
**Report of the Presidential Committee to
Resolve Issues Related to
South Asia Institute of Technology and
Medicine (SAITM)**

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1.0 Introduction

By letter PS/SP/Sec/SAITM dated 30 August 2017, the Presidential Committee on Issues on South Asia Institute of Technology and Medicine (SAITM), hereafter known as the Committee, was appointed by the Secretary to the His Excellency the President. The Committee was tasked with reporting back to the President within 10 days from the day following; subsequently approval was granted to present the Report on 11 September. This confidential Report proposes a solution that has broad acceptance among most stakeholders; in particular, with representatives of the Sri Lanka Medical Council (SLMC) with whom the Committee met.

The Committee consists the following:

1. Hon (Dr) Harsha de Silva, MP, Deputy Minister, Ministry of National Policies and Economic Affairs (Chairman)
2. Mr D.C. Dissanayake, Secretary, Ministry of Higher Education and Highways
3. Mr Janaka Sugathadasa, Secretary, Ministry of Health, Nutrition, and Indigenous Medicine
4. Hon Jayantha Jayasuriya, Attorney-General (Represented by Mr Sanjay Rajaratnam, Additional Solicitor General, Attorney-General's Department)
5. Prof Mohan de Silva, Chairman, University Grants Commission (UGC)

Upon the appointment of the Committee, the members met on five occasions; 05, 06, 07, 08 and 09 September and deliberated at length. Further, the Committee (or in some cases the Chairman) met with various stakeholders; as follows:

1. Sri Lanka Medical Council (SLMC), including Deans of several faculties of medicine of state universities, on 06 September
2. Representatives of the Association of Medical Specialists, on 05 September
3. Academic staff of SAITM, on 05 September
4. Chairman and founder of SAITM Dr Neville Fernando, on 05 September
5. Representatives of the Parents' Union of State Medical Faculties, on 09 September
6. Representatives of Private Medical College Parents' Society, on 05 September

The Government Medical Officers' Association (GMOA) was offered and subsequently confirmed two appointments to meet the Committee; on 08 September and on 09 September, but they were unable to attend. Prior to the Committee's appointment, Hon (Dr) Harsha de Silva met to discuss the subject issue with representatives of the GMOA and the Federation of Faculties of Medicine Teachers (FFMT).

Annex 1 provides a complete list of representatives the Committee met for deliberations.

2.0 Recent issues related to SAIMT

This report does not intend to go in to historical details of the SAIMT issue as they are well known to the parties attempting to arrive at an equitable solution. The immediate issue that needs to be resolved centres around students who are currently boycotting academic activities at state medical faculties. In December 2016, all students of state medical faculties started a boycott demanding abolition of SAIMT; a non-state higher education institute which had obtained degree awarding status from the Ministry of Higher Education. Many attempts were made to resolve the crisis including an agreement between the Government and the owners of SAIMT to handover Neville Fernando Teaching Hospital (established in 2013 as the teaching hospital to SAIMT) to the Government. But the student boycott continues.

Most recently, on 31 July, the Deans of state university medical faculties had written to the Hon Minister of Higher Education with some suggestions as a way forward which had also been presented to His Excellency the President. Technical and legal reasons for the difficulty in carrying out the said proposals exactly as suggested are contained in Annex 2 of this report. Notwithstanding same, the Committee considered this letter as basis for lengthy deliberations with the SLMC, including Deans of the Medical Faculties, to arrive at the proposed solution.

It must be noted that on 31 January 2017, the Court of Appeal on a writ petition filed by a student who completed a MBBS Degree at SAIMT, determined that the said student should be granted Provisional Registration by the SLMC to begin supervised training (internship). The said Judgement was challenged by the SLMC and the case is pending before the Supreme Court. The hearing of the Supreme Court is scheduled for 12, 14 and 15 September, 2017.

3.0 Proposed solution

The Committee is of the view that any solution proposed to resolve the current issues related to SAIMT must be in accordance with the Government's commitment to enable some level of non-state higher education, including in medical education. The solution must be equitable to all stakeholders and not be a financial burden on the Government. It must be transparently implementable and monitored independently. It must be financially viable at the earliest and sustainable in the long term.

Based on the above conditions, the Committee proposes the following recommendations. It must be noted that these recommendations have already been in-principle agreed upon by the representatives of the SLMC with whom the Committee met, upon much deliberation, as well as Dr Neville Fernando (Chairman, SAIMT).

3.1 Matters related to ownership and management of SAIMT

1. **Abolish the current shareholding and management structure of SAIMT;** i.e., the for-profit entity owned and controlled by Dr Neville Fernando and family.

2. In its place, **create a new entity that is not-for-profit with a broad-based ownership structure.** The best option will be to collaborate with one or more already established educational institutions along with some amount of public participation. It may take the form of a Public-Private-Partnership (PPP). This entity **should conform to the (to be introduced) Minimum Standards and other quality control measures** with improved governance over a specified period of time.

3.2 **Matters related to establishing legally empowered Minimum Standards for medical education and training**

1. **Ministry of Health to gazette Minimum Standards for medical education and training.** Such to be based on the draft submitted by SLMC upon which views of relevant stakeholders (Ministry of Higher Education, Ministry of Health and UGC) have been already obtained and resubmitted to SLMC for their observations. Once such comments are obtained, finalize the draft, after further clarification by SLMC and other stakeholders if necessary and upon obtaining clearance from the Legal Draftsman and Attorney General. The entire process must be **completed by 30 November 2017, at the latest.**

3.3 **Matters related to a sustainable solution for accreditation and quality assurance in medical education**

1. **Expedite the establishment of the proposed Independent Quality Assurance and Accreditation Authority (IQAAA).** A draft IQAAA Bill is currently at an advanced stage of drafting. Unfortunately, it had not been shared with the SLMC nor with any other statutory professional body for discussion towards arriving at a strong piece of legislation with overall buy-in. The Committee directed that the draft IQAAA Bill be shared with SLMC immediately.
2. This envisaged Authority will take over the powers currently with the UGC and Ministry of Higher Education in the determination of quality assurance and accreditation of all degrees (state and non-state) including those that require professional recognition to practice.
3. **For medical degree programmes, the SLMC will be the professional or statutory body, which will be consulted and SLMC shall work in collaboration with IQAAA.** The evaluation of medical degree programmes for accreditation will be conducted jointly by the IQAAA and SLMC using the legally empowered Minimum Standards and in accordance with the provisions of the IQAAA Act.

4.0 Action recommended to trigger the proposed solution and to negotiate to end the boycott of medical students of state-universities

1. As an immediate step, the Committee recommends that the Secretary Ministry of Higher Education to discuss with the Attorney General to determine an appropriate legally binding mechanism to **inform SAIMM to suspend admission of new students until proposed restructuring is complete, and fresh approvals are granted** for the degree programme according to legally empowered Minimum Standards. This phase to be **time bound so that any mala fide delays could be avoided** and investors are able to complete the restructuring exercise.

This action is expected to build confidence among all stakeholders the genuine desire of the Government to implement the proposed recommendations, which will be equitable to all.

However, this letter should not have any binding impact on the students who have already passed out with MBBS degrees from SAIMM. The solution for them to obtain provisional registration from SLMC is beyond the scope of this report.

The Deans expressed their view to the Committee that such a time-bound suspension of admissions to SAIMM that carries legal weight is likely to result in the students calling off the current boycott of academic activities.

2. To appoint a **high-powered committee to oversee the completion of the recommendations** contained in this report.

Signed

Signed in original document

Hon (Dr) Harsha de Silva
Deputy Minister, Ministry of National Policies and Economic Affairs (Chairman)

Signed in original document

Mr D.C. Dissanayake, Secretary
Ministry of Higher Education and Highways

Signed in original document

Mr Janaka Sugathadasa
Secretary, Ministry of Health, Nutrition, and Indigenous Medicine

Signed in original document

Mr Sanjay Rajaratnam, PC
Additional Solicitor General
(nominated by Hon Jayantha Jayasuriya, PC, Attorney General as the representative from the Attorney General's Department)

Signed in original document

Professor Mohan de Silva
Chairman, University Grants Commission (UGC)

Acknowledgement of assistance

Advice by His Excellency the President and Hon Prime Minister is acknowledged. Assistance in arranging consultations and preparation of this report by officials of the Ministry of National Policies and Economic Affairs is acknowledged. Advice on financial matters by experts on a voluntary basis is acknowledged. Numerous telephone calls and messages received are also acknowledged. The Committee regrets its inability to meet with everyone who wished to obtain appointments due to constraints on time.

Annexes

Annexure 1: Attendees at Meetings conducted by the Committee and the Chairman

Meetings held by the Committee:

Sri Lanka Medical Council (SLMC) on 06.09.2017

Professor Nilanthi de Silva, Dean, Faculty of Medicine, University of Ragama, Vice President, SLMC
Professor Rezvi Sherif, Senior Professor of Medicine, Kotalawala Defence University
Professor Colvin Gooneratne, Chancellor, Open University of Sri Lanka
Professor Surangi Yasawardene, Dean, Faculty of Medical Sciences, University of Sri Jayawardenapura
Professor Jennifer Perera, Dean, Faculty of Medicine, University of Colombo
Professor Narada Warnasuriya, Senior Professor, Kotalawala Deference University
Dr K.T. Sundaresan, Senior Lecturer, Eastern University
Dr Pushpitha Ubaysiri
Dr C.L.K. Atapattu

Representatives of the Association of Medical Specialists on 05.09.2017

Dr Sunil Wijesinghe
Dr Ravi Dayasena
Dr Lalantha Ranasinghe
Dr Lalith Perera

Academic staff of SAIMT on 05.09.2017

Professor Shanti Goonawardene, Dean Faculty of Medicine, SAIMT
Professor Deepthi Samarage, Vice Dean, Faculty of Medicine, SAIMT
Professor Neville Perera, Visiting Professor of Surgery, SAIMT
Dr Ruwan Ekanayake, Consultant Cardiologist, Extended Faculty Teacher SAIMT
Dr Wasantha Perera, Consultant Orthopaedic Surgeon, Extended Faculty Teacher SAIMT

Chairman and founder of SAIMT on 05.09.2017

Dr Neville Fernando, Chairman, SAIMT
Ms Himali Jayathilake, Deputy Chairperson, SAIMT

Representatives of the Parents' Union of State Medical Faculties on 09.09.2017

Dr Harris. C. Pathirage, Advisor
Mr Nihal Jayasinghe, Co-President
Dr K. A. D. M. P. Athukorala, Co-President
Mr Gamini Ekanayake, Secretary
Dr Sunimal Jayakody, Vice President
Mr A. S. Hapuarachchi, Secretary
Mr Wasantha Alwis, Committee Member
Mr Lalith Hemachandra, Committee Member
Dr Nimal Karunasiri, Committee Member

Representatives of the Private Medical College Parents' Society Limited (PMCP SL) on 05.09.2017

Mr T. M. K. B. Tennekoon, President
Mr W. W. A. Dhanaratna, Secretary

Mrs I. M. Liyanage, Committee Member

Meetings held by Hon (Dr) Harsha de Silva, Deputy Minister of National Policies and Economic Affairs prior to the appointment of the committee:

Representatives of the Government Medical Officers` Association (GMOA) with Hon Lakshman Kiriella, Minister of Higher Education and Highways, and Secretary to the Ministry along with Chairman UGC on 03.06.2017

Dr P. S. M. A. B Padeniya, President
Dr H. N. D. Soysa, Assistant Secretary
Dr H. P. Aluthge, Assistant Secretary
Dr Chandana Dharmaratne, Exco Member
Dr Saman Ananda

Representatives from the Federation of Faculty Medicine Teachers Associations (FFMTA) on 22.08.2017

Dr N.C. Weerasinghe, President, FFMTA
Professor Athula Kaluarachchi, Faculty of Medicine, University of Colombo
Professor Indika Karunathilake, Faculty of Medicine, University of Colombo
Dr Harris Pathirage, Consultant, Lady Ridgeway Hospital

Annexure 2: Answers to proposals made to the Hon Minister of Higher Education by Deans of medical faculties. These responses have been submitted by the Secretary Ministry of Higher Education and Attorney General.

Proposal 1: Admission of students to the SAIMT MBBS degree programme should be terminated, i.e. enrolment should be stopped on a permanent basis.

Answer: Termination of admissions of students to SAIMT on a permanent basis cannot be considered due to following reasons.

1. The Presidential Secretariat release refers to temporary suspension.
2. The cabinet decision refers to broad basing the ownership of SAIMT and transforming into a non-profit making, public private partnership.
3. The Neville Fernando hospital has been handed over to the state with the objective of facilitating clinical training to SAIMT students.
4. The decision given by the Court of Appeal to grant provisional registration to student of SAIMT is challenged by the SLMC and the case is pending before the Supreme Court. Therefore, it is prudent to await the outcome of the said case.
5. It is observed that SAIMT has temporarily suspended enrolments in response to a request made by the specified authority. The said suspension is still in force.

Proposal 2: Those SAIMT students enrolled before 2016 who satisfy the Minimum Entry Criteria stipulated by the SLMC (i.e. 2 credit passes and a simple pass at A levels) should be allowed to complete their course of study and enter the medical workforce after meeting additional training requirements as stipulated by SLMC, and passing a licensing examination conducted by SLMC.

Answer: Proposal 2 consists two issues: (1) Minimum entry criteria, and (2) Licensing examination

1. Minimum Entry Criteria by SLMC

Observation: As per section 15 V, VI and VII read with Section 3 (5) of the Universities' act 1978, power to decide the minimum entry criteria for enrolment of students to courses of study to state universities is vested to UGC and, as per section 70 D (I) of the Universities Act 1978, determining the requirement for admission of persons to the courses of study at degree awarding institutes is vested to the specified authority and not with the SLMC.

2. Licensing Examination

Observation: The Medical Ordinance does not empower the SLMC to conduct licensing examinations for students who qualify from Degree Awarding Institutes in Sri Lanka

An option available is extending the period of supervised training (Internship). Considering that the Provisional Registration (internship) is supervised training, students who have already obtained the MBBS Degree from SAIMT may be offered an extended period of supervised training (internship) up to 18 months (for state students the period of supervised training is 12 months)

Proposal 3: Details of the necessary interim arrangements for the conduct of the MBBS academic programme and the award of MBBS degree (to students enrolled before 2016) should be ratified by an Interim Independent Authority (IIA) under the purview of the SLMC. This IIA shall be dissolved after a reasonable period of time that allows for students enrolled prior to 2016 to pass out.

Answer:

1. The Medical Ordinance does not make provisions for establishment of such an authority under the purview of SLMC.
2. Establishment of an IIA will lead to a conflict with the specified authority who has powers vested under section 70 B, 70 C and 70D of the Universities Act 1978.

Proposal 4: As per Medical Ordinance section 72.4, for recommendations 1-3 above to be effective, they should be approved in parliament and such approval should be published as a gazette notification.

Answer: As per Medical Ordinance section 72.4, Proposal 4 reiterates the standard method.

As stated in section 72.4, no regulation shall have effect until it has been approved by Parliament. Notification of such approval shall be in the gazette; and upon publication, the regulation to which the notification relates shall be as valid and effectual as though it were herein enacted.

The committee considered the interpretation of the legal status by the office of the Attorney General of Sri Lanka, other issues highlighted and the key points mentioned below to arrive at a fair, equitable legally acceptable solution to all parties.

1. Degree Awarding Status was conferred to the Degree Awarding Institute; SAIMT by the Degree Awarding Authority, Hon Minister of Higher Education with the powers vested on him under section 25A of the Universities Act No 16 of 1978 as amended, by a gazette notification bearing no 1721/19 dated 30th August 2011.
2. SAIMT has commenced the medical academic programme in September 2009. The government of Sri Lanka has requested and obtained full scholarships to students to enrol in SAIMT, who otherwise have been eligible to enter state universities to other degree programmes (i.e. Dental Science) and as such, state has given legitimate expectations to said students who are following the SAIMT MBBS Degree Programme.
3. Three batches of students numbering 84 have been awarded MBBS degree from the said Institute and are awaiting internship placements. The Court of Appeal by its order decided that the petitioner should be granted the provisional registration by the SLMC.
4. The said decision is challenged by the SLMC and the case is pending before the Supreme Court.
5. SLMC, as yet, does not possess a legally empowered Minimum Standards Document to assess the compliance status of a university/Institute.