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MCI panel to review decisions from May 2010 to November 2013

Rema Nagarajan, TNN | May 15, 2014, 02.26 AM IST

As the government remains in limbo awaiting election results, the executive council of the Medical Council of India (MCI), in an unprecedented move, decided to review all policy decisions taken by the board of governors nominated by the government from May 2010 to November 2013. In effect, the new council will be reviewing policy decisions taken by the MCI for three and a half years including important ones such as the decision to bring professional associations of doctors under the ambit of the MCI and the decision to suspend the former MCI president, Dr Ketan Desai, who was charged with corruption, from practicing medicine.

The EC headed by MCI president Dr Jaysreeben Mehta has questioned the constitution of the board of governors saying it was not in conformity with the basic intent of the Indian Medical Council Act. The basic intent was that the number of elected members be more than double the nominated members to give representation to all quarters of medical professionals in the council, said the minutes of the EC meeting held on April 16, posted on the MCI website.

"It was expected that such a BOG during the short transit (sic) period, ought to have had discharged only day-to-day functions of the council and had not involved/engaged themselves in taking policy decisions," said the minutes of the meeting. It added that all policy decisions taken during the period that were not in conformity with the letter and spirit of the Act would "deserve to be revisited" to bring them in conformity with the scheme of the Act. Policy decisions found to be in conflict with the provisions or scheme of the Act would be "void and are unenforceable", concluded the EC.

The MCI was disbanded in 2010 for being allegedly rife with corruption after its president was arrested by the CBI on charges of accepting a bribe to grant recognition to a private college. The government had earlier superseded the MCI by issuing an ordinance in May 2010. The health ministry promulgated the ordinance four times

seeking extension of the tenure of the BoG governing MCI till November last year, when the ministry appointed 68 new members to restore the council's autonomy.

"How can the EC question the BOG which was constituted under an ordinance signed by the President? So many decisions were taken by the BOG on corrupt doctors and on corrupt practices in the medical profession in these three years. They cannot dismiss all these decisions outright as being void. It's absolutely outrageous. We will be filing a case in this regard," said Dr Kunal Saha, founder president of the non-profit People for Better Treatment.

Dr Saha pointed out that the new MCI with Dr Mehta being chosen as president was formed in December 2013 through an election conducted when more than half the members who participated were "nominated" members, according to the names published in the government gazette in November 2013. Going by their own logic, the entire current MCI body should be disbanded because it was formed with more "nominated" members, which include the new president, vice-president and many other top MCI post holders, said Dr Saha, adding that PBT has also written to the health ministry urging them to remove all EC members from the MCI (as provided under law) because their presence in the highest medical regulatory body is undoubtedly detrimental to public interest.