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POINT BY POINT REBUTTAL TO PUBLIC STANCE OF GOVERNMENT OF INDIA, ON NMC BILL

The projections brought out by the Government of India, in public domain on NMC Bill 2019 are **patently false, grossly misleading and totally inconsistent with material reality** incorporated therein. **The true picture included in the Bill realistically is as under:**

NMC Bill 2019 is indeed historic on the twin counts that it is 'Career breaking' in nature and 'Game losing' in character. It is indeed an 'Epitaph' on the 'Tomb stone' of Medical Education. Indeed, a 'huge' but most 'regressive reform' at the cost of peril of 'profession, professionals and healthcare delivery system' as a whole including a death nail in the coffin of Modern Medicine.

By every yardstick of assessment this draconian Bill 'adds to the burden of the students, creates opacity in medical education, adds to the ongoing costs, complicates procedures, results in unchecked increase of seats in medical education, breeding corruption and ruining the quality of medical education resulting in generation of compromised personnel', who would be a great threat to the quality of healthcare to the poor and needy in this country.

As such, it is a 'game spoiler initiative' with all inclusive 'regressive approach' which would make the medical education reach its 'nadir' in years to come.

The composition of the National Medical Commission under the Bill mandates inclusion of people who would be totally under the control of the Government of India, and their aprons would be tagged to the strings tied to the fingers of the Government making the entire game plan to generate a 'Puppetry' of its own type at the cost of 'total annihilation of autonomy' required to be vested with a regulatory body for medical education.

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The composition of the three tier body is really 'Comic' in the sense that all the members of the National Medical Commission including its Chairman would be the members of Medical Advisory Council and **they will be advising themselves** therein which by itself is a great paradox unheard of.

Further the Chairpersons of the four Autonomous Boards would be ex-officio members of the National Medical Commission, which has an 'Appellate Jurisdiction' over the decisions of the autonomous boards. In the given situation as prescribed in the Bill the **Chairpersons of the Autonomous Board would be sitting over judgment on their own decisions in the National Medical Commission** in gross violation of the binding principles of natural justice to the effect that **'one cannot be the judge of one's own cause'**.

To call this Bill as 'students friendly' is nothing short of a blatant modality of misleading and throwing dust in the eyes of all concerned. As a matter of fact, the students stand ruined by the incorporation of the concept of a common final MBBS examination as 'NEXT' to be conducted by an authority designed by the Government of India, as a common examination across the country.

To say that this would be the 'MBBS degree conferring examination' is palpably arbitrary, impermissible in the teeth of the material fact that an examining University is not entitled to confer a Degree on the basis of an examination which is not conducted by it but has been conducted by an outside agency.

In reality the real 'Khichadi' is that the examining University would be conducting three examinations for an MBBS learner namely First MBBS, Second MBBS and Final MBBS Part-I but not Part -II of the Final MBBS examination. **How exactly on the basis of such a 'Khichadi' conduct of examinations the examining University would be able to confer the MBBS Degree in the teeth of the binding provisions of the**

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University Grants Commission Act 1956 and Indian Medical Degrees Act, 1916 respectively which are in vogue as of now. Section 15(1) of the Bill is at total variance with these two binding parliamentary enactments in force to the extent that they clearly stipulate that a University would be entitled to confer a degree on the basis of stipulations prescribed by it? The present Bill defines the word 'University' in Section 2 therein as 'a University means a University as defined under section 2(f) of the University Grants Commission Act, 1956'.

The entire gamut of fee regulation of 50% of the seats in private unaided medical colleges and deemed universities proposed in the Bill is nothing short of being a 'hoax'. Section 10(1)(i) of the Bill entrusts the power to 'frame guidelines' with the National Medical Commission in regard to **50% of seats in private unaided medical colleges and deemed universities. Framing guidelines does not give any 'mandatory' binding in regard to its operation and effect. They are 'advisory' and hence 'cosmetic and illusory'. They do not have the force of law. In regard to remaining 50% of seats there is no regulatory frame prescribed in the Bill.**

In reality and operation it would **open 100% of the seats to total profiteering and gross corporatization at the cost of merit of the learners to highest possible prejudice.** The contemplated proposition of invocation of MoUs by the State Govts. is yet another 'theatrical farce' as it is a figment of imagination which is not depicted in any manner in the Bill. As such, the explanation so mooted is nothing but a 'placebo' including that what would be the fate of regulatory mechanism in vogue as of now through State-wise Fee Regulatory Authority headed by a Supreme Court Judge in terms of the pronouncement made by the Hon'ble Supreme Court is not known. As it looks they will wither out upon the promulgation of the NMC Act, 2019, which would be a 'worst tragedy' of its type.

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Section 32 prescribing for generation of a cadre of 'hardcore quacks' in the name of 'Community Health Providers' accruable to such person who is associated with modern medicine amounts to opening a 'Pandora's box' in regard to eligibility were sky could be the limit.

The number of such liberally generated quacks would be 1/3rd of the total registry of Doctors in modern medicine amounting to 3.5 Lakhs as of now with an incremental addition of 28 to 30 thousand each year as 1/3rd of the annual intake of the MBBS course in the country.

It is strange that the said quacks in the name of 'Community Health Providers', who would be granted limited licence in terms of Section 32(3) could be able to go beyond the limitations of practicing in primary and preventive healthcare to other echelons of healthcare under the supervision of a similar quack registered in a similar manner under section 32(1) of the said Bill. Such a paradox is beyond imagination but has been put into reality in the Bill whereby one quack would monitor another quack for practicing uninhibited quackery. Further who would be enforcing disciplinary jurisdiction on these quacks in the context of their limited licence through a Code of Medical Ethics is not indicated in the said clause even in a remote manner.

As such, in one stroke Section 32 would not only validate quacks but would legitimize quackery as a whole at the peril of the healthcare delivery system of the country in the most brazen manner.

To say that NMC is representative inclusive and is respecting the federal structure of Indian polity is nothing but 'the lie, the whole lie and nothing but the blatant lie'. There are no 'elected' members in it including the representation to the states and the state medical councils is as 'Part time' members and that too on 'Rotational' basis.

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Even by the amendment to the Bill and raising that representation from six representatives of the State to 10 and that of State medical councils from 5 to 9 the fact remains that a 'State' once represented would not get the representation at least for 4 subsequent years and a State medical council once represented will not get representations for another 8 years.

More so, the term of the 'Part time members' is only of 'two years' as against 'four years' accruable to the 'nominees and appointees' of the Government of India, which by itself is a paradox and a 'punching blow' to the 'Federalism' as a whole.

All the members of the commission are mostly 'ex-officio members' under the disciplinary jurisdiction of the Govt. and remaining are 'selected members' on whom the Govt. will have a disciplinary control.

More than this the Govt. has vested itself with the authority to issue 'directions' to the National Medical Commission making its autonomy totally superfluous. The 'States' and the 'State Medical Councils' stand marginalized in terms of a real blow to the federalism whereby Government of India, in terms of the speaking provisions in the Bill is entitled to issue binding 'directions' to them which they would be duty bound to comply with. **If this is not the mockery of the federalism enshrined in the Constitution then what other modality could be is a million dollar question?**

The quality of medical education would be 'doomed' by virtue of the discretionary authority vested in the Bill under section **28(7)** therein which makes onsite inspections to be conducted even by a 'third party' and as and when necessary at the free sweet will. Further provisions included at Section **29(b) and (c)** makes the entire game plan loud where 'hypothetical compliances' would be in a position to fetch any

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medical college, starting of postgraduate or super speciality courses including augmentation in their respective intakes on the basis of 'hypothetical compliances' to be made in due course of time.

As such, National Medical Commission in its present form continues to be 'Anti-federal, Anti-democratic, Anti-poor, Pro-rich, Anti-medical profession, Pro-quackery and vests with such 'discretions' which would not only open flood gates to corruption but would breed it in all its manifestations and thus turns out to be a 'proclaimed remedy' which is more 'dreadful' than the 'perceived malady'.

Dr. Santanu Sen
IMA National President

Dr. R.V. Asokan
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