

V.11011/01/2022-MEP{FTS No. 8159755}
Government of India
Ministry of Health & Family Welfare
Department of Health & Family Welfare
MEP Section

Room No. 514, A Wing,
Nirman Bhawan, New Delhi – 110011
Dated the 29th December 2022

PUBLIC NOTICE

Subject: Introduction of National Medical Commission (Amendment) Bill, 2022 – reg.

An Amendment has been proposed in the existing National Medical Commission (NMC) Act, 2019. It has been decided to make amendments in the NMC Act, 2019 to incorporate following provisions:

- i. for setting up a Fifth Autonomous Board, namely Board of Examinations in Medical Sciences, under National Medical Commission
- ii. to incorporate provision in the parent Act that jurisdiction in the cases filed, by Medical Colleges/Institutions, in matter related to NMC shall be Delhi High Court only
- iii. to provide provision for patients/their relatives/complainant to prefer appeal in the Ethics and Medical Registration Board/National Medical Commission against the decision/action of State Medical Council in complaints related to medical negligence/professional misconduct.

2. It has been decided to solicit suggestions/comments/objections from the public/stakeholders with regard to the said draft Amendment Bill. The suggestions/comments/objections may be forwarded within 30 days from the date of issue of this Notice by email to sunilk.gupta35@nic.in or by post to Under Secretary (Medical Education Policy Section), Ministry of Health & Family Welfare, Room No. 514, A Wing, Nirman Bhawan, New Delhi – 110011. The suggestions/comments/objections received on the above email/address within the period of 30 days from the date of issue the Notice, shall be taken into consideration for finalization of the notification.

Encl: draft Amendment Bill


(Sachin Mittal)

Joint Secretary to Government of India
Telephone:- 23061773
Email :- mittal.sachin@gov.in

ANNEXURE - I

	A BILL	
	further to amend the National Medical Commission Act, 2019	
	Be it enacted by Parliament in the Seventy Third Year of the Republic of India as follows:—	
	1. (1) This Act may be called the National Medical Commission (Amendment) Act, 2022.	Short title and commencement.
	(2) The provisions of this Act shall be deemed to have come into force from the date of enactment.	
30 of 2019.	2. In Section 2 of the National Medical Commission Act, 2019,— (1) in clause (l), for the words, "National Board of Examination", the words "National Board of Examinations in Medical Sciences" shall be substituted; (2) After clause (l), the following clause shall be added:- "(la) Board of Examinations in Medical Sciences" means the Board constituted under section 16;"	Amendment of section 2. Definitions
	3. In Section 4 of the National Medical Commission Act, 2019,— (1) in clause (b) of the sub-section (1) for the word, "Ten", the words "Eleven" shall be substituted; (2) in sub-section (3), after clause (d), the following shall be added:- "(da) the President of Board of Examinations in Medical Sciences"	Amendment of Section 4 Composition of Commission
	4. In Section 15 of the National Medical Commission Act, 2019,— (1) In sub-section (2) for the words, "such designated authority", the words "Board of Examinations in Medical Sciences or any such designated authority" shall be substituted;	Amendment of Section 15 National Exit Test.
	5. In Section 16 of the National Medical Commission Act, 2019,— (1) in sub-section (1), after clause (d), the following shall be added:- "(e) The Board of Examinations in Medical Sciences"	Amendment of Section 16 Constitution of Autonomous Boards.

	<p>6. In Section 17 of the National Medical Commission Act, 2019,—</p> <p>(1) in sub-section (2), for the words “the Under-Graduate Medical Education Board and the Post-Graduate Medical Education Board,” the words “the Under-Graduate Medical Education Board, the Post-Graduate Medical Education Board and the Board of Examinations in Medical Sciences,” shall be substituted.</p>	<p>Amendment of Section 17</p> <p>Composition of Autonomous Boards.</p>
	<p>7. After Section 27, the following shall be added,—</p> <p>“27A (1) The Board of Examinations in Medical Sciences shall perform the following functions, namely: —</p> <p>(a) conduct National EXIT Test;</p> <p>(b) accredit medical institutions for conducting Diploma, Diplomate and Fellowship postgraduate and Diplomate and Fellowship super-speciality courses;</p> <p>(c) determine the minimum requirements and standards for conducting Diploma, Diplomate and Fellowship postgraduate and Diplomate and Fellowship super-speciality courses and their examinations in medical institution, in accordance with the regulations made under this Act;</p> <p>(d) conduct exit examinations for award of Diploma, Diplomate and Fellowship qualifications;</p> <p>(e) Conduct any such examinations of any Institution as assigned to it by the Commission or by the Central Government;</p> <p>(f) grant degree and diploma for Diplomate and Fellowship qualifications;</p> <p>(2)The Board of Examinations in Medical Sciences may, in the discharge of its duties, make such recommendations to, and seek such directions from, the Commission, as it deems necessary.”</p>	<p>Insertion of Section 27A</p> <p>Powers and functions of Board of Examinations in Medical Sciences</p>
	<p>8. In Section 30 of the National Medical Commission Act, 2019,—</p>	<p>Amendment of Section 30</p> <p>State Medical Councils.</p>

	<p>(1) In sub-section (3), after the words, "medical practitioner or professional", the words "or complainant" shall be inserted;</p> <p>(2) In sub-section (4), after the words, "medical practitioner or professional", the words "or complainant" shall be inserted;</p>	
	<p>9. In Section 37 of the National Medical Commission Act, 2019,—</p> <p>(1) in sub-clause (2), for the words, "National Board of Examination", the words "Board of Examinations in Medical Sciences" shall be substituted;</p>	<p>Amendment of Section 37</p> <p>Recognition of medical qualifications granted by statutory or other body in India</p>
	<p>10. After Section 53 of the National Medical Commission Act, 2019, the following shall be added:-</p> <p>53 (a) "Provided any court case, filed by medical colleges/institutions against the Commission/ Central Government, shall be subject to the jurisdiction of the High Courts of Delhi."</p>	<p>Amendment of Section 53</p> <p>Protection of action taken in good faith.</p>
	<p>11. After Section 60 of the National Medical Commission Act, 2019, the following shall be added,—</p> <p>"60A (1) With effect from such date as the Central Government may appoint in this behalf, the National Board of Examinations in Medical Sciences registered under the Societies Registration Act, 1860 stands dissolved;</p> <p>(2) Notwithstanding the dissolution of the National Board of Examinations in Medical Sciences referred to in sub-section (1), it shall not affect,—</p> <p>(a) the previous operation of the National Board of Examinations in Medical Sciences so repealed or anything duly done or suffered there-under; or</p> <p>(b) any right, privilege, obligation or liability acquired, accrued or incurred by the National Board of Examinations in Medical Sciences; or</p> <p>(c) any penalty incurred in respect of any contravention under the Rules or bye laws of</p>	<p>Insertion of Section 60 A</p> <p>Repeal and saving</p>

National Board of Examinations in Medical Sciences; or

(d) any proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty as aforesaid, and any such proceeding or remedy may be instituted, continued or enforced, and any such penalty may be imposed as if that National Board of Examinations in Medical Sciences had not been dissolved.

(3) On the dissolution of the National Board of Examinations in Medical Sciences, the person appointed as the President of the National Board of Examinations in Medical Sciences and every other person appointed as the Member of the Governing Body immediately before such dissolution shall vacate their respective offices.

Provided that any officer or other employee who has been working in the NBEMS shall, on such dissolution be given an option to stand subsumed under NMC or shall be entitled to claim such compensation, as determined by the Commission, for the premature termination of term of their office or of any contract of service;

Provided further that any officer or other employee on deputation basis to NBEMS shall, on such dissolution, stand reverted to his/ her parent cadre, Ministry or Department, as the case may be.

(4) Notwithstanding the dissolution of National Board of Examinations in Medical Sciences, any order made, any Institute accreditate for conducting Diplomate or Fellowship qualification shall continue to be in force till the date of their expiry for all purposes, as if they had been issued or granted under the rules and by laws of National Board of Examinations in Medical Sciences."

12. After Section 61 of the National Medical Commission Act, 2019, the following shall be added,—

"61A (1) The Commission shall be the successor in interest to the National Board of Examinations in Medical Sciences including its subsidiaries or owned trusts and all the assets and liabilities of the National Board of Examinations in Medical Sciences shall be

Insertion of Section 61A
Transitory provisions

deemed to have been transferred to the Commission.

(2) Notwithstanding the dissolution of National Board of Examinations in Medical Sciences, the accreditation criteria, requirements and other provisions of the National Board of Examinations in Medical Sciences and rules framed by it shall continue to be in force and operate till new criteria or requirements are made under the provision of section 27A:

Provided that anything done or any action taken under rules of National Board of Examinations in Medical Sciences deemed to have been done or taken under the corresponding provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act.

13. In Schedule of the National Medical Commission Act, 2019,—

(1) In entry (5), for the words, "National Board of Examination", the words "Board of Examinations in Medical Sciences" shall be substituted;

Amendment of Schedule