

## The National Medical Commission Bill, 2017: Comparison of the 2017 Bill with the 2018 Amendments

The National Medical Commission Bill, 2017 was introduced in Lok Sabha on December 29, 2017.<sup>1</sup> The Bill repeals the Indian Medical Council Act, 1956 and sets up the National Medical Commission (NMC) to regulate medical education and practice. The Standing Committee on Health and Family Welfare (Chairperson: Prof. Ram Gopal Yadav) examined the Bill and submitted its report on March 20, 2018.<sup>2</sup>

Certain amendments to the 2017 Bill were circulated in Lok Sabha on December 17, 2018. We compare provisions of the 2017 Bill with the proposed 2018 amendments.

**Table 1: Comparison of the provisions of the 2017 Bill with the 2018 proposed amendments**

The National Medical Commission Bill, 2017	Amendments proposed to the Bill (2018)
<b>Composition of National Medical Commission</b>	
<ul style="list-style-type: none"> <li>The Bill sets up the NMC which will consist of 25 members.</li> <li>Members of the NMC include: (i) the Chairperson, (ii) 12 ex officio members, (iii) 11 part-time members (including three nominees from states), and (iv) one ex-officio Member Secretary.</li> </ul>	<ul style="list-style-type: none"> <li>No change</li> <li>As per the amendments, members of the NMC include: (i) the Chairperson, who must be a medical practitioner, (ii) 10 ex-officio members, and (iii) 14 part-time members (nominees of states increased from three to six)</li> </ul>
<b>Qualifying examination</b>	
<ul style="list-style-type: none"> <li>The Bill states that there will be a uniform National Eligibility-cum-Entrance Test for admission to undergraduate medical education in all medical institutions regulated by the Bill.</li> <li>Further, there will be a National Licentiate Examination for the students graduating from medical institutions to obtain the licence for practice. This examination will also serve as the basis for admission into post-graduate courses at medical institutions.</li> <li>The NMC may permit exceptions from the National Licentiate Examination in certain cases.</li> <li>Foreign medical practitioners will be permitted temporary registration in India in such manner as may be prescribed.</li> </ul>	<ul style="list-style-type: none"> <li>The amendments state that the uniform National Eligibility-cum-Entrance Test will also be applicable for admission to <i>post graduate medical education</i> in all medical institutions regulated by the Bill.</li> <li>There will be a common final year undergraduate medical examination called the National Exit Test which will grant license to practice medicine.</li> <li>Medical students graduating from any medical institute which is an institute of national importance will be exempted from qualifying the National Exit Test to practice medicine.</li> <li>Foreign medical practitioners will have to qualify the National Exit Test to obtain license to practice medicine in India.</li> </ul>
<b>Fee regulation</b>	
<ul style="list-style-type: none"> <li>The Bill gives the NMC the power to frame guidelines for determination of fees for up to 40% of seats in private medical colleges and deemed universities.</li> </ul>	<ul style="list-style-type: none"> <li>The maximum limit for determination of fees by the NMC has been increased from 40% to 50% of seats.</li> </ul>
<b>Mid-level medical practitioners</b>	
<ul style="list-style-type: none"> <li>The Bill provides for a bridge course for the practitioners of AYUSH to enable them to prescribe modern medicines at such level as notified by the central government.</li> <li>Further, a separate National Register for licensed AYUSH practitioners who qualify the bridge course will be maintained.</li> </ul>	<ul style="list-style-type: none"> <li>The amendments remove the provision allowing for a bridge course for AYUSH practitioners.</li> <li>The amendments state that a separate National Register for mid-level medical practitioners will be maintained. Further, the NMC may grant licence limited license to practice medicine at mid-level to persons who qualify certain prescribed criteria.</li> <li>These mid-level medical practitioners may prescribe specified medicines in primary and preventive healthcare. However, in cases other than primary and preventive healthcare, the mid-level medicine practitioners may only prescribe medicine under the supervision of a registered medical practitioner.</li> </ul>
<b>Offences and penalties</b>	
<ul style="list-style-type: none"> <li>Under the Bill, no person is allowed to practice medicine as a qualified medical practitioner other than those enrolled in a State Register or the National Register. Any person who contravenes this provision will be punished with a fine between one and five lakh rupees.</li> </ul>	<ul style="list-style-type: none"> <li>The amendments state that any person who practices medicine without being registered will be punishable with imprisonment of up to one year, or a fine extending to five lakh rupees, or both.</li> </ul>

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**Appeal on matters related to professional and ethical misconduct**

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| <ul style="list-style-type: none"> <li>▪ State Medical Councils will receive complaints relating to professional or ethical misconduct against a registered medical practitioner. If the medical practitioner is aggrieved of a decision of the State Medical Council, he may appeal to the Ethics and Medical Registration Board.</li> <li>▪ The State Medical Councils and the Ethics and Medical Registration Board have the power to take disciplinary action against the medical practitioner including imposing a monetary penalty. If the medical practitioner is aggrieved of the decision of the Board, he can approach the NMC to appeal against the decision. Appeal of the decision of the NMC lies with the central government.</li> </ul> | <ul style="list-style-type: none"> <li>▪ No change.</li> <li>▪ The final appeal in these cases will lie with the NMC.</li> </ul> |
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Sources: The National Medical Commission Bill, 2017; Notice of Amendments in Lok Sabha, December 17, 2018; PRS.

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1. The National Medical Commission Bill 2017,

[https://www.prsindia.org/sites/default/files/bill\\_files/National%20Medical%20Commission%20Bill%2C%202017.pdf](https://www.prsindia.org/sites/default/files/bill_files/National%20Medical%20Commission%20Bill%2C%202017.pdf)[http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/257\\_LS\\_2016\\_Eng.pdf](http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/257_LS_2016_Eng.pdf).

2. Report No. 109, The National Medical Commission Bill, 2017, Standing Committee on Health and Family Welfare, March 20, 2018, [https://www.prsindia.org/sites/default/files/bill\\_files/SCR-%20National%20Medical%20Commission%20Bill%2C%202017.pdf](https://www.prsindia.org/sites/default/files/bill_files/SCR-%20National%20Medical%20Commission%20Bill%2C%202017.pdf).

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