

# **THE CODE ON WAGES, 2019**

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## ARRANGEMENT OF CLAUSES

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THE SCHEDULE. (iii)

CLAUSES Short title, extent and commencement. THE NATIONAL MEDICAL COMMISSION BILL, 2019 A BILL to provide for a medical education system that improves access to quality and affordable medical education, ensures availability of adequate and high quality medical professionals in all parts of the country; that promotes equitable and universal healthcare that encourages community health perspective and makes services of medical professionals accessible to all the citizens; that promotes national health goals; that encourages medical professionals to adopt latest medical research in their work and to contribute to research; that has an objective periodic and transparent assessment of medical institutions and facilitates maintenance of a medical register for India and enforces high ethical standards in all aspects of medical services; that is flexible to adapt to changing needs and has an effective grievance redressal mechanism and for matters connected therewith or incidental thereto. BE it enacted by Parliament in the Seventieth Year of the Republic of India as follows:— CHAPTER I PRELIMINARY 1. (1) This Act may be called the National Medical Commission Act, 2019. (2) It extends to the whole of India. (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint, and different dates may be appointed for AS PASSED BY LOK SABHA ON 29.07.2019 Bill No. 185-C of 2019 5 2 different provisions of this Act and any reference in any such provision to the commencement of this Act shall be construed as a reference to the coming into force of that provision. 2. In this Act, unless the context otherwise requires,— (a) "Autonomous Board" means any of the Autonomous Boards constituted under section 16; (b) "Chairperson" means the Chairperson of the National Medical Commission appointed under section 5; (c) "Commission" means the National Medical Commission constituted under section 3; (d) "Council" means the Medical Advisory Council constituted under section 11; (e) " Ethics and Medical Registration Board" means the Board constituted under

section 16; (f) "health University" means a University specialised in affiliating institutions engaged in teaching medicine, medical and health sciences and includes a medical University and University of health sciences; (g) "licence" means a licence to practice medicine granted under sub-section (1) of section 33; (h) "Medical Assessment and Rating Board" means the Board constituted under section 16; (i) "medical institution" means any institution within or outside India which grants degrees, diplomas or licences in medicine and include affiliated colleges and deemed to be Universities; (j) "medicine" means modern scientific medicine in all its branches and includes surgery and obstetrics, but does not include veterinary medicine and surgery; (k) "Member" means a Member of the Commission appointed under section 5 and includes the Chairperson thereof; (l) "National Board of Examination" means the body registered as such under the Societies Registration Act, 1860 which grants broad-speciality and super-speciality qualifications referred to in the Schedule; (m) "National Register" means a National Medical Register maintained by the Ethics and Medical Registration Board under section 31; (n) "notification" means notification published in the Official Gazette and the expression "notify" shall be construed accordingly; (o) "Post-Graduate Medical Education Board" means the Board constituted under section 16; (p) "prescribed" means prescribed by rules made under this Act; (q) "President" means the President of an Autonomous Board appointed under section 18; (r) "recognised medical qualification" means a medical qualification recognised under section 35 or section 36 or section 37 or section 40, as the case may be; (s) "regulations" means the regulations made by the Commission under this Act; Definitions. 21 of 1860. 5 10 15 20 25 30 35 40 45 3 (t) "Schedule" means the Schedule to this Act; (u) "State Medical Council" means a medical council constituted under any law for the time being in force in any State or Union territory for regulating the practice and registration of practitioners of medicine in that State or Union territory; (v) "State

Register" means a register maintained under any law for the time being in force in any State or Union territory for registration of practitioners of medicine; (w) "Under-Graduate Medical Education Board" means the Board constituted under section 16; (x) "University" shall have the same meaning as assigned to it in clause (f) of section 2 of the University Grants Commission Act, 1956 and includes a health University.

CHAPTER II THE NATIONAL MEDICAL COMMISSION

3. (1) The Central Government shall constitute a Commission, to be known as the National Medical Commission, to exercise the powers conferred upon, and to perform the functions assigned to it, under this Act. (2) The Commission shall be a body corporate by the name aforesaid, having perpetual succession and a common seal, with power, subject to the provisions of this Act, to acquire, hold and dispose of property, both movable and immovable, and to contract, and shall, by the said name, sue or be sued. (3) The head office of the Commission shall be at New Delhi.

4. (1) The Commission shall consist of the following persons to be appointed by the Central Government, namely:— (a) a Chairperson; (b) ten ex officio Members; and (c) fourteen part-time Members. (2) The Chairperson shall be a medical professional of outstanding ability, proven administrative capacity and integrity, possessing a postgraduate degree in any discipline of medical sciences from any University and having experience of not less than twenty years in the field of medical sciences, out of which at least ten years shall be as a leader in the area of medical education. (3) The following persons shall be the ex officio Members of the Commission, namely:— (a) the President of the Under-Graduate Medical Education Board; (b) the President of the Post-Graduate Medical Education Board; (c) the President of the Medical Assessment and Rating Board; (d) the President of the Ethics and Medical Registration Board; (e) the Director General of Health Services, Directorate General of Health Services, New Delhi; (f) the Director General, Indian Council of Medical Research; (g) a Director of any of the All India

Institutes of Medical Sciences, to be nominated by the Central Government; Constitution of National Medical Commission. Composition of Commission. 3 of 1956. 5 10 15 20 25 30 35 40

4 (h) two persons from amongst the Directors of Postgraduate Institute of Medical Education and Research, Chandigarh; Jawaharlal Institute of Postgraduate Medical Education and Research, Puducherry; Tata Memorial Hospital, Mumbai; North Eastern Indira Gandhi Regional Institute of Health and Medical Sciences, Shillong; and All India Institute of Hygiene and Public Health, Kolkata; to be nominated by the Central Government; and (i) one person to represent the Ministry of the Central Government dealing with Health and Family Welfare, not below the rank of Additional Secretary to the Government of India, to be nominated by that Ministry. (4) The following persons shall be appointed as part-time Members of the Commission, namely:—

(a) three Members to be appointed from amongst persons of ability, integrity and standing, who have special knowledge and professional experience in such areas including management, law, medical ethics, health research, consumer or patient rights advocacy, science and technology and economics; (b) six Members to be appointed on rotational basis from amongst the nominees of the States and Union territories, under clauses (c) and (d) of sub-section (2) of section 11, in the Medical Advisory Council for a term of two years in such manner as may be prescribed; (c) five members to be appointed from amongst the nominees of the States and Union territories, under clause (e) of sub-section (2) of section 11, in the Medical Advisory Council for a term of two years in such manner as may be prescribed.

Explanation.—For the purposes of this section and section 17, the term "leader" means the Head of a Department or the Head of an organisation. 5. (1) The Central Government shall appoint the Chairperson, part-time Members referred to in clause (a) of sub-section (4) of section 4 and the Secretary referred to in section 8 on the recommendation of a Search Committee consisting of— (a) the Cabinet Secretary—Chairperson; (b)

three experts, possessing outstanding qualifications and experience of not less than twenty-five years in the field of medical education, public health education and health research, to be nominated by the Central Government—Members; (c) one expert, from amongst the part-time Members referred to in clause (c) of sub-section (4) of section 4, to be nominated by the Central Government in such manner as may be prescribed—Member; (d) one person, possessing outstanding qualifications and experience of not less than twenty-five years in the field of management or law or economics or science and technology, to be nominated by the Central Government—Member; and (e) the Secretary to the Government of India in charge of the Ministry of Health and Family Welfare, to be the Convenor—Member. (2) The Central Government shall, within one month from the date of occurrence of any vacancy, including by reason of death, resignation or removal of the Chairperson or a Member, or within three months before the end of tenure of the Chairperson or Member, make a reference to the Search Committee for filling up of the vacancy. (3) The Search Committee shall recommend a panel of at least three names for every vacancy referred to it. (4) The Search Committee shall, before recommending any person for appointment as the Chairperson or a Member of the Commission, satisfy itself that such person Search Committee for appointment of Chairperson and Members. 5 10 15 20 25 30 35 40 45 50 5 does not have any financial or other interest which is likely to affect prejudicially his functions as such Chairperson or Member. (5) No appointment of the Chairperson or Member shall be invalid merely by reason of any vacancy or absence of a Member in the Search Committee. (6) Subject to the provisions of sub-sections (2) to (5), the Search Committee may regulate its own procedure. 6. (1) The Chairperson and the part-time Members, other than the part-time Members appointed under clauses (b) and (c) of sub-section (4) of section 4, shall hold office for a term not exceeding four years and shall not be eligible for any extension or re-appointment: Provided that such person



shall cease to hold office after attaining the age of seventy years.

(2) The term of office of an ex officio Member shall continue as long as he holds the office by virtue of which he is such Member.

(3) Where a Member, other than an ex officio Member, is absent from three consecutive ordinary meetings of the Commission and the cause of such absence is not attributable to any valid reason in the opinion of the Commission, such Member shall be deemed to have vacated the seat. (4) The salaries and allowances payable to, and other terms and conditions of service of,

the Chairperson and Member, other than an ex officio Member, shall be such as may be prescribed. (5) The Chairperson or a Member may,—

(a) relinquish his office by giving in writing to the Central Government a notice of not less than three months; or (b) be removed from his office in accordance with the provisions of section 7: Provided that such person may be relieved from duties earlier than three months or be allowed to continue beyond three months until a successor is appointed, if the Central Government so decides. (6) The Chairperson and every member of the Commission shall make declaration of his assets and his liabilities at the time of entering upon his office and at the time of demitting his office and also declare his professional and commercial engagement or involvement in such form and manner as may be prescribed, and such declaration shall be published on the website of the Commission. (7) The Chairperson or a Member, ceasing to hold office as such, shall not accept, for a period of two years from the date of demitting such office, any employment, in any capacity, including as a consultant or an expert, in any private medical institution, whose matter has been dealt with by such Chairperson or Member, directly or indirectly: Provided that nothing herein shall be construed as preventing such person from accepting an employment in a body or institution, including medical institution, controlled or maintained by the Central Government or a State Government: Provided further that nothing herein shall prevent the Central Government from

permitting the Chairperson or a Member to accept any employment in any capacity, including as a consultant or expert in any private medical institution whose matter has been dealt with by such Chairperson or Member. Term of office and conditions of service of Chairperson and Members. 5 10 15 20 25 30 35 40 45 6 7. (1) The Central Government may, by order, remove from office the Chairperson or any other Member, who— (a) has been adjudged an insolvent; or (b) has been convicted of an offence which, in the opinion of the Central