajiv Chintaman Yeravdekar | Member, Board of Governors |
| 5. | Dr. Purshotam Lal | Member, Board of Governors |
| 6. | Dr. Ashok Kumar Gupta | Member, Board of Governors |
| 7. | Dr. (Prof.) K Mohandas | Member, Board of Governors |
| 8. | Dr. (Prof.) Sangeeta Sharma | Secretary, Member Secretary, BOG meeting. |
| 9. | Dr. P. Prasannaraj | Additional Secretary |

1. Minutes of the BOG's meeting dated 23.12.2011 - Confirmation of.

The Board of Governors decided to confirm the minutes of the Board of Governors meeting held on 23.12.2011 in the next meeting.

2. Incorporation in amendments to the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) (PC & PNDT) Act, 1994 (as amended in 2003).

Read: the matter with regard to incorporation in amendments to the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) (PC & PNDT) Act, 1994 (as amended in 2003).

The Board of Governors considered the matter with regard to incorporation in amendments to the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) (PC & PNDT) Act, 1994 (as amended in 2003). There were mainly three reference points suggested by the Hon'ble High Court of Delhi for clarification which were then forwarded to the Medical Council of India through the Government of India for appropriate suggestions to be suitably incorporated in the amendment to the Act and explicated in the PC-PNDT rules given as below:

1. The requirements in terms of qualification, training and experience required to be registered as a "sonologist" should be incorporated in the PC PNDT Act and further explicated under the PC PNDT rules.
2. The Names of the Institutions state-wise which are recognized for that purpose will have to be notified.
3. The changed criteria must be made not only prospective but sufficient time to be given to enable those seeking registration or renewal to fulfill the changed criteria.

The Board considered the report of the committee and approved the following recommendations of the Sub-committee for amendments required in the PCPNDT Act, 1994 (as amended in 2003):

Term of reference 1: The requirements in terms of qualification, training and experience required to be registered as a "sonologist" should be incorporated in the PC PNDT Act and further explicated under the PC PNDT rules.

Who should be called as “Sonologist”?

- A) The following qualified persons may be considered eligible to perform USG for purposes and indications given under the provisions of the PCPNDT Act/ Rules.
- I. Radiologist having Post Graduate Qualification in Radiology/ Imaging Sciences, as specified in the schedule I/II/III of the IMC Act of 1956. (Modified because of different PG degrees and their nomenclature in different states.)
 - II. Ob/ Gyn. having Post Graduate Qualification in Ob./ Gyn., as specified in the schedule I/II/III of the IMC Act of 1956.
 - III. DNB qualification in Radiology /Obs/Gyn, as equated and as per provisions of the Medical Council of India for equivalence.
 - IV. MBBS graduate from recognized University in India or any other foreign medical graduate qualification recognized by the Medical Council of India with Six (6) months of Obs/Gyn ultrasound training at any Govt. recognized teaching institute
*Teachers in Radiology and Obs/Gyn department of medical colleges would be considered as ‘Sonologist’ and therefore deemed to be registered under the PC & PNDT Act.

Term of reference 2: The Names of the Institutions state-wise which are recognized for that purpose will have to be notified.

The training centres should be a Govt. recognized teaching institution. As such it should have the requisite infrastructural facilities, equipments / machinery & trained faculties. The recognition and monitoring of various teaching & training centres will be done by respective State Government and the list of such appropriate centres will be notified by respective State Government.

Any training centre not recognized and not duly notified by the respective State Govt. will be considered as flouting the PC PNDT Act and appropriate action,(as per the provisions of the PC PNDT Act) will be initiated against the doctors/ persons running such non-recognized centres. It will be mandatory for the existing training centres to apply to the state authority for recognition of their centres within four (4) months of these amendments in the PC-PNDT Act. It will be the responsibility of State Governments to display the list of all such training centres recognized for the purposes of training within Six months of these amendments in the PC-PNDT Act.

Training

Any MBBS graduate will be eligible for training in Ob./Gyn. USG at such Govt. recognized teaching centers. Such a trained MBBS graduate (without post-graduate qualification) will then be entitled to practice Ob./Gyn. USG.

Radiologists, with approved post graduate qualification by Medical Council of India /NBE do not require any additional training to conduct any ultrasound examinations. Gynecologists & Obstetricians also do not need to undergo training as ultrasound training is part of their curriculum.

Training period

For M.B.B.S. doctors - 6 months (minimum 300 hours).

Syllabus for M.B.B.S. doctors.

- Instrumentation & basics
- Physics for practical application
- Ultrasound anatomy of the female pelvic organs, & the fetus. Brief exposure to anatomy of the abdominal organs so as to enable one to deal with emergency conditions.
- Embryology & pathophysiology in short as applied to a gravid uterus
- Examination techniques
- Basics of obstetrical scanning & interpretation in all trimesters
- Maintain a log book (100 obstetric cases, 25 pelvic pathologies, 20 Obstetrics/non-obstetrics emergencies.)

- PC-PNDT Law and its various provisions.
 - PC-PNDT Challenges & sensitization of public.
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At the end of training, there will be a competency based evaluation. The successful trainees will then be awarded with appropriate certification by the respective teaching institute. Their names will be notified by the State/State medical councils. The successful candidate will be required to undertake requisite number of credit hours/points in the Obstetrics Ultrasound/Specialty to which they belong to enable them to continue with the validity of certification.

For Faculty position: Radiologists as specified in schedule I/II/III of IMC Act of 1956 with three years' experience after Post-graduation or Obstetrician / Gynecologists as specified in schedule I/II/III of IMC Act of 1956 with three years' experience after Post-graduation with additional one year of exclusive dedicated training in Obs/Gyn USG from Govt. recognized medical colleges will form the faculty. Any other specialist with post-graduate degree with three years of experience and one year of exclusive dedicated training in Ultrasound in their respective field at Govt. recognized centers will form a faculty for their respective field. The Post graduate degree qualification means the degrees approved by Medical Council of India / National Board of Examination.

Term of Reference 3: The changed criteria must be made not only prospective but sufficient time to be given to enable those seeking registration or renewal to fulfill the changed criteria. All these above changes will be implemented prospectively and those who have already been granted license under the PC-PNDT Act will continue with their present status of work. This will cover category I, II, III, IV as mentioned in term of reference 1.

3. Approval of the Minutes of the Joint meeting of the Academic Council and Sub-Committee on MSR meeting held on 14th December, 2011.

Read: the matter with regard to approval of the Minutes of the Joint meeting of the Academic Council and Sub-Committee on MSR meeting held on 14th December, 2011.

The Board of Governors approved the Minutes of the Joint meeting of the Academic Council and Sub-Committee on MSR meeting held on 14th December, 2011. In order to promote the establishment of Teaching Hospitals where the ratio of population to the number of medical colleges is severely compromised (1 Medical College per 50 lakh population as standard) i.e. **Jharkhand, Chhattisgarh, Bihar, Uttar Pradesh, Madhya Pradesh, Orissa, West Bengal, Rajasthan, Assam and North Eastern States** and the Board decided to correct and make following changes / additions:

The land shall not be in more than two pieces and the distance between the two pieces shall not be more than 10 km. The land may be in any denomination as long as one plot of land is not less than 10 acres and the second piece is not less than 5 acres subject to total land being not less than 20 acres. The college building including library and hostels for the students, interns, PGs/Residents, nurses and other facilities shall be in one piece of land which shall not be less than 10 acres. The hospital may be in other campus having well connected road with free transportation facilities for students. The said hospital should be functional for at least 3 years. This clause will be applicable only till such time that the adequate ratio of Doctor and population and ratio of number of seats vs. population is achieved and notified by the concerned state government.

4. ATN on Para No.1.1 to 1.8 of CAG's performance Audit Report No.20 of 2010-11 in respect of Medical Council of India.

Read: the matter with regard to ATN on Para No.1.1 to 1.8 of CAG's performance Audit Report No.20 of 2010-11 in respect of Medical Council of India.

The Board of Governors considered the matter with regard to ATN on Para No.1.1 to 1.8 of CAG's performance Audit Report No.20 of 2010-11 in respect of Medical Council of India and directed to obtain comments of Consultant (Admn).

5. Consideration for grant of registration to the candidates of Xavier University, School of Medicine, Netherlands Antiles - reg.

Read: the matter with regard to consideration for grant of registration to the candidates of Xavier University, School of Medicine, Netherlands Antiles - reg.

The Board of Governors considered the matter with regard to grant of registration to the candidates of Xavier University, School of Medicine, Netherlands Antiles. The Board of Governors taking note of its earlier decision in the case of Indian citizens who had obtained medical qualification from Tanzania, Philippines decided to consider the case of the Indian citizens who had obtained medical qualifications from Netherlands Antilles on similar basis in view of the law laid down by the Hon'ble Supreme Court of India in Medical Council of India v. J. Saai Prasanna {Judgment dated 09/05/11}. The Board also noted that the Hon'ble Supreme Court had permitted the Petitioners to withdraw their SLP in light of the decision rendered in J. Saai Prasanna's case in order to give a representation to MCI on the basis of that decision. The Board also took note of the letter received from the Embassy of India regarding the Medical qualification awarded by the Xavier School of Medicine Foundation and the legal opinion tendered by Shri Amit Kumar, Legal Retainer. The Medical Council of India in similar cases namely Priya Nair and other before Delhi High Court and Shri Shivaji Dnyandeo Patil and other filed by Bombay High Court has acceded to prayers and accordingly granted registration if the person has qualified the screening test. The Board also noted that in accordance with the provisions of "Eligibility Requirement for taking admission in an undergraduate medical course in a Foreign Medical Institution Regulations, 2002 the candidates who have been admitted after 16/04/2010 amendment in any foreign medical institution the candidates must have studied for the entire duration of the course in the same foreign medical institution.

The Board decided in view of the above and as in earlier such cases, following three criteria were followed, i.e., the medical qualification obtained should be a recognized medical qualification in that country; secondly, it must entitle the candidate to obtain registration to practice medicine in that country and thirdly, the verification of the documents has been obtained from the Indian Embassy in this regard, therefore decided to grant registration as for registration these three prerequisites have been met with.

6. Consideration for grant of registration to Dr. Sheela P.T.

Read: the matter with regard to grant of registration to Dr. Sheela P.T.

The Board was apprised of the writ petition filed by Dr. Sheela PT in the Hon'ble High Court of Kerala the case has been pending there since 2005. It was last listed on 08/12/11 and was adjourned for a week and would now be taken up either on 16/12/11 or 19/12/11. MCI till date has not filed any response affidavit in the matter,

The Board noted that Dr. Sheela P.T. has obtained medical qualification in 1998 from Germany. She had applied for Permanent Registration through the Travancore Medical Council on 08/06/2000. The case of the candidate was considered by the Registration and Equivalence Committee at its meeting held on 16/09/2002, wherein it was decided that the candidate is required to appear in the Screening Test. Aggrieved by this decision, the candidate had in 2005 filed a Writ Petition in the Kerala High Court, as she contended Screening Test Regulations came into place w.e.f. 15/03/2002 and were not applicable to her. Legal has opined that the Registration and Equivalence Committee has not given any reason for directing the Petitioner to undergo Screening Test when the case of the Petitioner is covered by the judgment of Hon'ble Supreme Court. The Medical Council of India has already granted registration to candidates who are similarly situated. However, since the candidate has passed the MBBS

examination way back in the year 1998, the knowledge of the candidate must have been rusted by now and in the case of Medical Council of India vs. J. Sai Prasanna, the Hon'ble Supreme Court has considered the issue of candidate getting out of touch of medical profession and in the said case the Hon'ble Supreme Court has directed the candidate to undergo one year additional internship. The Board may impose similar condition before granting permanent registration to the Petitioner. The case has also been perused along with the file of registration section by one of the Member, Board of Governors and it was deemed appropriate to get extension from the court on the ground that matter was under active consideration of the Board of Governors.

The Board of Governors considered the matter with regard to grant of registration to Dr. Sheela P.T. and in view of the above decided to grant provisional registration to Dr. Sheela PT in compliance with the procedure adopted for issue of registration and as there is a long gap since she completed her graduation, she is directed to undergo one year additional internship.

7. Consideration for grant of Permanent Registration to the candidates who have completed their degree from Russian Federation and confirmation of degree awarded on/or before 2000 is pending from Embassy of India, Russia.

Read: the matter with regard to consideration for grant of Permanent Registration to the candidates who have completed their degree from Russian Federation and confirmation of degree awarded on/or before 2000 is pending from Embassy of India, Russia.

The Board of Governors considered the matter with regard to grant of Permanent Registration to the candidates who have completed their degree from Russian Federation and confirmation of degree awarded on/or before 2000 is pending from Embassy of India, Russia and directed to prepare a list of such candidates and once again make an attempt to get their documents verified and write to the Ministry of External Affairs in this regard.

8. SLP © No. 15865-15908/2003 – Medical Council of India Vs. Dr. Biju Paulose and Ors. in the Hon'ble Supreme Court of India.

Read: the matter with regard to SLP © No. 15865-15908/2003 – Medical Council of India Vs. Dr. Biju Paulose and Ors. in the Hon'ble Supreme Court of India.

The Board of Governors considered the matter with regard to SLP No. 15865-15908/2003 – Medical Council of India Vs. Dr. Biju Paulose and Ors. in the Hon'ble Supreme Court of India and since it required detailed deliberation it was decided to consider in the next meeting.

9. Consideration of recommendations of the UG committee meeting held on September 20, 2011 and October 2011 with regard to recognition and continuation of recognition.

Read: the matter with regard to consideration of recommendations of the UG committee meeting held on September 20, 2011 and October 2011 with regard to recognition and continuation of recognition.

The item was deferred.

10. Assessment for renewal of permission for admission of 4th batch of MBBS students for the academic session 2012-13 at K.J. Mehta General Hospital & College of Medical Sciences, Amargadh, Bhavnagar – Regarding.

Read: the matter with regard to assessment for renewal of permission for admission of 4th batch of MBBS students for the academic session 2012-13 at K.J. Mehta General Hospital & College of Medical Sciences, Amargadh, Bhavnagar

The Board of Governors considered the matter with regard to assessment for renewal of permission for admission of 4th batch of MBBS students for the academic session 2012-13 at K.J. Mehta General Hospital & College of Medical Sciences, Amargadh, Bhavnagar and noted the opinion of the Legal retainer and the order of Hon'ble Supreme Court dated 12/09/2011 passed in S.L.P. No. 24699 of 2011. The Hon'ble Supreme Court has also observed that the college can be inspected & Bank Guarantee should not be invoked if there is a request for renewal of permission. The college has stated in the application that pursuant to the order of Courts, no batch is studying in the college. Therefore, the request is made by the college to assess the college for admission of first batch only. In view of the court order, request from the college and after considering the validity of the documents such as essentiality certificate and consent of affiliation decided to conduct assessment for admission of first batch.

11. Admission of 1st year MBBS students at Govt. Medical College, Amritsar in the academic year 2010-11 – Discharge regarding.

Read: the matter with regard to admission of 1st year MBBS students at Govt. Medical College, Amritsar in the academic year 2010-11 – Discharge

The Board of Governors considered the matter with regard to admission of 1st year MBBS students at Govt. Medical College, Amritsar in the academic year 2010-11 – Discharge and noted that one admission namely Ms. Harvinder Kaur was made under Tsunami quota over and above the sanctioned intake i.e., 150 and as stated by the Principal Tsunami quota admissions was exempted from PMET as per University rules. The Board also noted the opinion of the Legal Retainer that there is no provision of exemption under the Regulation. Hence, the permission to the candidate to pursue MBBS course without appearing in CET is illegal. Hence discharge letter may be issued. The Board decided to also get clarification from the Central Government if there is any Tsunami quota and get the opinion of the Senior Advocate.

12. Admission of 1st year MBBS students at Fathima Institute of Medical Sciences, Kadappa in the academic year 2010-11 – Discharge regarding.

Read: the matter with regard to admission of 1st year MBBS students at Fathima Institute of Medical Sciences, Kadappa in the academic year 2010-11 – Discharge

The Board of Governors considered the matter with regard to admission of 1st year MBBS students at Fathima Institute of Medical Sciences, Kadappa in the academic year 2010-11 and noted that 33 students (16 students without PMT entrance examination marks & 17 students less than 40% marks) were admitted at Fathima Institute of Medical Sciences, Kadappa for the academic year 2010-11. The Board also noted the opinion of the Legal Retainer that there is no exception in the Regulations for minority institutions. Even in the recent judgment delivered by the Hon'ble Supreme Court on 18.02.2011 in Civil Appeal no. 1925 of 2011, titled Chowdhury Navin Hemabhai & Ors. Vs. the state of Gujarat & Ors. the Hon'ble Supreme Court by a detailed judgment and order has held that the standards laid down in the MCI Regulations on Graduate Medical Education 1997 cannot be lowered. Therefore, the regulations of MCI are binding on all institutions including Minority Institutions, and those students admitted in contravention to prescribed regulations of the MCI are liable to be struck off from the admission rolls of Fathima Institute of Medical Sciences, Kadappa. The Board decided to get the opinion of the Senior Advocate.

13. Admission of 1st year MBBS students at People's College of Medical Sciences, Bhanpur in the academic year 2011-12 – Discharge regarding.

Read: the matter with regard to admission of 1st year MBBS students at People's College of Medical Sciences, Bhanpur in the academic year 2011-12 – Discharge regarding.

The Board of Governors considered the matter with regard to admission of 1st year MBBS students at People's College of Medical Sciences, Bhanpur in the academic year 2011-12. The college has a sanctioned intake of 150 admissions under Barkatulla University whereas they have admitted 245 students in the academic year 2011-12. As claimed by the college authorities that the admission have been made as per the Deemed University status. As per clarification from Director Medical Education only 43 seats were available for the college and 107 seats for the State quota after adjustment of seats keeping in view the NRI quota and reduction in management quota for 42 seats by MCI..

The Board was also apprised that for the academic session 2010-11 also the college authorities had made 42 excess admission in Management quota and the Council vide letter dated 19.09.2011 directed the college to reduce 42 admissions in the Management quota for the academic year 2011-2012 and increase allocation of free seats in Government quota during the academic year 2011-2012. The Director of Medical Education Madhya Pradesh vide letter dated 21.11.2011 has informed that state quota is 107 out of 150. Legal Retainer opined that any admission over and above the sanctioned intake should be discharged

In view of the above the Board decided to issue discharge notice for excess admissions in management quota over and above sanctioned intake capacity as indicated in the letter of Director Medical Education, MP.

Meeting ended with a vote of thanks to the Chair.

(Dr. P.Prasannaraj)
Addl.Secretary

(Dr. (Prof.) Sangeeta Sharma)
Secretary

(Dr.(Prof.) K.S. Sharma)
Member

(Dr. (Prof.) H S Rissam)
Member

(Dr. Rajiv C Yeravdekar)
Member

(Dr. Purshotam Lal)
Member

(Dr. Ashok Gupta)
Member

(Dr. (Prof.) K Mohandas)
Member

(Dr. (Prof.) K.K. Talwar)
Chairman