

The Indian Medical Council (Amendment) Act, 1993
No. 31 of 1993
(2nd April, 1993)

An Act further to amend the Indian Medical Council Act, 1956. Be it enacted by Parliament in the Forty fourth year of the Republic of India as follows: - Short title and commencement

1.

(1) The Act may be called the Indian Medical Council (Amendment) Act, 1993.

(2) It shall be deemed to have come into force on the 27th day of August, 1992.

Insertion of new sections 10A, 10B and 10C

2. After section 10 of the Indian Medical Council Act 1956 (hereinafter referred to as the principal Act), [102 of 1956] the following sections shall be inserted namely: -

PERMISSION FOR ESTABLISHMENT OF NEW MEDICAL COLLEGE NEW COURSE OF STUDY ETC.

10A.

(1) Notwithstanding anything contained in this Act or any other law for the time being in force: -

- a. no person shall establish a medical college; or
- b. no medical college shall-
 - i. open a new or higher course of study or training (including a post-graduate course of study or training) which would enable a student of such course or training to qualify himself for the award of any recognised medical qualification; or
 - ii. increase its admission capacity in any course of study or training (including a post-graduate course of study or training).

except with the previous permission of the Central Government obtained in accordance with the provisions of this section.

Explanation 1 – for the purposes of this section, "person" includes any University or a trust but does not include the Central Government. **Explanation 2.** – For the purposes of this section. "admission capacity" in relation to any course of study or training (including post-graduate course of study or training) in a medical college, means the maximum number of students that may be fixed by the Council from time to time for being admitted to such course or training.

(2)

- a. Every person or medical college shall, for the purpose of obtaining permission under sub-section (1), submit to the Central Government a scheme in accordance with the provisions of clause (b) and the Central Government shall refer the scheme to the Council for its recommendations.
- b. The scheme referred to in clause (a) shall be in such form and contain such particulars and be [preferred in such manner and be accompanied with such fee as may be prescribed.

(3) On receipt of a scheme by the Council under sub-section (2), the Council may obtain such other particulars as may be considered necessary by it from the person or the medical college concerned and thereafter, it may-

- a. if the scheme is defective and does not contain any necessary particulars give a reasonable opportunity to the person or college concerned for making a written representation and it shall be open to such person or medical college to rectify the defects, if any, specified by the Council;
- b. consider the scheme having regard to the factors referred to in sub-section (7), and submit the scheme together with its recommendations thereon to the Central Government.

(4) The Central Government may after considering the scheme and the recommendations of the Council under sub-section (3) and after obtaining, where necessary, such other particulars as may be considered necessary by it from the person or college concerned and having regard to the factors referred to in sub-section (1), either approve (with such conditions, if any, as it may consider necessary) or disapprove the scheme and any such approval shall be a permission under sub-section (1)

provided that no scheme shall be disapproved by the Central Government except after giving the person or college concerned a reasonable opportunity of being heard: Provided further that nothing in this sub-section shall prevent any person or medical college whose scheme has not been approved by the Central Government to submit a fresh scheme and the provisions of this section shall apply to such scheme as if such scheme has been submitted for the first time under sub-section (2)

(5) Where, within a period of one year from the date of submission of the scheme to the Central Government under sub-section (2), no order passed by the Central Government has been approved by the Central Government in the form in which it has been submitted and accordingly, the permission of the Central Government required under sub-section (1) shall also be deemed to have been granted.

(6) In computing the time-limit specified in sub-section (5), the time taken by the person or college concerned submitting the scheme in furnishing any particulars called for by the Council, or by Central Government, shall be excluded.

(7) The Council, while making its recommendations under clause (b) of sub-section (3) and the Central Government while passing on order, either approving or disapproving the scheme under sub-section (4), shall have due regard to the following factors, namely: -

- a. whether the proposed medical college or the existing medical college seeking

- to open a new or higher course of study or training, would be in a position, to offer the minimum standards of medical education as prescribed by the Council under section 19A or, as the case may be, under section 20 in the case of post-graduate medical education.
- b. whether the person seeking to establish a medical college or the existing medical college seeking to open a new or higher course of study or training or to increase its admission capacity has adequate financial resources:
 - c. whether necessary facilities in respect of staff, equipment, training and other facilities to ensure proper functioning of the medical college or conducting the new course of study or training or accommodating the increased admission capacity have been provided or would be provided within the time-limit specified in the scheme:
 - d. whether adequate hospital facilities, having regard to the number of students likely to attend such medical college or course of study or training or as a result of the increased admission capacity, have been provided or would be provided within the time-limit specified in the scheme:
 - e. whether any arrangement has been made or programme drawn to impart proper training to students likely to attend such medical college or course of study or training by persons having the recognised medical qualifications;
 - f. the requirement of manpower in the field of practice of medicine; and
 - g. any other factors as may be prescribed.

(8) Where the Central Government passes an order either approving or disapproving a scheme under this section, a copy of the order shall be communicated to the person or college concerned.

Non-recognition of medical qualifications in certain cases

10B

1. Where any medical college is established except with the previous permission of the Central Government in accordance with the provision of section 10A, no medical qualification granted to any student of such medical college shall be a recognised medical qualification for the purposes of this Act.
2. Where any medical college opens a new or higher course of study or training (including a post-graduate course of study or training) except with the previous permission of the Central Government in accordance with the provisions of section 10A, no medical qualification granted to any student of such medical college on the basis of such study or training shall be a recognised medical qualification for the purposes of this Act.
3. Where any medical college increases its admission capacity in any course of study or training except with the previous permission of the Central Government in accordance with the provision of section 10A, no medical qualification granted to any student of such medical college on the basis of the increase in its admission capacity shall be a recognised medical qualification for the purposes of this Act.

Explanation – For the purposes of this section, the criteria for identifying a student who has been granted a medical qualification on the basis of such increase in the admission capacity shall be such as may be prescribed.

Time for seeking permission for certain existing medical colleges etc.

10C

1. If, after the 1st day of June, 1992 and on and before the commencement of the Indian Medical Council (Amendment) Act, 1993 any person has established a medical college or any medical college has opened a new or higher course of study or training or increased the admission capacity, such person or medical college, as the case may be, shall seek, within a period of one year from the commencement of the Indian Medical Council (Amendment) Act, 1993, the permission of the Central Government in accordance with the provisions of section 10A.
2. If any person or medical college, as the case may be fails to seek the permission under sub-section (1), the provisions of section 10B shall apply, so far as may be as if, permission of the Central Government under section 10A has been refused.

AMENDMENT OF SECTION 33

3. In section 32 of the principal Act, after clause (f) the following clauses shall be inserted, namely: -

"(fa) the form of the scheme, the particulars to be given in such scheme, the manner in which the scheme is to be preferred and the fee payable with the scheme under clause (b) of sub-section (2) of section 10A;
(fb) any other factors under clause (g) of sub-section (7) of section 10A;
(fc) the criteria for identifying a student who has been granted a medical qualification referred to in the Explanation to sub-section (3) of section 10B".

Repeal and saving

4

(1) The Indian Medical Council (Amendment) Ordinance, 1993 (ORD 2 of 1993) is hereby repealed. (2) Notwithstanding such repeal, 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.

The Gazette of India

**Extraordinary
Part II – Section 1**

Published by authority
No. 41 New Delhi
Monday, September 3, 2001/BHADRA 12, 1923

**Ministry of Law, Justice and Company affairs
(Legislative Department)**

New Delhi, the 3rd September, 2001/Bhadra 12, 1923 (Saka)

The following Act of Parliament received the assent of the President on the 3rd September, 2001, and is hereby published for general information: -

The Indian Medical Council (Amendment) Act, 2001

(Act No. 34 of 2001)

[3rd September, 2001]

An Act further to amend the Indian Medical Council Act, 1956. Be it enacted by Parliament in the Fifty-second Year of the Republic of India as follows: Short Title

1. This Act may be called the India Medical Council (Amendment) Act, 2001.

Amendment of Section 13

2. In the Indian Medical Council Act, 1956 (102 of 1956) (hereinafter referred to as the principal Act, in section 13, -
 - a. in sub-section (3), after the words "granted by medical institutions outside India", the words "before such date as the Central Government may, by notification in the Official Gazette, specify" shall be inserted;
 - b. in sub-section (4), the following provisos and Explanation shall be inserted at the end, namely: -

Provided that after the commencement of the Indian Medical Council (Amendment) Act, 2001, no such amendment shall be made in Part II of the Third Schedule to include any primary medical qualification granted by any medical institution outside India:

Provided further that nothing contained in the first proviso shall apply to inclusion in Part II of the Third Schedule any primary medical qualification granted by any medical institution outside India to any person whose name is entered in the Indian Medical Register.

Explanation- For the purposes of this sub-section, "primary medical qualification" means any minimum qualification sufficient for enrolment on any State Medical Register or for entering the name in the Indian Medical Register.

(4A) A person who is a citizen of India and obtains medical qualification granted by any medical institution in any country outside India recognised for enrolment as medical practitioner in that country after such date as may be specified by the Central Government under sub-section (3), shall not be entitled to be enrolled on any Medical Register maintained by a State Medical Council or to have his name entered in the Indian Medical Register unless he qualified the screening test in India prescribed for such purpose and such foreign medical qualification after such person qualifies that said screening test shall be deemed to be the recognised medical qualification for the purposes of this Act for that person.

(4B) A person who is a citizen of India shall not, after such date as may be specified by the Central Government under sub-section (3), be eligible to get admission to obtain medical qualification granted by any medical institution in any foreign country without obtaining an eligibility certificate issued to him by the Council and in case any such person obtains such qualification without obtaining such eligibility certificate, he shall not be eligible to appear in the screening test referred to in sub-section (4A):

Provided that an Indian citizen who has acquired the medical qualification from foreign medical institution or has obtained admission in foreign medical institution before the commencement of the Indian Medical Council (Amendment) Act, 2001 shall not be required to obtain eligibility certificate under this sub-section but, if he is qualified for admission to any medical course for recognised medical qualification in any medical institution in India, he shall be required to qualify only the screening test prescribed for enrolment on any State Medical Register or for entering his name in the Indian Medical Register.

(4C) Nothing contained in sub-sections (4A) and (4B) shall apply to the medical qualifications referred to in section 14 for the purposes of that section.

Amendment of Section 33

1. In section 33 of the principal Act, after clause (m), the following clause shall be inserted, namely: -

"(ma) the modalities for conducting screening tests under the sub-section (4A), and under the proviso to sub-section (4B), and for issuing eligibility certificate under sub-section (4B), of section 13,".