

No. C.18018/09/2016-MEP/MH-II

Government of India

Ministry of Health and Family Welfare


Nirman Bhawan,

New Delhi. Dated the Mar 14, 2018

MINUTES OF MEETING

The minutes of the 2<sup>nd</sup> meeting of sub-committee to discuss the Hon'ble Supreme Court (SLP (C) No. 28529/ 201- North Gujarat Unit of Assn. Of self Employed Workers Vs. North Gujarat Pathologists Association & Ors.) decision and draft notification in respect of minimum standards for Medical Diagnostic Laboratories including signatory authority/ Technical head of Medical Diagnostic Laboratories under Clinical Establishments Act was held on 08 March, 2018 at resource centre, Nirman Bhawan under the chairman ship of Dr B D Athani, DGHS are enclosed for information and necessary action.

Action Taken Report may please be sent in due course to undersigned at address Room No. 560 - A, Nirman Bhawan, New Delhi-110011 or to email id viz. [dr.anilkumar@nic.in](mailto:dr.anilkumar@nic.in)

  
(Dr Anil Kumar) 14/3/2018

Addl DDG(AK)

To

1. All participants attended meeting as per the list annexed.

Copy for information to:

1. Director/Medical Superintendent, AIIMS, New Delhi
2. Director/Medical Superintendent, Safdarjung Hospital, New Delhi
3. Director/Medical Superintendent Lady Hardinge Medical College, New Delhi
4. Director/Medical Superintendent, Maulana Azad Medical College, New Delhi
5. Director/Medical Superintendent, University College of Medical Sciences, New Delhi
6. Director/Medical Superintendent, Sir Ganga Ram Hospital, New Delhi
7. PPS to DGHS /PPS to AS and DG
8. PPS to JS (SK)/ PA to Addl. DDG (SG)/PA to Addl.DDG(AK)
9. PA to Director (Bindu Tiwari)/US, MS Division
10. Staff of National Council Sectt.
11. SO (MH II), Dte. GHS for making necessary arrangement for the meeting.
12. SO (MS), MoHFW

## Minutes of meeting

The 2<sup>nd</sup> meeting of sub-committee to discuss the Hon'ble Supreme Court (SLP (C) No. 28529/ 201- North Gujrat Unit of Assn. Of self Employed Workers Vs. North Gujarat Pathologists Association & Ors.) decision and draft notification in respect of minimum standards for Medical Diagnostic Laboratories including signatory authority/ Technical head of Medical Diagnostic Laboratories under Clinical Establishments Act was held on 08 March, 2018 at resource centre, Nirman Bhawan under the chairman ship of Dr B D Athani, DGHS.

The list of participants is annexed.

The soft and hard copies of Supreme Court judgement in relation to Medical Diagnostic Laboratories, Delhi High Court Judgement and Draft notification of minimum standards were circulated to all participants.

After welcome and introduction of participants, a PowerPoint presentation was made by Addl.DDG (AK) to give an overview of the issue of signing of reports of medical diagnostic laboratories and the key implications of Delhi High Court and Supreme Court judgements. The Chairman discussed specifically regarding Supreme Court judgement dated 12 Dec 2017 which states as under:

*"We dispose of all these special leave petition and other pending applications, if any, by taking a view that the stand of the Medical Council of India that Laboratory Report can be counter signed only by a registered medical practitioner with post graduate qualification in Pathology is correct".*

Thus, Supreme Court judgement overrides the Delhi High Court Judgement dated 15 Sept 2017 operative part of which was as under:

*"Medical diagnostic reports have two parts, reports that contain medical diagnostic results and/or an opinion with regard to the tests results. A technical report stating test results and indicating the analysis of samples without recording any opinion thereon, could be signed by MSc/PhD candidates not registered with MCI but medical reports ( showing interpretation of technical report) on the basis of this technical report has to be countersigned by Medical professional registered with Medical Council of India ( MCI)".*

After discussion and deliberation, following action points were agreed:

1. As Aforesaid, the Supreme Court judgement has quoted stand of MCI and has specified exclusivity of registered Medical Practitioner with MD pathology qualification for the purpose of counter signature in laboratory



reports. Accordingly, a rectification petition needs to be filed by MCI in this regard. MCI representative agreed for the same.

It was noted by sub-committee, that sub-section 15(2) (c) of IMC Act which expressly provides that "No person other than a medical practitioner shall be entitled to sign or authenticate a medical or fitness certificate or any other certificate required by law to be signed or authenticated by a duly qualified medical practitioner". The same was also reiterated by Executive Committee of MCI in its letter dated 14 June 2017 that "All lab reports to be signed /countersigned by persons registered with MCI/State Medical Councils".

2. After the Supreme Court Judgement, if any stakeholder is aggrieved by the court judgement, they may take action as they think appropriate.
3. The draft minimum standard may be re-visited to clarify what type of lab (basic/medium/advance) shall be available at what level of facilities keeping in view the available qualified manpower in the country. If required, the categorisation of lab into three levels may be more explicitly stated. The members of the sub-committee were requested to give inputs, if any, in this regard.
4. It was brought to the notice of sub-committee that dental doctors holding MDS qualification in oral pathology are also qualified to sign pathology reports of their respective field. Thus it was agreed, in case of laboratory work related to oral & dental diseases, the report may also be signed / countersigned by doctors having MDS degree in oral pathology. This is also in conformity with dentist Act 1948. This may be applicable to all levels of laboratories, i.e. for basic to advance.
5. Regarding some new laboratory technologies, like molecular genetics it was agreed that this is used not only for medico-legal, but also for diagnostic and prognostic purposes. At present this field is being taught to the medical doctors pursuing post-graduation in pathology and biochemistry. MCI representative informed that now DM courses in molecular biology and cytogenetic have been approved by MCI.

The meeting ended with a vote of thanks to the chair.

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## LIST OF PARTICIPANTS

Second meeting of Subcommittee to discuss the draft notification in respect of Minimum Standards of Medical Diagnostic Laboratories including signatory authority/technical head of medical diagnostic laboratory held under the chairmanship of Dr. B D Athani, DGHS on 08-03-2018 at Room No-445A, Nirman Bhawan, New Delhi

S.No	Name with Designation	Address	Telephone No./Mobile No./Fax No.	E-mail
<b>Chairman and Members who attended the meeting.</b>				
1	Dr B.D. Athani, DGHS and Chairman of Subcommittee	Dte.GHS, Nirman Bhawan,	23061063	
2	Dr. Sudhir Gupta, Addl DDG	Room No-554 A,Dte.GHS, Nirman Bhawan, New Delhi	23061980	drsudhirgupta@gmail.com
3	Dr Anil Kumar, Addl DDG	Room No-560 A, Dte.GHS, Nirman Bhawan, New Delhi	23061329	dr.anilkumar@nic.in
4	Shri Anil Relia, CEO, NABL	NABL House, Plot-45, Sector-44, Gurgaon	9818168618	ceo@nabl.qcin.org
5	Dr Vandana Jain, Director, NABL	NABL House, Plot-45, Sector-44, Gurgaon	9810788750	vandana@nabl.qcin.org
6	Dr Anju Jain, Dir.Prof & Head of Biochemistry, LHMC	LHMC, & Assoc.Hosp.New Delhi	9811519290	dranjain57@gmail.com
7	Dr Balvinder Singh Arora, Director & Professor Microbiology	VMMC, Safdarjung Hospital, New Delhi	9911919666	dr_arorabalvinder007@yahoo.com
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9	Dr Indrani Dhawan, Prof.- Consultant & HOD, Dept.of Pathology	SJH & VMMC	9910944435	indrani_dhawan@yahoo.co.in
10	Dr Subrata Sinha, Prof & Head Biochemistry	Dept. of Biochemistry, VMMC and SJH	9811981376	sub_sinha@hotmail.com
11	Dr Charanjeet Kaur, Prof & HOD Biochemistry	Dept.of Biochemistry VMMC & Safdurjung Hospital, New Delhi	8800636686	Charanjeet.kaur@gov.in
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13	Dr Gita Satpathy, Prof & Head Dept.of Microbiology	Dept.of Microbiology, AIIMS, New Delhi	9810943051	gita.satpathy@gmail.com
14	Dr Chand Wattal, Chairman, Dept.of Clinical Microbiology, Sir Ganga Ram Hospital	Sir Ganga Ram Hospital, New Delhi	9810502899	chandwattal@gmail.com
15	Dr Dinesh Puri, Prof.& Head Dept.of , Biochemistry	UCMS, Delhi-95	9868399803	dineshpuri21@yahoo.co.in
16	Shri Pankaj Johri, Joint Director	NABL	9717855587	
17	Dr Alpana Saxena, Director Professor Biochemistry	MAMC, New Delhi	9968604222	alpanasaxena@hotmail.com

18	Dr Ravinder Kaur, Dir.Prof. & HOD, Microbiology	Dept.of Microbiology, LHMC	9811809868	drkaur@hotmail.com
19	Dr R N Tandon, HSG, IMA	IMA House, IP Marg,, Delhi	9810089490	hsg@ima-india.org
20	Dr S.K.S.Kushwaha, Addl.DDG	DGHS, Nirman Bhawan, New Delhi	9717215546	
<b>National Council Secretariat staff</b>				
21	Col.(Dr) Abhai Garg Consultant (CE)	Room No-647, Nirman Bhawan, New Delhi	9818230738	drabhaigarg@gmail.com
22	Shri Atul Gupta Consultant (IT)	Room No-647, Nirman Bhawan, New Delhi	9910875140	ncs.atul@gmail.com
23	Mrs. Anuradha Statistical Assistant	Room No-647, Nirman Bhawan, New Delhi	9654638860	anusharma.ani@gmail.com