

PROCEEDING OF THE MEETING OF THE PUNJAB MEDICAL COUNCIL HELD UNDER THE CHAIRMANSIP OF DR. MANMOHAN SINGH, PRESIDENT PUNJAB MEDICAL COUNCIL ON 12-9-2004 AT 12:30 PM

The following members of the counsel attended the meeting: -

1. Dr. Neeti Rajan Singh – Vice President, Punjab Medical Council
 2. Dr. Gursharan Singh – Member, Punjab Medical Council
 3. Dr. Rajinder Pal Singh Virk – Member, Punjab Medical Council
 4. Dr. Yash Kumar Sharma – Member, Punjab Medical Council
 5. Dr. Balraj Gupta – Member, Punjab Medical Council
 6. Dr. Amrik Singh Bhatia – Member, Punjab Medical Council
- Registrar Dr. A.S. Thind welcomed the president and members of the council. With the permission of the chair the meeting started. The agenda items already circulated were discussed one by one and the following decisions were taken.

Item No. 1: Confirmation of the proceedings of the meeting to held on 27.2.2004

The council unanimously confirmed the proceedings of the meeting held on 27.2.2004 under the chairmanship of Professor Man Mohan Singh, circulated vide PMC letter No./2004/901-908 dated 15.3.2004.

Item No. 2: Medical Register

The council unanimously approved the action taken by the Registrar. It was well appreciated that about 3420 doctors have responded till date. The response of the doctors is tremendous. All the members were unanimous that the cut of date for filling the proforma be extended so that the doctors who were unable to deposit the proforma well in time are given a last chance to fill the proforma. It was resolved that the last date be extended for another one month.

At present the council is issuing the registration certificates in different colours i.e. different coloured certificates for graduates, postgraduates and having super speciality degree. It was resolved that the doctors having old certificates may also be allowed to get the newer version of certificates on a nominal fee of Rs. 250/-.

Item No. 3: Tenure of the Council Members

The notification regarding nomination of President, three nominated members (3-11-2003) and three elected members (27-5-2003) have been done under section 5 (i)(d) of Punjab Medical registration Act, 1916 for a period of two years. The notification should have been notified under sec. 7 of the said act. Under that clause the tenure of the council members is three years. So the tenure of the council should start from the date the members took the charge of the office. It was unanimously resolved that the Govt. may be approached to correct the ambiguity and a fresh notification be issued under clause 7 of the act indicating the tenure of the council as three years w.e.f. 3-11-2003.

Item No. 4: Action against Dr. J.S. Makhani

The complainant was asked to submit the paper regarding the final decision of Consumer Forum but he is unable to produce the papers. Disciplinary committee is of the opinion that the complaint be closed since the complainant has not responded. Since complainant is not responding the council on the recommendation of the disciplinary committee resolved to close the case.

Item No. 5: Restoration of name of Dr. Jai Shankar, Regn. No.4627.

The doctor has been punished for the murder of his wife and has undergone imprisonment. This was upheld by the High Court. He has approached the Supreme Court of India and no relief has been granted to the accused. The council unanimously resolved not to restore the name in the registered maintained in the council.

Item No. 6: To discuss the complaint in Disciplinary Committee Meeting held on 31-5-2004.

The recommendations of the council disciplinary committee were discussed in detail and was unanimously resolved to close these complaints. It was further resolved that subject wise panel of specialists will be prepared by Punjab Medical Council for taking opinion in complaint cases in future where ever requested.

Item No. 7: Inspection before the issue of the Essentiality certificate for the opening of new Medical College/Increase in seats/start of Postgraduate courses in the specialities and super specialities

It was unanimously resolved that the Govt. may be approached that a nominee of the council be also nominated while carrying out the inspection of the Medical institutions situated in the State of Punjab. The Punjab Medical Council shall also constitute the committees to inspect the Medical Institutes situated in Punjab.

Item No. 8: Amendments to the Punjab Medical Registration Act.

Dr. Yash Kumar Sharma, hon'ble member of the council distributed the draft amendments to the members. The agenda item was deferred and shall be taken in the next meeting. The members were requested to go through the draft changes and to come out with detailed proposals. The council appreciated the efforts taken by Dr. Yash Kumar Sharma in bring out the draft proposals for the amendments.

Item No. 9: Council building

Council appreciated the initiative taken by the Secretary, Medical Education & Research for the proposal of construction of building. It was informed by the Registrar that the plot is being provided by the Punjab Health System Corporation. The construction cost will be shared with the office of the Director, Research & Medical Education, Punjab and all the councils under the

Medical Education department. The council approves the action taken and resolved that the share of the council of construction of building, as per carpet area, shall be reimbursed to the quarter concerned.

Item No. 10: Registered practitioners from out of state.

It was unanimously resolved that the doctors who are registered either with Medical Council of India or any other state than the Punjab and are practicing in the State of Punjab should get themselves registered with the Punjab Medical Council.

It was also resolved that the Post Graduate students selected for the post graduate studies in the State of Punjab through All India quota seats and others Punjab Residents students who have done graduation from other states should get themselves with the Punjab Medical Council.

To this effect the Public Notice be given in the press.

Item No. 11: Report of Ethical Committee

The Chairman of the Ethical Committee was requested to submit the report of the proceeding of the committee. Dr. Balraj Gupta assured the council to submit the report at the earliest.

Item No. 12: Annual inspection of Medical Colleges

It was unanimously resolved that on the pattern of inspection of the Medical Council of India the Punjab Medical Council will also carry out the inspections of the Medical institutions situated in the State of Punjab. A proforma be prepared which will be circulated to all the medical colleges on same pattern as that of Medical Council of India.

It was also resolved to approach the State Govt. and the Baba Farid University of Health Sciences, Faridkot that the President of the Punjab Medical Council should be taken as an Ex-officio member of the various committees constituted by the university.

Item No. 13: Observer for Medical Examination

The council further resolved that the council would appoint its observers for the examinations in the State Medical Colleges. This will improve the standard of education in the State Medical Colleges and the council will be able to recommended to the Medical Council of India in terms of affiliation and disaffiliation of the college. If the council feels that the standard of education not upto the mark then with the prior approval of the MCI the council will refuse the registration of doctors acquiring degree from such colleges.

Item No. 14: Seminar

It was resolved to have a seminars at Chandigarh and other major cities. For the seminars the Civil Surgeons and the Presidents of Indian Medical Associations will also be consulted. It was resolved that if the CME or Conference is allowed CME Credit hours then the same association will allow the council members as delegates on complimentary basis. The association shall give time to the council

members to apprise the audience about the policies of the council. The council member attending the CME will submit the report to the council. Each council member shall be allotted at least two districts near to his residence for these purposes and also will inform the bonafide of the association and the conference to the Punjab Medical Council.

Item No. 15: Curbing of quackery in the State of Punjab-Steps to be taken.

The agenda item was deferred for the next meeting. All the members were requested to submit the suggestions if any to the registrar so that after compilation those will be discussed in the next meeting. The action taken by Dr. Raman Kumar Aggarwal, Chariman, IMA, Punjab, Phagwara Branch was well appreciated.

Item No. 16: Registration of Nursing Home Act Discussion & Action Plan.

It was brought to the notice of the council members that some act is being drafted in the Directorate of Health Services. It was resolved that if some sort of act comes in force than right to check such establishments should be with the Punjab Medical Council as the disciplinary powers are vested with the Punjab Medical Council.

Item No. 17: To discuss objectionable advertisements by the Registered Medical Practitioners (Doctors). Action Plan to be formulated.

It was resolved that Guild/Press Trust of India and the Editors of the various papers be requested not to accept the objectionable advertisements from the doctors which are objectionable under the various clauses of the Medical Council of India (Professional, Etiquette and Ethics) Regulation 2002. It was also resolved that action should be taken against the doctors giving objectionable advertisements in the press. It was also resolved that the Registrar will taken action according to the various clauses of the Act against the erring doctors.

Item No. 18: State Medical Awards

It was resolved to constitute a State level award like “Punjab Medical Rattan” to be conferred on the eminent medical personality. The various guidelines and the criteria shall be formulated and discussed in the coming meeting.

Item No. 19:

It was resolved that all the Registered Medical Practitioners registered with Punjab Medical Council shall inform the council about the C.M.E. attended (hours) activities performed during the year. On one side it will maintain a contact with the council and on other side it will improve the working and standard of the health delivery system. Minimum number of CME hour to be attended by each registered practitioners will be 10-hour/year. A comprehensive account of the CME hours will be maintained by the council for each registered doctor.

Item No. 20:

I Dr. Raman Kumar Aggarwal has represented to the council regarding the election of one member u/s 3(i) of IMA Act. The Registrar has informed that the Returning Officer has to be appointed by the Ministry of Health. The name of Dr. A.S. Thind, Joint director has already been recommended to the Ministry by the State of Punjab. The Process shall be intimated as and when the formal notification of the name is made by the M.O.H.

II Dr. O.P.S. Kande State President, IMA has represented to the council against the notification regarding practice of Gynecology and Obstetrics and Diagnostic Ultrasonography by ISM graduates. The matter was discussed in detail and the council was unanimous that the other council cannot infringe upon the rights of the other councils. They can frame rules and regulations under their own acts. The work Allopathic Medicine u/s 17(3)(b) of Indian Medicine Central Council Act, 1970 has fraudulently been added.

1. Hon'ble supreme Court of India Judgment in Civil Appeal No.89 of 1987 decided on 8.10.1998 in Dr. Mukhtiar Chand us. State of Punjab case.

i) Sr.No. 42 of the Judgment as under :

“In our View, all that the definition of ‘Indian Medicine’ and the clarification issued by the Central Council, enables such practitioners of Indian medicine is to make use of modern advances in various sciences such as Radiology Reports (X-ray), Complete blood picture report, lipids report, ECG etc.for purpose of practicing in their own system. However, if any State Act recognize the qualification of integrated course as sufficient qualification for registration in the State Medical Register of that State the prohibition of section 15(2)(b) will not be attracted”.

ii) Sr. No. 43 of the Judgment

“A harmonious reading of Section 15 of 1956 Act and Section 17 of 1970 Act leads to the Conclusion that there is no scope for a person enrolled on the state register of Indian Medicine or Central Register of Indian Medicine to practice modern scientific medicine in any of its branches unless that person is also enrolled on a State Medical Register within the meaning of 1956 Act”.

2. Hon'ble Punjab & Haryana High Court judgement in CWP No. 4754 of 2002 delivered on October 24, 2002, which states that

“ A careful reading of the Judgment of the Supreme Court in Mukhtiar Chand's Case (supra) makes it clear that a person, who is enrolled on the State Medical Register within the meaning of the 1956 Act cannot practice modern system of medicine”.

3. Section 15(2) (b) of the Indian Medical Council Act, 1956, which reads as under :

“[(1) Subject to the other provisions contained in this Act, the medical qualification included in the Scheduled shall be sufficient qualification

[(2) Save as provided in section 25, no person other than a medical practitioner enrolled on a State Medical Register :-

- (a)
- (b) Shall practice medicine in any State
- (c)
- (d)

This is in contravention to the following judgements

1. The Indian Medical Council Act, 1956 [Section 15(2)(b)]
2. The Indian Medicine Central Council Act 1970 [Section 17(3)(b)_ which makes no mention of (Allopathic Medicine) as mentioned in your letter.
3. The Judgment of Hon'ble Supreme Court of Indian in Dr. Mukhtiar Chand Case (CA No. 89 of 1987) delivered on 8.10.1998.
4. The Judgment of Hon'ble Punjab & Haryana High Court in CWP No. 4754 of 2002 delivered on October 24, 2002.

Going through the above contents of the letter it was resolved that quarter concerned be approached that it amounts to quackery. The doctors who are not qualified as per schedule of medical Council of India should not be allowed to do the practice in Allopathy. They should follow the Supreme Court judgement whereby they have been allowed only to use some diagnostic procedures and not the use of medicine for treatment purposes.

The meeting ended with vote of thanks to the chair.

President,
Punjab Medical Council,
Mohali.

Endst. No. PMC/2004/5061-67

Dated 12/10/2004

Copy forwarded for information to :

- Secretary, Medical Education & Research, Punjab, Chandigarh.
1. Dr. Neeti Rajan Singh – Vice President, Punjab Medical Council
 2. Dr. Rajinder Pal Singh Virk – Member, Punjab Medical Council
 3. Dr. Yash Kumar Sharma – Member, Punjab Medical Council
 4. Dr. Balraj Gupta – Member, Punjab Medical Council
 5. Dr. Gursharan Singh – Member, Punjab Medical Council
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