



# Standing Committee Report Summary

## The Indian Medical Council (Amendment) Bill, 2005

- The Standing Committee on Health and Family Welfare (2005-06) submitted its 19th Report on The Indian Medical Council (Amendment) Bill, 2005 on 29<sup>th</sup> July 2005. The Chairperson of the Committee was Shri Amar Singh.
  - The Indian Medical Council Act, 1956 (Principal Act) created the Medical Council of India (MCI) to register medical practitioners in India, maintain standards of medical education, and recommend the recognition of medical qualifications. The current Bill seeks to modify the composition of the MCI, introduce provisions to remove council members, and empower the central government to give directions to the MCI.
  - The Bill requires one member from each state or union territory to be elected by the medical faculty of the universities in that locality. States shall elect one representative for every ten medical universities. This will alter the composition of the MCI and the Committee recommends electing one member for every five colleges in the state. To ensure equal representation of all medical colleges, the committee suggests a mechanism to determine eligibility criteria for electing members.
  - The Principal Act stipulates that each state with a medical register shall elect one member from amongst the registered practitioners. The Bill stipulates that members should be elected amongst members of the state medical council. The committee notes that all states do not have state medical councils. Until all states have state medical councils, the clause in the Principal Act should apply.
  - The Principal Act allows the central government to nominate one member from each state other than a union territory. The standing committee believes one member should also be nominated to represent all union territories.
  - The Bill allows the central government to appoint four ex-officio members to the council. The committee notes that the central government appoints eight members and consults with states to appoint an additional twenty-eight.
- They believe that adding an additional four members will adversely impact the representative nature of the council.
- The Committee notes that several other councils have Members of Parliament (MPs) as representatives. The Committee recommends that three of the eight centrally appointed members should be MPs. These MPs do not have to have the required medical qualifications.
  - This Bill dissolves the existing council and appoints a Board of Administrators until it is reconstituted. The Committee does not support the rationale that changes to the council's composition warrant dissolution. They recommend that an interim committee chaired by a retired Supreme Court judge hold elections for vacant positions.
  - The Bill requires elections to be held within three months from the date of a vacancy. Otherwise, the central government can nominate members to fill the vacancy. The Committee notes that existing provisions will ensure elections and recommends removing this clause.
  - The council shall be guided by the central government. If a dispute arises, the central government's decision is final. In order to ensure daily functions are not hampered, the Committee suggests changing the language so the government *may* give the council direction.
  - The Bill allows the central government to remove nominated members, dissolve any committee on the ground of misconduct, and making or amending regulations. The Committee believes these clauses interfere with MCI's autonomy and suggests deleting all.
  - The Bill specifies that a council member can be removed on the recommendation of the majority of members. MCI should also consult with a Disciplinary Committee. The Committee notes that the composition of the Disciplinary Committee is vague and the power to remove a members should remain only with the council.
  - The Bill limits the term limits for president and vice-president. The Committee recommends removing the term limits as these violate democratic principles.

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