

**Bill No. 110 of 2019**

THE INDIAN MEDICAL COUNCIL (AMENDMENT) BILL, 2019

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BILL

*further to amend the Indian Medical Council Act, 1956.*

BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

1. (I) This Act may be called the Indian Medical Council (Amendment) Act, 2019.

Short title and commencement.

(2) (A) The provisions of this Act shall, except sub-clause (i) of clause (c) of section 2, be deemed to have come into force on the 26th day of September, 2018; and

(B) sub-clause (i) of clause (c) of section 2 shall be deemed to have come into force on the 12th day of January, 2019.

102 of 1956.

2. In section 3A of the Indian Medical Council Act, 1956,—

Amendment of section 3A.

32 of 2010. 10

(a) in sub-section (I), for the words, brackets and figures "Indian Medical Council (Amendment) Act, 2010", the words, brackets and figures "Indian Medical Council (Amendment) Act, 2019" shall be substituted;

(b) in sub-section (2), for the words "three years", the words "two years" shall be substituted;

(c) in sub-section (4),—

(i) for the words "seven persons", the words "twelve persons" shall be substituted;

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(ii) for the words "and medical education", the words "and medical education or proven administrative capacity and experience" shall be substituted;

(d) after sub-section (7), the following sub-section shall be inserted, namely:—

"(7A) The Board of Governors shall be assisted by a Secretary General who shall be appointed by the Central Government on deputation or contract basis and he shall be the head of the secretariat in the Council."

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Repeal and savings.

**3.** (1) The Indian Medical Council (Amendment) Second Ordinance, 2019 is hereby repealed.

Ord. 5 of 2019.

(2) Notwithstanding such repeal, anything done or any action taken under the Indian Medical Council Act, 1956, as amended by the said Ordinance, shall be deemed to have been done or taken under the corresponding provisions of the said Act, as amended by this Act.

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102 of 1956.

## STATEMENT OF OBJECTS AND REASONS

The Indian Medical Council Act, 1956 was enacted to provide for the reconstitution of the Medical Council of India and the maintenance of a Medical Register for India and for matters connected therewith. The main functions of the Medical Council of India (the said Council) is to make recommendations to the Central Government in matters of recognition of medical qualifications, determining the courses of study and examinations required to obtain such qualifications, inspection of examinations and maintenance of register of medical practitioners, etc.

2. The working of the said Council has been under scrutiny since long time and the same was examined by various expert bodies including the Department-related Parliamentary Standing Committee on Health and Family Welfare, which in its Ninety-second Report, in March, 2016, severely indicted the said Council. The Committee recommended that the Government should bring a new comprehensive Bill in Parliament at the earliest so as to restructure and revamp the regulatory system of medical education and medical practice and to reform the Medical Council of India. Accordingly, the National Medical Commission Bill, 2017 was introduced in Lok Sabha in December, 2017, which lapsed on the dissolution of the Sixteenth Lok Sabha.

3. However, in view of the arbitrary action by the said Council in disregard to the provisions of the said Act and regulations made thereunder, immediate steps were required to be taken by the Government to put an alternative mechanism in place of the said Council so as to bring transparency, accountability and quality in the governance of medical education in the country. Hence, it has been decided to supersede the Medical Council of India and entrust its affairs to a Board of Governors consisting of eminent doctors for a period of two years or until the said Council is reconstituted, whichever is earlier.

4. As Parliament was not in session and urgent legislation was required to be made, the President promulgated the Indian Medical Council (Amendment) Ordinance, 2018 on the 26th September, 2018. Subsequently, the Indian Medical Council (Amendment) Bill, 2018, to replace the said Ordinance, was introduced in Lok Sabha on the 14th December, 2018 and was considered and passed in the said House on the 31st December, 2018. However, before the said Bill could be taken up for consideration and passing in Rajya Sabha, the Winter Session 2018 of Parliament adjourned *sine die*.

5. As the Indian Medical Council (Amendment) Ordinance, 2018 would cease to operate in accordance with the provisions of sub-clause (a) of clause (2) of article 123 of the Constitution, the Indian Medical Council (Amendment) Ordinance, 2019 was promulgated by the President on the 12th January, 2019.

6. Subsequently, as the Indian Medical Council (Amendment) Bill, 2018 along with official amendments could not be taken up for consideration and passing in Parliament, the Indian Medical Council (Amendment) Second Ordinance, 2019 was promulgated by the President on the 21st February, 2019.

7. However, pursuant to dissolution of the Sixteenth Lok Sabha, the aforementioned Indian Medical Council (Amendment) Bill, 2018, which was pending consideration and passing in Parliament, lapsed. Hence, the present Bill to replace the Indian Medical Council (Amendment) Second Ordinance, 2019.

8. The Indian Medical Council (Amendment) Bill, 2019, *inter alia*, provides for the following, namely:—

(a) to supersede the existing Medical Council of India and vest its powers in a Board of Governors until the said Council is reconstituted;

(b) to amend sub-section (2) and sub-section (4) of section 3A to provide for the reconstitution of the Council within a period of two years;

(c) to amend sub-section (4) of section 3A so as to add proven administrative capacity and experience also as a qualification for nomination of members for the Board of Governors and to increase the number of members of the Board of Governors to twelve; and

(d) to insert a new sub-section (7A) in the said section to provide that the Board of Governors shall be assisted by a Secretary General who shall be appointed by the Central Government on deputation or contract basis and shall be the head of the secretariat in the Council.

9. The Bill seeks to replace the Indian Medical Council (Amendment) Second Ordinance, 2019.

NEW DELHI;  
*The 20th June, 2019.*

HARSH VARDHAN

## FINANCIAL MEMORANDUM

Sub-clause (d) of clause 2 of the Bill seeks to amend section 3A of the Indian Medical Council Act, 1956, which, *inter alia*, provides for the constitution of the Board of Governors consisting of not more than twelve members in place of the existing Medical Council of India for a period of two years or until the said Council is reconstituted or some other arrangement is made, whichever is earlier. The proposed new sub-section (7A) of section 3A provides for appointment of a Secretary General on deputation or contract basis who shall be the head of the Secretariat of the said Council. The Chairperson and other members, other than *ex officio* members, of the Board of Governors shall be entitled to such sitting fee and other allowances as may be determined by the Central Government. Further, the Secretary General shall be entitled to pay and allowances for discharging his duties. It is expected that such expenditure on sitting fee and travelling and other allowances would be minimal and will be met from the funds of the Medical Council of India.

2. The Bill does not envisage any recurring or non-recurring expenditure during the current financial year, that is, 2019-20.

ANNEXURE

EXTRACT FROM THE INDIAN MEDICAL COUNCIL ACT, 1956

(102 OF 1956)

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Power of  
Central  
Government to  
supersede the  
Council and to  
constitute a  
Board of  
Governors.

3A. (1) On and from the date of commencement of the Indian Medical Council (Amendment) Act, 2010, the Council shall stand superseded and the President, Vice-President and other members of the Council shall vacate their offices and shall have no claim for any compensation, whatsoever.

32 of 2010.

(2) The Council shall be reconstituted in accordance with the provisions of section 3 within a period of three years from the date of supersession of the Council under sub-section (1).

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(4) The Central Government shall, by notification in the Official Gazette, constitute the Board of Governors which shall consist of not more than seven persons as its members, who shall be persons of eminence and of unimpeachable integrity in the fields of medicine and medical education, and who may be either nominated members or members, *ex officio*, to be appointed by the Central Government, one of whom shall be named by the Central Government as the Chairperson of the Board of Governors.

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(7) Two-third of the members of the Board of Governors shall constitute the quorum for its meetings.

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LOK SABHA

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further to amend the Indian Medical Council Act, 1956

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*(Dr. Harsh Vardhan, Minister of Health and Family Welfare)*