

# **From Medical Council of India to National Medical Commission: Old wine in a new bottle?**

Professor Vivekanand Jha<sup>1,2,3</sup>

<sup>1</sup>George Institute for Global Health India,

<sup>2</sup>Professor of Nephrology, University of Oxford, UK,

<sup>3</sup>Adjunct Professor of Medicine, University of New South Wales, Sydney.

Correspondence to: Vivekanand Jha, George Institute for Global Health, 310-11, Elegance Tower, Jasola, New Delhi 110025 India. Email: [vjha@georgeinstitute.org.in](mailto:vjha@georgeinstitute.org.in)

The Indian Government delivered the *coup de grâce* to the long suffering Medical Council of India (MCI) on 26 September 2018 with the promulgation of a Presidential ordinance recommending its dissolution in order to move ahead with its replacement by a National Medical Commission (NMC)<sup>1</sup>.

The Council has been under a cloud for almost 20 years, having been accused of being run by a clique, pandering to private sector, being corrupt, and refusing to bring in changes in medical education. The lowest moment for the Council came in 2010 when the then President was arrested on charges of taking bribes to facilitate recognition to medical colleges. Even under a different dispensation, it was widely believed that the former President continued to pull the strings.

Successive Governments have formed committee after committee to reform the MCI, but their recommendations were not implemented (see box). It has been under suspension for 13 of the last 18 years, and has been placed under supervision of at least five government and court appointed bodies. A Parliamentary Committee wrote a highly critical report in 2016<sup>2</sup>, lamenting its failure to oversee quality and integrity in health services in the country, prompting the Supreme Court to appoint another Oversight Committee.

The tipping point for the government seems to have been reached when the last Committee resigned in early September, citing non-co-operation from the Council to its directions of and the refusal to share information sought by the Committee in relation to the controversies in the process of assessments of medical colleges and its tardiness in managing the admission processes leading to large number of postgraduate seats remaining unfilled. Other criticisms included failure in acting against errant medical professionals charged with unethical practices, and failure to reform medical education. The suddenness of this step is underscored by the fact that the government had directed the MCI to hold fresh elections only a few days ago, and a few states had even started the process.

The current National Medical Commission Bill was put together under the guidance of the a Committee led by the then Vice-Chairman of the NITI (National Institution for Transforming India) Ayog, Dr Arving Pangarhiya.<sup>3</sup> The draft bill was introduced in the Lower House of the parliament (Lok Sabha) in December, 2017. Several sections in the Bill received criticism,

however and were later modified by the Standing Parliamentary Committee on Health<sup>4</sup>. Particularly contentious sections related to a proposed 6-month bridge course that would permitted practitioners from the indigenous AYUSH (Ayurveda, Unani, Siddha and Homeopathy) systems to practice modern medicine, purportedly to address the problem of doctor shortage, proposal of a National Licentiate Examination for undergraduates and the intent to give private medical institutions the freedom to set fees for a majority of seats.

In the proposed bill, The Governance of NMC has been vested in a 25-member body, 21 of whom will be doctors, nominated by the union or state governments or ex-officio representatives from various ministries and institutions. For the first time, a 3-member patient representation has been proposed. Four independent boards are to be constituted to oversee undergraduate and post-graduate courses, assess and accredit medical institutes and register medical practitioners.

There has been criticism of the proposed structure,<sup>5</sup> it is unclear how simply replacing the elected council with a nominated one will bring in reforms. The Health Minister has promised to nominate eminent persons, but past record provides little comfort. Mere eminence in a medical field does not constitute qualification to run the NMC Board. There is a genuine apprehension that people close to the government of the day would be nominated rather than truly independent and efficient reformers and administrators, and that the private sector will continue to exercise disproportionate influence to the neglect of the healthcare needs of the general public. This is a reflection of the Indian healthcare system in which the private sector provides over 80% of healthcare services, most of the new medical colleges are in the private sector (often under the patronage of influential backers including politicians).<sup>6</sup> Public sector medical colleges struggle to attract faculty as seen by large number of unfilled vacancies in the AIIMS clones created in the last decade. It is also unclear how the Commission will ensure objectivity, transparency and freedom from discrimination, and uphold the key principles of good regulation - proportionality, accountability, consistency, transparency and proper targeting<sup>7</sup>. The process of addressing professional or ethical misconduct has been left to State Medical Councils, with the Commission having an appellate jurisdiction. Mysteriously, the central government, rather than any judicial body has been designated as final arbiter<sup>8</sup>!

All this, however, must await passage of the Bill by the parliament. In the interim, the recent Ordinance notified constitution of an interim 7-member Board of Governors<sup>1</sup>. All of them have

impeccable reputation, but already hold incredibly demanding jobs, and it is a mystery how will they find the time to get into this snake pit. The Board recently notified introduction of a competency-based undergraduate curriculum<sup>9</sup>, with clinical immersion from the first year, elective subjects, and a new course called Attitude, Ethics and Communication. However, a similar announcement was made in 2017 by the then President of MCI<sup>10</sup>, and the difference between the two is unclear. Also unclear is who will teach these courses, since the existing medical college faculty has no training in these subjects!

The Commission will also need to address issues not covered by this bill. There are two parallel streams of postgraduate medical education in India - one controlled by MCI and the other in private hospitals controlled by National Board of Examination (NBE). Equivalence of degrees awarded by the NBE and MCI-controlled universities for entering the pool of medical academia has been a matter of dispute<sup>11</sup>. Another matter of debate is extending prescription rights to non-physician medical workforce, such as nurses, pharmacists, physician assistants, optometrists, etc.<sup>12</sup>

Finally, in an era when the focus is increasingly on making the healthcare system patient-centred, the doctor and hospital centred approach that the new bill takes is disappointing. The lack of vigorous debate amongst stakeholders raises the danger that the proposed changes will end up being cosmetic, rather than structural. It remains to be seen whether this is just a slash and burn exercise or will indeed accomplish the more arduous task of institution building.

## References:

1. Scroll Staff. President clears ordinance to allow board of eminent personalities to run Medical Council of India. <https://scroll.in/latest/895932/president-clears-ordinance-to-allow-board-of-eminent-personalities-to-run-medical-council-of-india>. Accessed 15 November 2018
2. Parliamentary Standing Committee on Health and Family Welfare. 92nd report. The functioning of Medical Council of India. 2016. <http://164.100.47.5/newcommittee/reports/EnglishCommittees/Committee%20on%20Health%20and%20Family%20Welfare/92.pdf>. Accessed 15 November 2018
3. THE National Medical Commission Bill, 2017 (as introduced in Lok Sabha). Available at <http://www.prsindia.org/uploads/media/medical%20commission/National%20Medical%20Commission%20Bill,%202017.pdf>. Accessed 15 November 2018
4. Goel K. Why Are Doctors Opposing the National Medical Commission Bill? The Quint 01 April 2018. <https://www.thequint.com/explainers/national-medical-commission-bill-explainer>. Accessed 15 November 2018
5. Thomas G. The National Medical Commission - More of the same. *Indian J Med Ethics*. 2018; 3:177-178.
6. Nagral S, Jain A, Nundy S. A radical prescription for the Medical Council of India. *BMJ*. 2016 Mar 31;352:i1731
7. The Spirit of Medicine. <https://www2.le.ac.uk/departments/health-sciences/research/soc-sci/pdf-resources/The%20spirit%20of%20MedicineIJS060924.pdf>. Accessed 15 November 2018
8. The National Medical Commission Bill, 2017. Key Issues and Analysis <http://www.prsindia.org/billtrack/the-national-medical-commission-bill-2017-5024/>. Accessed 15 November 2018
9. Tandon A. India changes its MBBS curriculum after 21 yrs, focus on attitude, ethics. *The Tribune*, 2 November 2018. Available at <https://www.tribuneindia.com/news/nation/india-changes-its-mbbs-curriculum-after-21-yrs-focus-on-attitude-ethics/678082.html>. Accessed 15 November 2018.
10. Express News Service. Amid NEET controversy, Medical Council of India to introduce new modules in MBBS from 2018. *The New Indian Express*. 3 December 2017. <http://www.newindianexpress.com/nation/2017/dec/03/amid-neet-controversy-medical-council-of-india-to-introduce-new-modules-in-mbbs-from-2018-1717054.html>. accessed 15 November 2018.
11. Medical Dialogues. 5 Critical Decisions before the new MCI Board of Governors. <https://medicaldialogues.in/5-critical-decisions-before-the-new-mci-board-of-governors/>. Accessed 15 November 2018
12. Medical Dialogues. Mid Level Medical practitioner: New Proposed Clause in National Medical Commission Bill. May 14, 2018. <https://medicaldialogues.in/mid-level-medical->

[practitioner-new-proposed-clause-in-national-medical-commission-bill/](#). Accessed 15 November 2018

Table : A timeline of reforms proposed for the Medical Council of India

1934	<ul style="list-style-type: none"> <li>• MCI established under the Indian Medical Council Act, 1933</li> </ul>
1958	<ul style="list-style-type: none"> <li>• Act repealed, MCI reconstituted under the Indian Medical Council Act, 1956</li> </ul>
1993	<ul style="list-style-type: none"> <li>• Act amended to allow MCI to regulate permission to establish Medical Colleges, decide admission capacity and study curricula</li> </ul>
2001	<ul style="list-style-type: none"> <li>• Act amended to govern registration of recipients of medical degrees from foreign institutions</li> </ul>
2005	<ul style="list-style-type: none"> <li>• Amendment to Act proposed to reduce the proportion of elected members and increase accountability to government, rejected by SPC on the ground that it undermines the autonomy and democratic nature of MCI.</li> </ul>
2010	<ul style="list-style-type: none"> <li>• MCI President arrested on charges of bribery</li> <li>• Government appoints a board of governors to supersede MCI for one year, term extended later till 2013</li> </ul>
2011	<ul style="list-style-type: none"> <li>• The National Commission for Human Resources for Health Bill introduced to reform regulation of medical education, rejected by SPC on the ground that it undermines the autonomy and democratic setup of MCI.</li> </ul>
2013	<ul style="list-style-type: none"> <li>• Amendment to MCI Act proposed to reduce the term and prescribe conditions for removal of office bearers and increase accountability to government, rejected by SPC on the ground that it gave the government sweeping powers.</li> <li>• MCI reconstituted after fresh elections</li> </ul>
2016	<ul style="list-style-type: none"> <li>• Supreme Court appoints a three-member oversight committee headed by a former Chief Justice of India</li> </ul>
2017	<ul style="list-style-type: none"> <li>• National Medical Commission Bill introduced, SPC recommends modifications in March and August 2018, currently pending for approval.</li> <li>• Government proposes a new oversight committee headed by a member of the NITI Ayog</li> </ul>
2018	<ul style="list-style-type: none"> <li>• Presidential Ordinance dissolves MCI, appoints Board of Governors</li> </ul>

SPC: Standing parliamentary Committee on Health; MCI: Medical Council of India; NITI: National Institution for Transforming India