

Bill No. 28 of 2011

THE INDIAN MEDICAL COUNCIL (AMENDMENT) BILL, 2011

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further to amend the Indian Medical Council Act, 1956.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Medical Council (Amendment) Act, 2011.

Short title and commencement.

(2) It shall be deemed to have come into force on the 10th day of May, 2011.

5 **2. In section 3A of the Indian Medical Council Act, 1956 (hereinafter referred to as the principal Act), in sub-section (2), for the words “one year”, the words “two years” shall be substituted.**

Amendment of section 3A of Act 102 of 1956.

Ord. 1 of 2011.

3. (1) The Indian Medical Council (Amendment) Ordinance, 2011, is hereby repealed.

Repeal and saving.

Ord. 1 of 10 2011.

(2) Notwithstanding the repeal of the Indian Medical Council (Amendment) Ordinance, 2011, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Indian Medical Council Act, 1956 was enacted for the purpose of reconstituting the Medical Council of India and to provide for the maintenance of the Indian Medical Register and for matters connected therewith. The Act was amended, *inter alia*, by the Indian Medical Council (Amendment) Ordinance, 2010 superseding the Medical Council of India for one year with effect from 15th May, 2010 and providing for the constitution of a Board of Governors of not more than seven persons to exercise the powers and to perform the functions of the Council under the said Act. The Ordinance was replaced by the Indian Medical Council (Amendment) Act, 2010. As per the provisions contained in sub-section (2) of section 3A of the aforesaid 1956 Act, as inserted by the amending Act of 2010, the Council had to be reconstituted within a period of one year from the date of its supersession, that is latest by 14th May, 2011.

2. Meanwhile, the Central Government initiated a proposal to set up a National Commission for Human Resources for Health as an overarching regulatory body which would subsume certain Councils like the Medical Council of India and the Dental Council of India in it. Though the draft Bill for setting up of the National Commission for Human Resources for Health has been prepared in consultation with various stakeholders, the enactment of the proposed legislation and subsequent setting up of the Commission could not be completed for various reasons.

3. As the entire process for enacting the proposed legislation to set up a National Commission for Human Resources for Health will take some more time and the term of the Board of Governors constituted under the Indian Medical Council Act, 1956, as amended by the Indian Medical Council (Amendment) Act, 2010, was coming to an end on 14th May, 2011, immediate action was required to be taken before that date. In view of the above circumstances, it was considered necessary and expedient to increase the period of reconstitution of the Council from one year to two years, thereby automatically increasing the term of office of the Board of Governors by one more year. The Medical Council of India could be reconstituted or an overarching regulatory body could be established within the aforesaid extended period.

4. In view of the urgency of the matter and as Parliament was not in session, sub-section (2) of section 3A of the Indian Medical Council Act, 1956, was amended by way of promulgation of the Indian Medical Council (Amendment) Ordinance, 2011 on the 10th May, 2011 (Ord.1 of 2011).

5. The Bill seeks to replace the Indian Medical Council (Amendment) Ordinance, 2011.

NEW DELHI;
The 14th July, 2011.

GHULAMNABIAZAD.

FINANCIAL MEMORANDUM

Clause 2 of the Bill seeks to amend sub-section (2) of section 3A of the Indian Medical Council Act, 1956, so as to increase the period allowed for reconstitution of the Medical Council of India from one year to two years from 15th May, 2010. The proposed amendment would automatically increase the term of office of the Board of Governors up to 14th May, 2012. The Chairperson and other members, other than the *ex officio* members of the Board of Governors constituted under sub-section (4) of the said section shall be entitled to such sitting fee and travelling and other allowances as may be determined by the Central Government. It is expected that such expenditure on sitting fee and travelling and other allowances would be minimal and would be met from the funds of the Medical Council of India. Further, such expenditure will depend on the number of meetings of the Board of Governors during the current financial year, *i.e.*, 2011-2012 and hence it is difficult to estimate the recurring or non-recurring expenditure on this account at this stage.

ANNEXURE

EXTRACT FROM THE INDIAN MEDICAL COUNCIL ACT, 1956

(102 OF 1956)

	*	*	*	*	*
Power of Central Government to supersede the Council and to constitute a Board of Governors.	3A. (1) *	*	*	*	*
	(2) The Council shall be reconstituted in accordance with the provisions of section 3 within a period of one year from the date of supersession of the Council under sub-section (1).	*	*	*	*

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further to amend the Indian Medical Council Act, 1956.

(Shri Ghulam Nabi Azad, Minister of Health and Family Welfare)