

Don of Medical Council of India



September 2009

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The DON of Medical Council of India

A true and telling story of corruption and conspiracy investigated and authored by ace journalist **Lalit Shastri**

It is a story about massive concentration of power into the hands of a small coterie headed by Ketan Desai, President of Medical Council of India. The book underlines how Desai had put in jeopardy the entire working of the statutory body created to uphold the highest standards of medical education in India.

The MCI was created by an Act passed by Parliament to establish uniform standards of medical education and recognition of medical qualifications in India and abroad. The MCI objectives are supposed to be met through inspection; Permission to start new medical colleges, new Courses-including P.G. or Higher Courses, increase of seats; Recognition/de-recognition of Indian or foreign qualifications; maintenance of All-India Medical Register of persons who hold any of the recognised medical qualifications; and issue of Good Standing Certificates for doctors going abroad.

There are allegations of massive corruption and irregularities linked with inspections and the overall working of the Medical Council of India. The crux of the problem is that the Medical Council of India is not being run on democratic lines and as perceived under the provisions of the Indian Medical Council Act.

The MCI is caught in the vice-like grip of its President Ketan Desai, who blatantly flouts the provisions of the Indian Medical Council Act and the Regulations governing its working on his whims and fancies and also to serve the vested interests.

The MCI President continues to pick and choose the inspectors who are often used to manipulate, fabricate and fudge inspection reports to grant permission to fake medical colleges that do not meet the MCI norms. Under the IMC Act, the powers to appoint inspectors are vested in the Executive Committee of the Council but the irony is that this body has abdicated this responsibility and transferred the vital power to the President.

Many medical colleges across the country, lacking infrastructure and manpower-- more particularly clinical material and faculty--continue to get permission from Government of India on MCI's recommendation and are able to thrive on the basis of extraneous considerations. It is this malaise that is leading to the collection of capitation fees by some medical colleges that should not be allowed to function under any circumstances. Such colleges have also come under public gaze-- thanks to a number of sting operations by some prominent television channels in the recent past. What is even more glaring is that Ketan Desai and his deputy, Kesavankutty Nair have been in the Board of Governors of one such tainted medical college in Tamil Nadu.

Ketan Desai's immediate team, which would remain incomplete without the controversial MCI Secretary, Col ARN Setalvad, can go to any length to oblige or "fix" certain medical colleges and for this purpose they have created a diabolic system manned by even middle-level functionaries posted in the Ministry of Health and Family Welfare. It is not merely a charge or an allegation but there is sufficient ground and evidence to prove the point. The timing and content of some letters sent to MCI by the Union Ministry of Health and Family Welfare clearly points to a nexus between some middle-rung officers of the Health Ministry and the MCI bosses, who are apparently bent upon ruining a world standard private medical college in Bhopal-the capital of the central Indian State of Madhya Pradesh.

On June 8, 2009 the Health Ministry wrote to MCI enclosing a copy of a complaint against a private Medical College. The complaint was dated June 2, 2009 said to have been received from Kailash Joshi, Member of Parliament. Through this letter the Health Ministry had asked MCI to furnish "views and comments" at the earliest on the issue raised by Mr. Kailash Joshi. Two days later on June 10, Mr. Joshi categorically informed the Health Ministry that he had made no complaint against the college in question. Subsequently, the Health Ministry wrote another letter to the MCI on the same subject noting that the earlier letter (of June 8) "may please be treated as withdrawn and this may be treated as most urgent". In the meanwhile, on June 23, 2009, the Government of India wrote to MCI firmly pointing out that in view of severe shortage of Medical/dental personnel in the country, MCI/DCI (Medical Council of India/Dental Council of India) may re-inspect all renewal cases and send recommendations to the Ministry by July 8, 2009 positively. July 15, 2009 was fixed as the last date for grant of permission to colleges. In light of this, compliance verification inspection of the private college in question was conducted on June 27, 2009 and the inspection report was absolutely positive indicating that the college met all MCI norms.

On July 9, 2009, the MCI held its Executive Committee meeting to consider the compliance verification inspection reports. In this meeting the inspection report of the private medical College of Bhopal was brought on agenda but was deferred on the ground that once more the complaint against the College by Mr. Kailash Joshi forwarded by the Central Government on July 7 had been received by the Council on the day of the Executive Committee meeting. This after the Health Ministry had already withdrawn the same complaint on June 10.

On July 17, MCI conducted another inspection of this College to verify the alleged complaint against it and took it up in the agenda for its July 27 Executive Committee meeting as "Compliance Verification Inspection". Once again, when the Executive Committee met on July 27, another complaint against this college reached the MCI from the Health Ministry and the decision to recommend its case was deferred for the second time.

Later on August 21, 2009, MCI told the Supreme Court through its lawyer that since the inspection process was still on they had not recommended this college for permission for the academic year 2009-10. Three days later MCI filed an interim application in the High Court of Madhya Pradesh seeking direction stating that the last date for granting permission for medical colleges was June 15. While taking this stand, MCI held back the Government of India directive of June 23, 2009 seeking recommendations till July 8 and fixing July 15 as the deadline for granting permission. It also kept out of focus the Supreme Court order of August 21, which said that the Government of India should take a decision on the MCI recommendation regarding the college in question within reasonable time.

MCI also failed to act immediately on the Health Ministry's letter of September 9, 2009 asking that in view of the Supreme Court order of August 21, it should furnish the report (inspection) to the Ministry at the earliest.

MCI continuously and blatantly flouted the orders of Supreme Court of India once (September 21, 2009), Madhya Pradesh High Court twice (August 19, and August 27), and the Ministry of Health and Family Welfare four times (June 23, July 15, September 9 and September 18, 2009) when it came recommending the case of People's College of Medical Sciences and Research Centre, Bhopal.

MCI kept denying permission on the basis of fake, false and fabricated complaints to People's College of Medical Sciences and Research Centre, which was meeting the MCI norms and having world-class facilities.

After the fake complaint in the name of Kailash Joshi, member of Parliament, the latest in the series of fake complaints was one carrying a forged signature of Sumitra Mahajan, M.P. This was not the first time that MCI had resorted to such a fraudulent practice. They had used such dubious means to block permission in the past as well.

In the recent instance, MCI claims that it received a complaint against People's College of Medical Sciences and Research Centre, from Sumitra Mahajan. She immediately denied having made any complaint against People's Medical College and said that her signature on the letter of complaint had been forged. She also stated emphatically that she would be lodging a counter complaint about this with the Health Minister and also with the Police.

At the time when the High Court of Madhya Pradesh was hearing a writ petition filed by the People's Medical College, Bhopal on September 22, the MCI sent a team of inspectors to inspect the Medical College on the pretext of the complaint which was fake and carried Mrs. Mahajan's forged signature. This act was obviously to stall any interim order by the High Court. What lends credence to this is the fact that the MCI Counsel also asked the High Court to take up the case later in the afternoon that day giving clear indication that MCI was buying time to stall Court proceedings.

Later, responding to a petition filed by People's Medical College, the High Court gave order asking MCI to send its recommendation regarding People's College of Medical Sciences latest by September 25. The Court also ordered the Ministry of Health and Family Welfare, Government of India, to take action in this matter latest by September 29.

At this stage, the MCI recommended renewal of permission to the Medical College for the academic session, 2009-2010 but the Health Ministry developed cold feet and did not issue permission taking the plea that the deadline for this was already over citing an old Supreme Court order that had fixed June 15 as the last date for issuing permission. This stand beats logic as the health Ministry had through its own letter to MCI on June 23 had said that the last date for granting permission was July 15. Moreover, in the year 2008, permission has been given by the Government of India as late as last week of September.

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This clearly shows that MCI has been bent upon ruining this college despite the Government of India's policy directive sent to MCI on June 23, 2009. It stated: "A number of recommendations have been received from MCI/DCI (Medical Council of India. Dental Council of India) for non-renewal of permission in certain medical/dental colleges for the academic year 2009-2010. Consequently any stoppage of admissions of new batches in existing medical/dental colleges can lead to medical/dental manpower loss and under utilisation of financial/non-financial resources in both Government and private sectors." The Ministry went on to add: "Keeping in view the fact that there is severe shortage of medical/dental personnel in the country and the time constraint in re-inspection of these colleges, it has been decided by the competent authority in the Ministry that MCI/DCI may re-inspect all the renewal cases/obtain and verify compliance report where Council have given recommendations for non-renewal/cases where reduced intake has been recommended, and send them by July 8 positively. The Ministry will, however, take final decision on the revised recommendations by July 15, 2009, which is the last date for grant for permission."

On the other extreme: On September 26, 2008, the Union Ministry of Health and Family Welfare wrote to the Chairman Mayank Welfare Society, Indore in Madhya Pradesh stating that a central team inspection was conducted on September 25, 2008 at Index Medical College hospital for renewal of permission for admission to 2nd batch of 150 MBBS students during the academic year 2008-09 in view of the direction given by the Supreme Court of India on September 22, 2008. The same letter went on to add that after careful consideration of the MCI inspection reports and central inspection report, the approval of the Central Government is granted for renewal of permission for admission of 2nd batch of 150 MBBS students for the academic year 2008-09. The permission, is however subject to the condition that the admission process may be completed as per the time schedule prescribed in the Regulations of Medical Council of India.

The Union Health Ministry had wrongly cited the Supreme Court order of September 22, 2008 as the ground for conducting the Central team inspection as the Supreme Court had not given any direction for inspection by a central team. The Apex Court through its order of September 22, had only listed the case for hearing on September 26, 2008.

In another case relating to the Rohilkhand Educational Charitable Trust, which came up for hearing before the Supreme Court on September 3, 2008, the Apex Court had passed an order disposing of the petition. The order said: We are told that permission has already been granted in respect of the petitioner and the petitioner institute may complete the admission by September 30, 2008 in accordance with the rules and procedure laid down for the purpose of admissions.

On September 24, 2008, the Ministry of Health and Family Welfare, Government of India had written to the Medical Council of India bringing to the regulatory authority's notice that Gopal Subramaniam, the Additional Solicitor General, had written a letter on September 22, 2008 noting that with regard to the writ petition No. 420 of 2008 relating to Index Medical College and writ petition no. 426 of 2008 of Rohilkhand Medical College and Hospital, Bareilly, the petitioners had acknowledged renewal of permission for a reduced intake of students. The Additional Solicitor General of India had submitted to the High Court that as the deficiencies were less than 50 per cent, the Government and MCI could consider granting renewal of permission for a reduced intake of students.

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When the petition concerning Index Medical College and others came up for hearing before the Supreme Court on September 26, 2008, Gopal Subramaniam, the Additional Solicitor General of India appearing for Union of India stated before the Court that the inspection was conducted but the percentage of the teaching staff in various departments and other facilities were inadequate and the petitioner institution cannot be given permission. The Court disposed of the writ petitions saying that the petitioners could continue to get permission in the next calendar year. But in defiance of this order the permission was granted to this college by the Health Ministry the same day.

This book is a result of extensive and long drawn investigations and research into the working of MCI. The objective of this book is to take up the issue of MCI in the public domain. Through this book we want to catch the attention of those at the helm of affairs at the Government of India level and also the functionaries involved in administration of medical colleges in the country to join the crusade aimed at freeing MCI from the grip of elements who thrive on corruption and are lowering the prestige of an apex body created by an Act passed by Parliament to maintain the standards of Medical Education in the country.

It is a tragic scenario, the MCI is headed by Ketan Desai, who is tainted and continues to face the charge of accepting a huge amount of money as gift, for himself and other members of his family, from those not related to him. After a search and seizure operation by the Income Tax department, the matter was brought before the Delhi High Court, which passed an order asking Ketan Desai to step down from the MCI President's post. The court passed severe strictures against Desai and also asked the CBI to register a case and probe the charge of corruption against him. The CBI inquiry went on for few years and gave a strange twist to the whole issue by filing a closure report in the designated Court. The Court accepted the report, which said that the money (Rs. 65 lakh) was given to Desai as gift because he was "an influential person".

With the closure of this case, Ketan Desai was back in the saddle as MCI President with the help of few senior functionaries of MCI who, according to insiders, had preferred to remain mere rubber stamps and were too eager to vacate the top post for him whenever he was in a position to disentangle himself from corruption charges. It is well known that Desai has been deeply entrenched in MCI due to political patronage. It is being pointed out in knowledgeable circles, that even the CBI had worked under pressure from different quarters to clear Desai of corruption charges. Legal experts are of the view that the CBI closure report can be torn into shreds if a review petition gets filed to reopen the inquiry against Desai under the anti-corruption law.

The appointment of Lt. Col A.R.N. Setalvad as Secretary MCI is controversial. Even the Government of India had questioned the legality of his appointment, there is a CBI probe pending against him. He also faces charges of embezzling crores of rupees when he was the dean of a medical college in Gujarat. It is common knowledge that he is running the day to day affairs of MCI by resorting to serious irregularities on instructions from Desai. The CBI, after conducting investigations into complaints against Setalwad had written to the Central Vigilance Commission : "it is apparent that rules and guidelines in the recruitment and building construction of MCI were violated intentionally and there has been a lack of transparency in the functioning of MCI." The report further said: "there is prima facie evidence of gross irregularities against the present Secretary..."

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The Medical Council of India is a regulatory body with sweeping powers to recognize or de-recognise medical colleges. It also allocates the total number of undergraduate and Post-graduate seats to each medical college. The sting operation by a prominent media house exposing the selling of medical seats by two Medical institutions in Tamil Nadu early in 2009 is only the tip of the ice-berg. It would amount to looking at the whole issue in isolation if one were to seek action only against the two institutions that have now come under the scanner of accountability.

Both the MCI President Ketan Desai and his deputy Kesavankutty Nayar were members of the Board of Management of Sri Ramchandra Medical University in Tamil Nadu. After the latest expose showing how medical seats were being sold by this institution, Ketan Desai should have stepped down on ethical and moral grounds. His exit from MCI is necessary for the smooth and unblemished functioning of this apex regulatory body.

Ketan Desai's image was tarnished after he and his family members had received cheques totaling Rs. 65 lakh from persons not related to them. Two brothers, running an x-ray facility in Delhi, gave him Rs. 50 lakh during his earlier stint as MCI chief. When this matter was investigated by the CBI, they said that the money was gifted to Desai for goodwill and also because he was an influential person. Instead of treating this as a fit case for prosecution under the Prevention of Corruption Act and treating the gratification accepted by a public servant as graft, the CBI chose to file a closure report in the designated court.

In the latest MCI sting operation, it was audio-visually demonstrated how money exchanged hands while granting admissions in medical colleges. Further, how this money is used to grease the system is the big issue that should catch immediate attention of the powers that be who have every reason to decisively intervene to purge MCI and cleanse it of elements bent upon turning this regulatory body into a cesspool of corruption.

It is common knowledge that the going rate for each MBBS seat in the some colleges is anywhere between Rs. 20 lakh to Rs. 40 lakh. The bid for PG course is phenomenally high and PG seats in some subjects fetch as much as Rs. 1.20 crore to Rs. 1.70 crore. When mere admissions are pouring in so much of money, it would be mind-boggling to know how much is being asked by the decision makers who allot the number of seats, especially at the PG level in medical colleges lacking infrastructure and other facilities. An MCI functionary, who appeared to know a lot, went on to reveal that in some medical colleges the number of PG seats is more than the undergraduate seats.

When every one connected with medical education knows so much is amiss, Ketan Desai cannot afford to feign ignorance. He has been slow-poisoning the system for too long and it is high time he steps down. If he refuses to do so, the Government of India should take stern action and sack him with no loss of time to protect the interests of the students and maintain the standards of medical education in the country.

There are complaints that the MCI inspection reports about the infrastructure and the bed occupancy rates of hospitals attached to the medical colleges were often fake. There are allegations that inspections are done with malafide intentions and the inspectors are often sent on "surprise" inspections with the clear message that they have to "dig holes and fix colleges" that do not to oblige the MCI bosses or their political masters.

Inspection findings could be manipulated to suit the interest of a particular college.

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The MCI team inspected a new medical college and research centre along with its associated Hospital in Bhopal which was falsely reported to be functional since Oct 2008. On April 16 and 17, 2009, the MCI inspection was done with prior information to the college. The Report of this inspection reveals a glaring picture of deficiencies and attempts by the Medical College to cover up the gaping gaps. This report was considered by MCI Executive Committee on April 27, 2009.

This Inspection report reveals more rather than it hides. It provides the inference that the findings of the subsequent inspection were manipulated. The follow up inspection concluded that a hospital which earlier had a daily inflated average of 150 Patients on April 16 (the day of inspection) had sky rocketed to 620 OPD patients

The average bed occupancy in this hospital, as reported on April 16/17, 2009 was 40% and in the next inspection on May 18, 2009 it shot up to 83%. Interestingly, the 120 (40%) patients, who were reported to have been admitted on the day of inspection on April 16/17, 2009, were fond running (as per the MCI inspection report) from one ward to another so as to occupy the beds before the inspectors could reach the ward. How the bed occupancy figure could rise so sharply in a short span of 25 working days is beyond imagination.

Who is lowering MCI's Image?

In November 2002, the Delhi High Court had ordered the President of Medical Council of India Ketan Desai to step down on numerous charges ranging from irregularities to corruption.

A close look and interaction with MCI insiders has revealed that this apex body, which is supposed to regulate and monitor the standards of medical education in the country, was being treated as a puppet by Ketan Desai even when he was out of office.

During the course of investigations into MCI working, one came across a report in The Hindu dated September 16, 2005 which said: *"The Centre on Thursday (September 15, 2005) requested the Delhi High Court to quash the appointment of Lt Col (Rtd) A R N Setalwad as Medical Council of India (MCI) Secretary terming the same as illegal for want of approval from the Appointments Committee of the Cabinet (ACC).*

In an affidavit filed in response to a PIL challenging Setalwad's appointment and seeking a CBI probe against him, the Central Government said: "as per the Government of India orders, the approval of ACC was a pre-requisite for making appointments to the post in the pay scale of Rs 18,400-22,400, which was also the pay scale of MCI Secretary." The Additional Solicitor General (ASG) P P Malhotra also pointed out that no vigilance clearance was obtained in his case.

One of the main arguments against Setalwad's appointment as Secretary was that he was inducted while he was facing inquiry into the allegation of embezzlement of Rs 8 crore from Bhavnagar Medical College, Gujarat and a vigilance inquiry was on in this matter.

The Centre alleged that Setalwad was passing on confidential files to former MCI president Ketan Desai who was removed from the post in pursuance of orders passed by the Delhi High Court."

It is a tragedy that the Government of India has continued to drag its feet and has taken no initiative to address the issues linked with MCI. What is more glaring is that the Union Ministry of Health and Family Welfare chose to look the other side when Ketan Desai was unanimously re-elected as MCI President for the third term at the 134th session of the MCI on March 2, 2009. Along with him, P.C. Kesavakutty Nair, who was the acting President of MCI, was elected as Vice President for the second term.

The unanimity displayed by the MCI General Body in electing Desai as President raises several questions. It is understandable if a person, who is unimpeachable, above board, and free from charges gets elected unanimously but in the case of Ketan Desai the story is entirely different. There was a prima facie case against him in December 2000 following investigations and a search and seizure "raid" on his house by the Income Tax Department. A case under various sections of Prevention of Corruption Act was booked against Desai and the CBI registered a regular case against him on High Court orders and began investigations into his alleged involvement in corrupt practices. The court in its order had warned the CBI not to take any instruction in the matter from the government or any of its departments and directed the agency to pursue the matter "independently".

A few years later, in 2006, the C.B.I. filed closure report before the designated court stating that the charges against Ketan Desai, may be closed as nothing was found against him for misusing his official position as President of MCI in his tenure. This closure report filed by the CBI was also accepted by the Court.

The CBI working has been questioned from time to time. The clean chit by the CBI in the Ketan Desai case also comes within the ambit of doubt and calls for a complete review of the case against him point out MCI insiders emphasizing that the Income Tax Department had raided Ketan Desai's premises and found that bank drafts for Rs.65 lakh were found to have been received by him and his family members. The Income Tax department concluded that prima facie these drafts were nothing else but arranged gifts. Further investigations by the Income Tax department had revealed that the gift entries were not in lieu of loans as claimed earlier by Ketan Desai.

Ketan Desai had later stated before the court that only a small amount had been seized from his house during the Income Tax Department raids. He also produced an income tax order showing his 'undisclosed income' as nil. The High Court Bench responded by observing that it was "strange that parties in Delhi, including two doctors, were sending money by way of demand drafts obtained from the same bank in Delhi totalling around Rs.65 lakh, the drafts being made out in the name of Ketan Desai and his family members". Ketan Desai did not deny the receipt of these payments nor did he disclose their source before the Court. On the basis of evidence and Ketan Desai's inability to justify these payments, the Bench ruled that there was a prima facie case for his prosecution under the Prevention of Corruption Act.

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Even when this case was being heard by the Delhi High Court, the then Union Health Minister C.P. Thakur had agreed with the criticism of the MCI working by a CPI (M) member in Rajya Sabha. The Minister said that the member's observations were "not far from the truth". Two days later, to every one's horror and surprise, Ketan Desai was re-nominated to important AIIMS committees, including the important Staff Selection Committee. His appointment as chairman of the AIIMS Staff Selection Committee was even questioned by senior faculty members, who approached the court complaining of irregularities. Subsequently few appointments under him were quashed by the court on the premise that there was deviation from laid down procedures.

With Ketan Desai heading the serious business of maintaining uniform standards of medical education, the Medical Council of India continued to remain under a cloud. A large section of the medical fraternity felt that the working of the apex medical body should have been thoroughly investigated. There was a growing demand that it should have been purged of elements who continued to face the charge of blatant misuse of office and corruption.

The Bank details to substantiate the argument

The following chart gives complete details about these bank drafts:

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S. No.	Name & Address of the Donor	Name & Address of the Donee	Cheque No./DD No.	Amount (Rs.)
1.	Dr. Nalin Sachdev R/o 7/38, Ansari Road, Darya Ganj, New Delhi.	Dr. Alka Desai, C/o Ketan D. Desai 4-A Vasishtha, Nehru Nagar, Ahmedabad.	91928 26.2.99	25,00,000.00
2.	Dr. Sanjeev Sachdev R/o 7/38 Ansari Road, Darya Ganj, New Delhi.	Dr. Ketan Desai C/o Ketan D. Desai 4-A Vasishtha, Nehru Nagar, Ahmedabad.	400169 26.2.99	25,00,000.00
3.	Ashok Kumar Windlass R/o Y-8-A, Hauz Khas, New Delhi.	Dr. Erika Desai C/o Ketan D. Desai 4-A Vasishtha, Nehru Nagar, Ahmedabad.	104695 27.10.98	3,75,000.00
4.	Ved Prakash Windlass R/o Y-73, Hauz Khas, New Delhi.	Dr. Ahuja Desai C/o Ketan D. Desai 4-A Vasishtha, Nehru Nagar, Ahmedabad.	104694 27.10.98	3,75,000.00
5.	Rajiv Goel Windlass R/o Y-73, Hauz Khas, New Delhi.	Dr. Adit Desai C/o Ketan D. Desai 4-A Vasishtha, Nehru Nagar, Ahmedabad.	104693 27.10.98	3,75,000.00

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The case that had been registered on High Court orders against Ketan Desai, the President of Medical Council of India, after he was asked to step down as President of the Council during his earlier stint, was closed by the CBI and a closure report given to the designated court overlooking the documentary evidence handed over by MCI employees, directly to the CBI and also through the Ministry of Health and Family Welfare, relating to irregularities in granting of registration, granting permission to fake degrees, regularising degrees in violation of High Court and Supreme Court orders and changing of inspection reports.

This case--closed a few years later--was registered against Desai on the charge of misconduct for receiving huge amount of money through cheques as gift from two families and recognition granted to two colleges on the basis of false reports. The issue relating to the monetary gifts received by Ketan Desai, in his name and in the name of his family members, is a serious matter and calls for judicial review as Desai was a Government servant in Gujarat during the period in question and the Gujarat Civil Services (Conduct) Rules 1971 were applicable to him. As per the conduct rule, he could have taken gifts exceeding Rs. 1000 only with the permission of the Gujarat Government. No such permission was obtained by him.

The CBI failed to investigate the huge amount received as gifts by Desai and his family members. Question arises whether or not the CBI had conducted any investigation to probe if these were genuine gifts or was it a case of money laundering.

In an affidavit filed in the Supreme Court in the matter of Ketan Desai in response to a petition by Harish Bhalla, the High Court had ordered the CBI to register a case. An affidavit presented in Court in this case said: “a racket of corruption was seriously jeopardizing fair and honest working of the Council which had appellant (Ketan Desai) as the king pin. The office of MCI and the Executive Committee which carries superlative powers in terms of appointment of inspectors for the various institutions to be carried out by MCI was being misused.” It is a different matter that Harish Bhalla subsequently withdrew his affidavit against Ketan Desai. This further paved the way for Desai to extricate himself from the case pending against him in court under the anti-corruption law.

Parliamentary Committee scathing remarks against MCI President

The Eighth Report of the Estimates Committee (2004-2005) of the Fourteenth Lok Sabha in its observations and recommendations relating to the Medical Council of India, expressed its displeasure on its working. The Committee noted that the High Court of Delhi in the judgment dated November 23, 2001 had made the observation; “the President was manipulating the affairs of the Council in such a manner that all major decisions were being taken by him even though the decisions are required to be taken by the Executive Committee, the inspection reports were manipulated as per the dictates of the president of the Council, retired teachers were appointed as inspectors by the President of the Council who were obliged to the President for the job, there were allegations of disproportionate assets amassed by the President,”

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Over the years, The Medical Council of India has developed the dubious distinction of becoming a source of big money and it is being said in knowledgeable circuits that crores of rupees were being minted illegally for granting permission to open medical colleges. At the under-graduate level-this process envisages permission on yearly basis for a minimum period of 5 years, fixing annual number of admissions, granting recognition to the qualification, withdrawing (or at least a threat) of recognition or reducing the annual intake capacity. There is a similar process for the enumerable Post-graduate courses leading to the award of PG Diploma, MD, MS, DM, MCh qualifications, granting registration to medical graduates to enable them to practice medicine as medical practitioners in the country.

There are many examples where MCI is violating its own Regulations by giving false information before the Courts.

Inspections by the MCI are required to be carried out for Medical Colleges in India at UG level (MBBS), PG level (Diploma, MD, MS, DM, MCh), Periodical Inspections. Inspections for other Institutions for internship level and Inspections for other Institutions for resident (house-job) level.

All the important decisions or approval of recognition or permission to establish medical college for MBBS and or for Post-graduate qualifications is decided on the basis of "Reports of Inspections" carried out by the MCI Inspectors. Acknowledging the importance of appointing competent and impartial inspectors, in its utmost wisdom, the Parliament passed the IMC Act entrusting the Executive Committee of MCI with powers to appoint the Inspectors.

The appointment of competent and impartial inspectors is very crucial and important and the Parliament in its just wisdom by way of the IMC Act, entrusted the Executive Committee of the MCI to take this important function. The Executive Committee illegally delegated the important function of the appointment of Inspectors to the MCI President, who is also the Chairman of the Executive Committee. As per section 17 of the IMC act 1956, only the Executive Committee can appoint inspectors for inspections in Medical Colleges. The power to appoint inspectors was retained by the present President of the Council when he was heading the body during his earlier term till he was asked to step down by the Delhi High Court on corruption charges. He again continues to retain the same powers.

On the contrary as long as Maj. Gen. S.P. Jhingon (Retd) was the Administrator of MCI, after Ketan Desai had stepped down on Court orders, the inspectors were appointed by Executive Committee only (from November 23, 2001 to November 20, 2002).

On January 1, 2003, the Executive Committee in its first meeting held after the departure of the MCI Administrator again decided to authorise the Acting President of MCI to appoint inspectors. Thus giving powers to the Acting President for this task. People of this fraternity knew that he was regularly conferring with Ketan Desai before appointing any Inspector.

What is glaring indeed is that after he had been forced to step down by the High Court, Ketan Desai was appointed Chairman of the Committee which was responsible for reviewing the entire Regulations governing Minimum Standard Requirements for starting of a Medical College with 50/100/150 Admissions and PG courses.

Permanent Registration Certificates were being granted normally by MCI after the documents of the candidates were validated by the Indian Embassy or by the issuing authorities. In violation of its own decisions, MCI started issuing back-dated permanent registration certificates to a chosen few without verification of documents.

In Violation of Supreme Court orders, MCI was granting registration to candidates coming from Bangladesh and Nepal without a screening test which has been made compulsory for 'foreign medical qualification holder Indian nationals'. The MCI was also violating the provision of Section 25 (1) and 13 (3) of the IMC Act 1956 under which registration could be granted only by the State Medical Council. The function of the MCI is restricted to maintaining the 'Indian Medical Register' under section 27 & 23, 24, 15 of the IM C Act, 1956.

It is learnt that dozens of times alterations and changes were made by Registration & Equivalence Committee, Executive Committee and the General Body of the Council - all under the Chairmanship of the then President of MCI, only to suit particular group of candidates. The Regulations were changed frequently and these changes, modifications, and alteration have no approval from the Government. It can be verified from the minutes of the Registration & Equivalence Committee, Executive Committee, and the General Body of the Council particularly with regard to recognition of foreign qualification and grant of registration. This can be done only by a thorough investigation and extensive examination of agenda, Minutes and files by deputing sincere, honest persons having knowledge of functioning in the MCI, MCI insiders point out. A close scrutiny will reveal that there are more than 1000 cases where registrations have been granted or were being granted under the provisions of the Regulations & IMC Act 1956.

The money collected by the MCI from each college every year for periodical inspections should be used ideally to carry out inspections of all colleges for undergraduate and postgraduate level separately. But in the garb of cases under Section 10(A), the periodical inspections are avoided. Repeat inspections under Section 10(A), it is alleged, fetch huge amount of unaccounted money. Statistics will prove that most of the inspections - fresh, repeat or periodical - are carried out in Private Colleges

Section 17(3) of the IMC Act requires that the copy of Inspection report to be forwarded to University/institution concerned and copy of remarks together with inspection report is to be sent to the Central Government but this is not being done.

Section 19(2) authorises and requires MCI to send draft regulations to all the State Government for obtaining their comments, and then it is required to send the draft along with comments to Central Government before finalization and notification. MCI is violating this provision by notifying the regulations without involving the State Governments.

Section 21(1)(2) provides for Maintaining Indian Medical Register. MCI is directly registering the doctors without printing the IMR.

Skeletons in MCI cupboard

Don of Medical Council of India

In a sting operation in mid-2009 by a leading media house exposing how Sri Ramachandra University and Shree Balaji Medical College in Tamil Nadu were putting up on sale medical seats has opened up the pandora's box.

The President of Medical Council of India, Ketan Desai responded to the sting operation by stating that the MCI Executive Committee would conduct an investigation and take necessary action. What aggravated the issue is that the head of the apex regulatory body that is MCI, which is responsible for recognising and derecognising medical colleges and also deciding the number of seats available for admission in each medical college, was also the member of the Board of Management of SRU.

When asked about the expose on SRU and Balaji, Maj. General (Retd) S.P. Jhingan, member of a Supreme Court monitoring committee, reacted strongly saying that there is obviously a nexus between MCI and many medical colleges.

S.P. Jhingan, who earlier headed MCI for over a year when Ketan Desai was asked to quit as MCI President on a High Court order in a corruption related case. He said with ample conviction: "Even the finest of doctors tend to lose their value system once they climb the ladders of MCI." He went on to allege that the MCI was being run as a mafia by a small coterie that needs to be reined in. He quipped that there was no reason why those heading the apex regulatory body should have been members of the SRU Board of Management. It is an absurd excuse by Ketan Desai to say that he was a member of the SRU Board of Management only as a nominee of UGC while the MCI Vice President, P.C. Kesavankutty Nayar was there as a nominee of MCI. It is unethical on their part to get a berth into the management committee of a college they are supposed to regulate"

When contacted, those in the inner MCI circle pointed out that there should be a thorough probe into the role being played by the MCI as a regulatory body when it comes to obliging institutions with permissions when they do not meet the norms. What needs to be investigated is why SRU is among those institutions that have been allowed the highest number of PG seats in the country, they ask.

MCI sources point out that Kesvankutty Nayar, who is now the MCI vice President was used as a pawn by Ketan Desai when he was out of power. The same Ketan Desai was instrumental in getting Kesvankutty inducted as an MCI nominee on SRU Board of Management obviously as a return gesture. In the specific case of Ketan Desai, whether he is nominee of UGC, or MCI or any other body, the fact is that he is also the President of MCI. In this capacity he has been appointing the MCI inspectors, deciding all matters relating to the recognition and derecognition of medical colleges and still he maintains: "there is no conflict of interests". He told a TV news channel that he had asked the MCI Secretary to call for an urgent meeting of the Executive Committee to take up the issue of SRU adding that he had asked for a detailed report and video recordings linked with this case. In sharp contrast when another college wanted to establish that they have video recording to prove that they did not have any deficiency at the time inspection, the MCI refused to respond.

Another important point to be noted is that several members of MCI have sent their wards to SRU for MBBS and higher studies. One of them studied in Russia and was pursuing MS Orthopedics in SRU. Kesvankutty Nayar, the present Vice President and the previous Acting President of MCI and his wife Dr Rani Bhaskaran, who has been a member of MCI for several years and has been a member of several committees of MCI. Their daughter also did her MBBS from SRU. The big question is why these children did not get admitted to other prestigious medical colleges of the country?

It should be a matter of inquiry why most of the MCI members successively get nominated to the apex regulatory body year after year.

President Puppetry of MCI

There have been complaints that certain colleges that do not have adequate facilities, faculty strength, and clinical material are recommended for renewal of permissions by MCI. Whereas those that have excellent infrastructure, highly qualified faculty and a teaching hospital with adequate clinical material are not recommended as they do not have the blessings of the MCI bosses.

Certain colleges seeking permission for the first time to start a new medical college are given a preferential treatment though they do not satisfy the MCI norms. On the other hand, discrepancy is seen in other cases where colleges that fail to toe the line of MCI are treated differently and often become victims of discrimination. Several government colleges all over the country that have already been recognized by the MCI after completion of 5 years have been derecognized by the same body as they do not meet the set criterion. Though they continue to work with State support, colleges having excellent infrastructure and qualified faculty are denied permission to induct fresh batch of students. There are instances where MCI has conducted 4-5 inspections within a short span of 3 to 4 months under the pretext of compliance of deficiencies pointed out by the MCI inspectors. MCI holds the colleges to ransom and extorts a fee of Rs. 3 lakh for every inspection, which is a futile exercise.

The whole process of inspection of MCI is suspect as the inspectors are handpicked by the President of MCI. The Inspectors apparently end up becoming tools either for providing a favourable or a non-favourable report to suit the whims and fancies of the MCI President.

Don of Medical Council of India

The level of corruption in MCI and its present President is no hidden secret. He was at the centre of a judicial trial in the High Court of Delhi in CWP No. 7746/2000 challenging the appointment of Ketan Desai as a member of MCI and as its President. The High Court by an interim order dated 28th May 2001 directed that Ketan Desai will not act as President of MCI till fresh elections are conducted in accordance with law. Ketan Desai was also found to have accepted bank drafts worth Rs.65 lakh showing them as gifts and an Income Tax Department report even censured him on this count and went on to point out that the gift cheques were only a cover up for money laundering. This High Court order was challenged through LPAs No. 299 and 301/2001 filed by the Union of India as well as Ketan Desai. Responding to these LPAs the High Court of Delhi passed orders on November 23, 2001 observing that Ketan Desai had subverted the office of MCI to make profit for himself and had directed his removal from the post of President and went one step ahead directing CBI to register a case against him and prosecute him for his alleged misdeeds. Later a closure report was filed by the CBI in the designated court and the Supreme Court was informed about this by the Amicus Curiae appointed by the apex court and the issue was closed with the country's apex investigating agency—the CBI concluding that no case of corruption could be made out against Ketan Desai even after those who had offered him and to members of his family Rs. 65 lakh as gift had taken the plea that they had done this only because Ketan Desai was an influential person. The closure of the corruption case paved the way for the re-election of Ketan Desai as President of MCI in March 2009.

It was due to the high level of corruption prevailing in MCI that prompted the Task Force of the Union Health Ministry to recommend the immediate revamping of MCI.

Investigations have revealed that the private medical colleges of Madhya Pradesh, barring one have been favored by MCI in the matter of recommendation for renewal of permissions for the academic session 2009-10. This could be proved through the minutes of the meetings of the Executive Committee of MCI during the period between January 2009 and July 2009. It can be noticed from the minutes of these meetings that the private medical colleges of Madhya Pradesh despite having deficiencies in terms of faculty, infrastructure and clinical material in the first or the subsequent compliance inspection for renewal of permission for the year 2009-10 have been recommended after multiple compliance inspections. The extent of deficiencies was enormous in most cases and there was no question of these getting rectified even if adequate opportunity in terms of time was given to the colleges.

Insiders have revealed that only the covering note of the inspection report was being signed by all the three members of the inspection team but the **actual inspection note attached to the covering note gets signed by the whole time inspector, which leaves sufficient scope at the level of MCI to manipulate and fabricate reports to suit vested interests. There have been complaints from a number of colleges that the inspection reports were being fabricated or manipulated by officers of MCI for extraneous consideration.**

Political pressures: USED AND ABUSED

Don of Medical Council of India

MCI recommended the case of a new private medical college in Bhopal for the academic year 2009-10 after deficiencies of a very serious nature that had been pointed out in the first inspection were found rectified in the compliance inspection. This was impossible to achieve in the small interval between the first inspection and the compliance inspection. No college could have practically rectified such enormous deficiencies under such a short period of time. This leads to the obvious conclusion that institutions accommodating the demands of those at the helm of MCI can easily obtain permission, whereas colleges with excellent faculty and clinical material that are not ready to oblige the MCI President are bound to suffer.

Great amount of leniency has been shown by MCI when it comes to the government medical colleges in Bhopal, Rewa, Gwalior, Jabalpur, and Indore in Madhya Pradesh. It is evident that despite being recommended for de-recognition by MCI, they were being allowed to function and admit students and no action was being taken against them for reasons best known to MCI. The fact that the government colleges in Madhya Pradesh do not meet even 50 per cent of the MCI norms and this can be verified by any impartial agency. The quality of doctors being produced by these government colleges is a matter of serious concern.

An example where Union Ministry of Health and Family Welfare refers a complaint by a Member of Parliament against Aurobindo Medical College, Indore and subsequently withdrawn facilitating the medical college to go ahead with normal working for the academic session 2009-10. An analogy could be drawn with another medical college by the name "People's College of Medical Sciences and Research Centre". MCI held back the recommendation of this college for academic session 2009-10 just because the Health Ministry had forwarded to the MCI a complaint against this college in the name of another Member of Parliament. Since it was a fake complaint, the Health Ministry even withdrew it within two days. What is more significant is that **the M.P., in whose name the complaint had been lodged, himself wrote to the Health Minister, Gulam Nabi Azad stating that he had not made any complaint against the college. He pointed out that the complaint was fake, pre-planned and sent with malicious intent.**

Recently, on being aggrieved by the action of the Medical Council of India to reduce the intake of students from 500 to 250 in the MBBS course, two medical colleges of repute under the Manipal Institute of Higher Education (MAHE)—the Kasturba Medical College, Manipal and Mangalore--challenged the MCI decision in the Kamataka High Court wherein the Government of Kamataka backed MAHE and the Court did not allow the MCI to reduce the intake of students in these two colleges.

A medical college at Bhopal, which has a world class campus, highly qualified faculty and other facilities has been subjected to 5 inspections within a span of 7 months between January and July 2009. The chain of compliance inspections were only to point out non-existing deficiencies. In the compliance inspection on June 27, 2009, the deficiencies were well within the permissible norms but the MCI chose to defer the recommendation for renewal of permission to the Central Government for the academic session 2009-10.

This forced the college to approach the Supreme Court in the month of July 2009 to seek relief at the highest judicial level. After hearing the case, the apex court said in its order on August 21 that MCI should send its recommendation within reasonable time. But instead of complying with this order, the MCI approached the High Court of Madhya Pradesh with an interim application stating that the deadline for granting permission was June 15. **The malafide intention of MCI got further exposed at this stage as it held back vital information from the High Court. It did not inform the court that the Government of India had written to the MCI on June 23, 2009 asking that they should go for another compliance inspection of colleges with minor deficiencies and report positively before July 8. It was also highlighted in this letter that the last date for granting permission was July 15.** Subsequently, the Health Ministry wrote another letter to MCI specifically asking that the recommendation for People's College of Medical Sciences and Research Centre be sent before 3 p.m. on July 15 as it was the last date for granting permission. Besides the Supreme Court order, the direction of the Union Health Ministry was flouted by MCI under various pretexts and the college was denied renewal permission.

MCI Executive abdicates role

To make matters worse, the Executive Committee of the MCI has become habitual in abdicating its functions and responsibilities. It continues to authorise its President to take most of the decisions including appointment of Inspectors, and renewal of permission.

MCI Regulations and Irregularities

Clause 6 of the Act says notice of all Council meetings should be sent 30 days in advance. This provision mostly gets flouted as notices are often communicated telephonically and that too only 7 days in advance. The meetings get postponed abruptly without offering any reason. Recent example is the indefinite postponement of the Executive Committee meeting, which was scheduled for September 5, 2009. The postponement of this meeting is against the MCI Regulations that specifically point out that the Executive Committee meeting cannot be postponed indefinitely.

Clause 7(3) says that complete agenda is required to be circulated 10 days in advance. But the MCI circulates the agenda at the time of the meeting and at times without even including an item in the agenda, decisions linked with it are recorded in the Minutes. It has been found that the agenda items are also circulated in installments without respecting the 10 day deadline. There are many examples to illustrate this. Some of these include appointment of staff, their promotions, pay fixation, which in some cases gets fixed with retrospect affect in gross violation of Government of India circulars, including those from the Prime Minister's Office.

Amendments in agenda are also not circulated three days in advance by the MCI Secretary as required under clause 7(4) of the Act. Again in violation of clause 7(5), list of Amendments is never circulated or made available to the Members by the Secretary.

Don of Medical Council of India

Motion is never recorded or seconded as required under the Act but clandestinely, to suit the vested interests, the agenda is tabled as a formality and treated as discussed without the members commenting or discussing the agenda items. After the meeting, the minutes are recorded by the Secretary and no member questions the contents of the minutes.

Clause 26 requires that the proceedings should be preserved and authenticated after confirmation at the next meeting but invariably this is not done and the proceedings also are not put-up for the members' signatures.

When Executive Committee were contacted and asked to throw light on these discrepancies by our research team, they chose to remain tightlipped. Efforts to contact Ketan Desai and the MCI Secretary to have their take on this did not evoke any response from them.

The time schedule for preparing the minutes within ten days of the meeting and their circulation among members within the 30 day deadline is not followed by the Secretary as required under clause 27 of the regulations.

Clause 32 of the Regulation is in total violation of Section 3 of the IMC ACT, 1956 because it suits the President and Executive Committee of the Council.

All the Regulations applicable to Council are applicable to the Executive Committee but are not followed as prescribed under clause 39 of the Regulations 2000.

Sub-Clause (1) and (2) of Clause 43 are in total contravention to each other and are thus violative when followed individually or in combination. Therefore this clause is totally ultra-vires.

CLAUSE 44 was grossly violated and the Adhoc Committee members appointed by Supreme Court on November 20/11/2002 were kept in the dark when a non-Executive Member-Dr Ved Prakash Mishra was allowed to participate in 4 consecutive meetings of the Executive Committee against the statutory provision of allowing and inviting any person to take part in any particular agenda item, but not allowing him to take part in the decision making process.

The Act provides for the General Body of the Council to constitute various committees but clause 47 of the Regulations allows the Executive Committee to constitute committees and sub-committees.

Clause 47 gives the Executive Committee the mandate to prepare the report of Inspections that are to be approved by the Council. This Clause is being grossly violated.

Clause 50(1 – 4) provides the procedure for adopting a motion for a specific business and (5) provides for inclusion of that person as a member of a committee who raises the motion, but this is not followed. Committee is formed by President and the member raising the motion is ignored. Hence the minutes that get recorded only suit the whims of the President or Secretary.

Don of Medical Council of India

Clause 50(7) is in contravention to clause 52(b) and both are in contravention to section 9(1) of the IMC Act, 1956, so far as constitution of committees or sub-committees is concerned.

Clause 56 (ii) and (iii) are being flouted by the Whole Time Inspectors as they neither prepare the Annual General Review of Medical Education nor offer suggestions.

Clause 59(3) is to be read with section 17 of the Act regarding appointment of Inspectors but this was not being followed.

Under the Act, clause 59(9) and (10), Inspection Reports to be sent to University/Institution concerned for their comments and remarks, but this Clause is grossly being violated.

Keeping in view the unethical and illegal activities and Financial Irregularities being committed by the MCI, the Central Government could even think in terms of an Ordinance Under section 30 of the IMC Act to Constitute a Commission of Enquiry and also to order dissolution of the currently existing Council, and to constitute a High Powered Committee in accordance with observation of the Supreme Court vide its order dated January 12, 2005 delivered in response to WP No.306/2004.

Irregularities in Appointments of Inspectors

The all important decision of approval to grant recognition or issue permission to establish a medical college is decided on the basis of "inspection reports" carried out by the Council's inspectors. The appointment of competent and impartial inspectors is very important and the Parliament entrusted the Executive Committee with this responsibility.

Delhi High Court in its order of November 23, 2001, has also adversely commented about the irregularities in appointment of inspectors. As per section 17 of the IMC act 1956, only the Executive Committee can appoint inspectors to inspect in Medical Colleges.

The decisions, with their important timings:

October 29, 1998: The MCI Executive Committee illegally delegated its powers to President (Ketan Desai) to appoint Inspectors.

January 9, 2003: The Executive Committee at its meeting again decided to authorize the president to appoint inspectors. During the interim period, when there was an administrator appointed by the Supreme Court these powers had been withdrawn.

The illegality continues till date: After the appointment of the Ad-hoc Committee by the Supreme Court in 2003, the Executive Committee and the Ad-hoc Committee delegated the power to appoint Inspectors to the (acting) President.

Inspection Reports: Are always made in Delhi and the signatures of all the MCI inspectors are taken only on the covering letter.

Targeted: People's College of Medical Sciences And Research Centre

Conspiracy unleashed

The going was good for People's College of Medical Sciences and research Centre in Bhopal since its inception in 2005. The college was meeting the MCI norms and getting the annual renewal of permission during each successive years .

When it was time for the final renewal for the academic year 2009-2010 MCI created a situation that would bring the world class college to a grinding halt. If one goes through the chronology of event linked with the People's Medical College and the so called statutory role of MCI neither rocket science nor a legal expertise is needed to nail neither lies ,expose the fraud and identify the mafia that conspire to knock out the colleges that can compete with the best in the world .On the other side when the same mafia decides to patronize colleges having inadequate infra-structure , faculty and other material are allowed to run.

Points to Ponder

1. The Medical Council of India decision to defer the recommendation of People's College of Medical Sciences for the academic year-2009/-2010 was based on false, fictitious, and fake complaint.
2. Question arise "why the letter of complaint which was withdrawn by the Union Ministry of Health and Family Welfare on June 10, 2009 was sent again to Medical Council of India to ensure that it reached MCI when its Executive Committee was meeting on July 9, 2009 to consider PCMS's inspection report of June 27, 2009.
3. The alleged complaint sent to MCI by the Union Health Ministry was in the name of Mr. Kailash Joshi, Member of Parliament, whereas Mr. Kailash Joshi had written to the Union Health Minister that he had not made any complaint against PCMS and the complaint ascribed to him was fake and false.
4. Why MCI did not recommend PCMS case on the basis of June 27 inspection is another big question. It is important to mention that Mr. Kailash Joshi has also filed a complaint regarding the false complaint in his name to the Superintendent of Police for registering FIR.
5. The inspection of 17 July, 2009 carried out by Medical Council of India on the basis of false and fabricated complaint in the name of Mr. Kailash Joshi and which was withdrawn by the Union Ministry of Health on June 10, 2009 is a null and void inspection because it was carried out after 8 July, 2009 and 15 July, 2009, which were the last date fixed by the Health Ministry for sending recommendations and granting permission respectively. Even in the July 17 inspection which was illegal, the deficiency in the fabricated inspection report of PCMS&RC is marginal touching only 0.35 per cent under the MCI norms. Similarly in the category of residents, false fabricated deficiency of 7.2 per cent under MCI norms is shown. This was just because of the fact that the faculty and the residents, who were present on the day of inspection and had joined after June 27, 2009, were not counted against the strength of faculty and residents. This inspection, including those held in the past, were surprise inspections without the clearance or recommendation of the Executive Committee. Under the MCI Act, there is no provision of surprise inspections.
6. How can a null and void inspection be the basis for not recommending the People's College of Medical Sciences and Research Centre, which deserves recommendation on the basis of inspection done on 27 June, 2009.
7. It is a statutory requirement for MCI to conduct its business under the provisions of MCI ACT. Under the Act, the MCI Executive Committee should appoint the inspectors to inspect any medical college or institution. On July 9, 2009, when the MCI Executive committee deferred its decision about PCMS&RC, when did the Executive Committee meet again to appoint the MCI inspectors for the July 17, 2009 inspection of PCMS&RC, Bhopal
8. The Union Health Ministry instructed MCI to send their recommendation for PCMS&RC on the basis of the June 27, 2009 inspection on 15 July, 2009 by 3 p.m. MCI took the plea that the Executive Committee has to take decision in this matter and it will take 10 days to call the Executive Committee meeting, which has been called on July 25 and the recommendation will be sent thereafter. This cut off date was also violated and MCI executive Committee met on July 27 but thereafter MCI did not recommend the PCMS&RC report to the Health Ministry on the basis of the June 27 inspection.

9. Responding to the Supreme Court notice for WP © No. 327-29/09-People's College of Medical Sciences and Research Centre Vs Union of India and Others, the advocate for Respondent-MCI wrote to the Registrar Supreme Court of India stating that the notice was served "only in 07.08.09" and prayed for one week's time for filing counter affidavit. The MCI advocate submitted false information to the Supreme Court as the notice was served on 06.08.09 and not 07.08.09. This amounts to giving wrong information and misleading the court.
10. In year 2009, MCI conducted 05 (five) inspections of PCMS&RC, Bhopal on following dates: January 2, 6 and 7 March, 15, April 15/16, June 27, and July 17.

The first inspection that is on January 2, 2009 was carried out by MCI as per the directives of the Madhya Pradesh High Court. The inspection of July 17, 2009 was carried out on the basis of a false, and fictitious complaint. Interestingly for both these inspections, MCI took Rs. 3 lakhs per inspection from the institute (PCMC&RC, Bhopal). They fabricated an earlier inspection report to create non-existing deficiencies and refused to recommend PCMS&RC's case to Government of India for permission.

Nailing the Lies

In the writ petition filed in the Supreme Court by the People's College of Medical Sciences and Research Centre to seek the Apex Court's direction to MCI to recommend its case to the Government of India for granting permission, MCI gave a false affidavit stating that the notice was received by them on August 7, 2009 whereas the notice had been served on MCI on August 6, 2009.

The MCI letter to Government of India dated August 6, 2009 was sent on receiving Supreme Court notice. It also gave the wrong information that the next date of hearing in Madhya Pradesh High Court was August 18, 2009 whereas the actual date of hearing would be scheduled within the week beginning August 17, 2009.

The High Court order of July 24, 2009 said that the copy of the inspection report be served on the advocate of People's Medical College but MCI failed to comply with this.

Chronology of Misdoings

On June 8, 2009,

The Ministry of Health, Government of India referred to Medical Council of India a complaint by Shri Kailash Joshi , MP, against People's Medical College for views/comments.

June 10, 2009

Two days later, on The Health Ministry wrote to MCI saying that the above subject may please be treated as withdrawn—It further said that this may be treated as Most Urgent. This was after Mr. Kailash Joshi had informed the Union health Minister that he had not made any such complaint.

June 23, 2009

In the meanwhile, the Health Ministry wrote to MCI that in view of severe shortage of Medical/dental personnel in the country____MCI/DCI may re-inspect all renewal cases and send recommendations to the Ministry by July 8, 2009 positively. July 15, 2009 was fixed as the last date for grant of permission to colleges.

June 27, 2009

In light of this, compliance verification inspection of People's Medical College was conducted and the inspection report was positive and met all MCI norms.

July 9, 2009

The MCI held its Executive Committee meeting to consider the compliance verification inspection reports. In this meeting the inspection report of People's medical College was brought on agenda but was deferred on the ground that there was a complaint of June 2 from Mr. Kailash Joshi, MP, against the college. This despite the fact that the Health Ministry had already withdrawn this complaint on June 10.

Qs: why would MCI have a meeting of executive council fixed for July 9th when GOI had sent a letter dated June 23 asking MCI to send

recommendations to the ministry by July 8, 2009 positively. as last date for MCI to recommend cases.

July 11, 2009

MCI wrote to Government of India that the executive committee of the Council had decided to defer the consideration of the inspection report (June 27, 2009) and decided to further inquire into the matter with regard to allegation made out by Government of India with regard to the "complaint received from Mr Kailash Joshi vide his letter dated June 2.

July 13, 2009

Mr. Kailash Joshi, MP wrote to the Union Health Minister, Mr Gulam Nabi Azad on saying that he had not sent any complaint against People's Medical College. He said that the complaints against People's Medical College were pre-planned, misleading and false.

On July 14/15

Health Ministry wrote to MCI that People's Medical College inspection report of June 27 be submitted before 3 pm on July 15. "The complaint" against the college, could be investigated simultaneously."

July 27, 2009

The agenda for July 27th meeting which includes the renewal of permission for People's Medical College is not only full of anomalies but smacks of conspiracy. The Health Ministry had asked MCI to sent recommendations on the basis of June 27, 2009 inspection. Whereas, agenda sought the executive committee to consider the inspections reports of June 27 and July 17 along with council inspector report of March 6th and 7th. It needs to be brought to the notice of the court that the agenda did not mention the inspection report of April 15 which was blatantly fabricated.

Qs: Why the July 17 investigation into an alleged complaint was referred as "Compliance Verification Inspection" in the July 27 agenda of MCI?

Don of Medical Council of India

MCI's vindictiveness did not end merely with the denial of renewal of permission for People's Medical College within the stipulated deadline. The People's Medical College has been inspected six times in as many months during 2009. The first inspection was done on High Court orders. This was followed up by three regular and compliance inspections by MCI in March, April and June 2009. An inspection was also conducted by the Barkatullah University and an MCI Executive Committee member was a member of the University inspection team. Another inspection was done by the UGC during this period. The MCI nominee in the University Grants Commission team that inspected the People's Medical College with other associated colleges run by People's Group for deemed University status, as well as the MCI nominee in the Barkatullah University team that inspected the People's Campus for recognition purposes in 2009 did everything to stall the outcome of these inspections. They played a negative role while the other inspectors were overwhelmed by the state-of-the-art facilities and infrastructure in the campus.

This is a sheer case of conspiracy, the most damning in the history of MCI, amounting to persecution of a college without any basis or ground. The court should intervene and establish whether fake and fictitious complaints could be used to defer permission in gross disregard of Government policy and stall the intake of students for an academic session in a world class college that has been praised by the President of India and has recorded the highest academic achievements.

Once more when the Executive Committee was meeting on July 27, 2009, they received a false and fabricated complaint from the Health Ministry. This complaint was already withdrawn by the complainant earlier.

It seems there is a nexus and a criminal conspiracy by some functionaries of the Health Ministry and MCI who manipulated and sent fake complaints when the executive committee met this happened twice—on July 9, 2009 and on July 27, 2009.

The MCI did not place anything on record during the MP High Court hearing on July 24, 2009. The High Court order does not say that the inspection report be placed directly before the Government of India as told to the MCI by the MCI advocate. This was informed to the Government of India by MCI.

MCI filed an Interim application for modification of the Madhya Pradesh High Court order of August 19, 2009. The Court had observed in its order that MCI or Central Government had not been restrained to consider the case of any private medical college, including Peoples College of Medical Science and Research Centre for granting permission for the academic year 2009-2010 for MBBS course. In its application MCI stated that as per the schedule fixed in the regulations made under MCI Act, 1956, the last date for sending recommendations of MCI to Government of India is June 15 for the academic year 2009-10 and this deadline is already over. In this application, the MCI gave wrong information and with-held the crucial information from the High Court that the Government of India had written to the MCI on June 23 and July 15, 2009 that July 15 was the last date for granting permission.

Hall of Fame

A National Workshop on Revision of Curriculum and other Regulations organized by the Curriculum and Regulation Committee was chaired by Ketan Desai after he was asked to step down by the Delhi High Court on corruption charges. The certificates and the seal of MCI under Desai's name and signature were awarded to the delegates, who attended this meeting. This showed that he was still calling the shots.

Ketan Desai nominated Dr. V.P. Mishra in the General Body and the Executive Committee of many medical colleges. Without being a professor, he was many times appointed as MCI inspector. Dr. Mishra attended several Executive Committee meetings of MCI as a special invitee in the initial stages. In these meetings, he participated in the deliberations and decision making process. This was in gross violation of the regulations and provisions of the IMC Act.

Dr. Mishra has the distinction of being accused of plagiarism in a thesis he submitted for a P.G. Course on Gandhian thought in Nagpur University. A one man committee headed by Justice Ratnaparkhi concluded in its findings that it was a clear case of plagiarism. No wonder he remains a Desai Favourite.

One corrupt compliments another corrupt

To perpetuate corruption in the MCI, it was necessary for the caucus headed by Ketan Desai, acting President and the Executive Committee to have a pliable Secretary to carry out and defend their alleged illegal activities. Out of hundreds of applicants who applied for the post of Secretary, the Executive Committee, which was under the supervision of a Watch Dog Committee appointed by the Supreme Court, appointed A.R.N. Setalvad as Secretary on June 6, 2003.

It is a matter of record that the appointment of Dr. Setalvad was not mentioned in the Minutes of the Agenda of the subsequent Executive Committee meeting. The appointment of Dr. A.R.N Setalvad raises a huge question mark as he was a full time Inspector of the Council and was directly responsible for the ongoing irregularities and manipulation of inspection reports that led to the indictment of MCI and its President by the High Court of Delhi and the appointment of the Watch Dog Committee by the Supreme Court.

The Ministry of Health wrote on June 2, 2003, before the appointment of the Secretary, clarifying that the approval from the Appointments Committee of the Cabinet is mandatory for the appointment of the Secretary of the M.C.I. This letter regarding the appointment of the Secretary and the necessity of obtaining the clearance from the Government was clandestinely removed from the office of the MCI.

There are also allegations that Dr. Setalvad, along with others, had embezzled Rs. 8 crores from the Gujarat Government where he was working as a Dean Medical College, Bhavnagar in Gujarat.

Dr. Setalvad was sending MCI reports to Ketan Desai on his personal E-mail when he was removed as President of MCI on High Court orders.

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After he had stepped down from the MCI President's post on High Court orders, Ketan Desai was coming to the MCI headquarters to carry out what were obviously illegal activities in the name of the Council. He was also using the MCI telephone to issue directives to various Medical Colleges or universities. **On June 7, 2005, Dr. A.C. Ashok, Registrar Academics of M.S. Ramya Medical College replied to Ketan Desai on the MCI address regarding the query raised by him in the name of the Council regarding the antecedents of Dr. Shivarappa.** All this was with the alleged connivance of the MCI Secretary.

Dr. Setalvad faces the charge of tampering with the Minutes of various meetings only to influence various decisions. Two sets of Minutes dated July 28, 2003 were sent by Dr. Setalvad as well as P.C. Keshavankutty Nair, the Acting President. The two sets of Minutes do not tally and there is evidence to establish that Dr. Setalvad tampered with the report in connivance with the Acting President.

There are hundreds of instances of gross violation of Act and Regulations by Dr. Setalvad. These have been brought to the notice of the Union Minister of Health as well as Director CBI by the MCI employees' Union.

Deep rooted corruption

Details of Inspectors' Report tampered by Secretary.

There is clinching evidence lying scattered in MCI files to prove how the inspection reports were being fudged to suit vested interests or mar the prospects of good medical colleges that were not ready to ingratiate the MCI bosses.

The inspection reports were being fabricated by:

1. Changing the font size.
2. Changing the font between Aerial and Roman,
3. Page numbering was being done by hand on the changed / altered / tampered pages of the report.
4. An observation made by the Executive Committee while taking a decision in respect of colleges having deficiency is required to be recorded. The same observation has been appearing in all the reports.

EPILOGUE

The task force of the Union Health and Family Welfare Ministry has recommended the revamping of the Medical Council of India. The recommendations have not come as any surprise for the discerning citizen or those in medical fraternity. The coterie ruling the MCI has had a vice-like grip on the statutory body that has been vested with the responsibility of maintaining the standards of medical education in the country.

Those who have been loosely associated with the working of the MCI know that Ketan Desai, the MCI president is better known as the "Don" of all he surveys. They also say the MCI is quite a money spinning contraption.

It was under an ambitious policy of Government of India that the country got a mix of Government and private medical colleges to meet the ever-growing demand of medical professionals across the country.

The MCI was created by an Act passed by Parliament and the provisions of the Act and Regulations governing the MCI are comprehensive enough to ensure accountability in its working. The irony is that over the years, the provisions of the Act, statutory requirements and policy directives of the Government of India have been shamelessly flouted. Whenever those aggrieved have approached the law courts for justice with fairness, they have been largely disillusioned as MCI tends to get away by producing false affidavits, giving misleading information and holding back pivotal information. Being a statutory body, the MCI has its way with its misdeeds.

By the medium of this book, an effort has been made to bring in public gaze some glaring evidences to show how a body that was created for elevating the level of medical education in the country has become the source of pushing it on a never-ending slide. The slide down has gained momentum ever since Ketan Desai has been at the helm of affairs of MCI.

If corrective steps are not taken timely, it would be difficult to arrest the slide. When the Government of India decides to implement the recommendations of the task force of the Union Health Ministry and scraps the MCI, there will be a new statutory body administering medical education.

It is important that those responsible for the downfall of MCI do not get a foothold in the new regulatory body. Not only this, it is also essential that those responsible are brought to book.

Worst scenario

This book was written and published after conducting a thorough research and investigation into allegations of corruption, massive irregularities and acts of omission and commission by those heading and running the affairs of Medical Council of India.

One of the medical colleges, that became a focal point of research for this book was "People's College of Medical Sciences and Research Centre" at Bhopal. It is an entirely a different matter that later the same medical college got roped into the infamous VYAPAM scam linked with admissions in the medical colleges. The worst part of the scenario is that those running this college are even being prosecuted by the CBI in the VYAPAM case. - Author (15 April 2019)

Modi Government acts to set right MCI's mucky mess

SEPTEMBER, 2018

The President of India promulgated the Indian Medical Council (Amendment) Ordinance, 2018 (Ordinance 8 of 2018) on 26 September 2018 as the passage of the Medical Commission Bill is pending in Parliament. Under this ordinance, the Medical Council of India shall stand superseded and the President and Vice President and other Members of the Council shall vacate their offices and shall have no claim for any compensation whatsoever.

According to sources, there a few bigwigs in the ruling BJP as well as the main Opposition Congress party who were only interested in maintaining the status quo vis-a-vis MCI and as a result the passage of the Medical Commission Bill in Rajya Sabha had got delayed.

Upon the Supersession of the Council and untill a new Council is reconstituted, a Board of Governors has been constituted by the Central Government to exercise the powers and perform the functions of the Council under the Act.

The appointment of the Board of Governors is a significant development at the direct initiative of Prime Minister Narendra Modi as the Oversight Committee that was overseeing the working of Medical Council of India had lodged a complaint with the Prime Minister regarding lack of cooperation from the MCI.

The Central Government has now constituted the Board of Governors consisting of the following persons as its Chairperson and Members:

1. DR V.K. Paul, Member NITI Ayog – Chairman 2. Dr. Randeep Guleria, Director AIIMS, New Delhi – Member 3. Dr. Jagat Ram, Director, PGIMER, Chandigar – Member 4. Dr. B.N. Gangadhar, Director, NIMHANS, Bangalore – Member 5. Dr. Nikhil Tandon, Professor, Department of Endocrinology & Metabolism, AIIMS, New delhi – Member 6. Dr. S. Venkatesh, Director General of Health Services, Ministry of Health and Family Welfare – Member ex-officio 7. Prof Balram Bhargava, Secretary department of Health research and Diector General Indian Council of Medical research, New Delhi – Member ex-officio. Dr. Sanjay Shrivastava, Ex-Deputy Director General, Directorate General of Health Services, Ministry of Health and Family Welfare, New Delhi has been appointed the Secretary General to assist the Board of Governors.

In view of widespread criticism of the workings of the Medical Council of India underscored in the 92nd Report of Department-Related Parliamentary Standing Committee on Health and Family Welfare, presented to the Rajya Sabha on 8th March 2016, the Government of India had appointed a committee under the chairmanship of Vice Chairman, NITI Aayog on 28th March 2016. The Committee, which included Additional Principal Secretary to Prime Minister, CEO, NITI Aayog and Secretary, H&FW as Members, was asked to examine all options for reforms in the Medical Council of India and suggest the way forward.

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The preliminary report submitted in August 2016 included a draft Bill intended to replace the Indian Medical Council Act, 1956. Main Features of the Proposed Bill were as under:

1. Regulators of highest standards of professional integrity and excellence must be appointed through an independent and a transparent selection process by a broad-based Search cum Selection Committee. 2. A New Institutional Architecture for Regulation was suggested with (i) A Medical Advisory Council (MAC) having representation from the States and Union Territories (UTs) to articulate the national agenda for medical education; (ii) the National Medical Commission (NMC), which is to serve as the policy-making body for medical education; and (iii) four autonomous Boards charged Under Graduate Medical Education, Post Graduate Medical Education, Medical Assessment and Rating and Registration and Ethics. 3. Since it was felt that the input based regulatory philosophy underlying the current MCI had turned into a high entry barrier, the NMC regulation was to be overwhelmingly based on outcomes rather than inputs. The Committee proposed periodic publication of ratings of medical institutions. 4. . The Committee also proposed that NMC be empowered to fix norms for regulating fees for a proportion of seats in private medical colleges while allowing the promoters to fix the fees for the remainder of seats transparently. No fees other than clearly announced on the website of the college should be permitted. 5. The committee proposed to provide a statutory basis for common entrance examination for admissions to under-graduate and post-graduate courses in Medical institutions and a Common Licentiate Examination for practice by medical professionals after completion of the undergraduate medical degree. 6. The Committee recommended that 'for- profit' organizations be permitted to establish medical colleges.

Backdrop: A case that had been registered on High Court orders against Ketan Desai, the President of Medical Council of India, after he was asked to step down as President of the Council during his earlier stint, was closed by the CBI and a closure report given to the designated court overlooking the documentary evidence handed over by MCI employees, directly to the CBI and also through the Ministry of Health and Family Welfare, relating to irregularities in granting of registration, granting permission to fake degrees, regularising degrees in violation of High Court and Supreme Court orders and changing of inspection reports.

This case—closed a few years later—was registered against Desai on the charge of misconduct for receiving huge amount of money through cheques as gift from two families and recognition granted to two colleges on the basis of false reports. The issue relating to the monetary gifts received by Ketan Desai, in his name and in the name of his family members, is a serious matter and calls for judicial review as Desai was a Government servant in Gujarat during the period in question and the Gujarat Civil Services (Conduct) Rules 1971 were applicable to him. As per the conduct rule, he could have taken gifts exceeding Rs. 1000 only with the permission of the Gujarat Government. No such permission was obtained by him.

The CBI failed to investigate the huge amount received as gifts by Desai and his family members. Question arises whether or not the CBI had conducted any investigation to probe if these were genuine gifts or was it a case of money laundering.

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In an affidavit filed in the Supreme Court in the matter of Ketan Desai in response to a petition by Harish Bhalla, the High Court had ordered the CBI to register a case. An affidavit presented in Court in this case said: “a racket of corruption was seriously jeopardizing fair and honest working of the Council which had appellant (Ketan Desai) as the king pin. The office of MCI and the Executive Committee which carries superlative powers in terms of appointment of inspectors for the various institutions to be carried out by MCI was being misused.” It is a different matter that Harish Bhalla subsequently withdrew his affidavit against Ketan Desai. This further paved the way for Desai to extricate himself from the case pending against him in court under the anti-corruption law.

Later a case was filed by the Author (Lalit Shastri) in the Delhi High Court against Ketan Desai underscoring the above lapses. Even the CBI was made a respondent in this case. At this stage, when there was an assurance that the CBI was ready to proceed against Ketan Desai, this case was withdrawn from the High Court with a request that alternate remedy will be sought in this matter. Subsequently, Ketan Dasai was even arrested and jailed in 2010 on corruption and conspiracy charges and later released on bail. He was subsequently acquitted in the absence of permission for prosecution. In 2010, his inauguration as the World Medical Association (WMA) president was suspended but three years later the suspension was revoked.