



C-19012/16/2022-23/NMC/Coord
Government of India
National Medical Commission
(Coordination Section)



वसुधैव कुटुम्बकम्
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Pocket- 14, Sector- 8,
Dwarka, Phase-1, New Delhi-77

Dated 27th February, 2023

PUBLIC NOTICE

Sub: Seeking comments of the stakeholders on the proposed draft regulations related to National Medical Commission (Establishment of Medical Colleges and Medical Institutions, Assessment and Rating & Increase of Seats for Medical Education) Regulations, 2023- Reg.

NMC proposes to make the above mentioned regulations in exercise of powers vested with NMC under sub Section (2) of Section 57 read with Section 26, 28 & 29 of NMC Act, 2019 (30 of 2019). A draft regulation in this regard is being shared for public comments.

2. It is requested to share comments on the draft regulations at the following email ID- comments.marbregulations@nmc.org.in. in MS Word (.docx) format or machine readable PDF Format within 30 days of publication of this notice with a subject tagline “ Comments on draft regulations regarding National Medical Commission (Establishment of Medical Colleges and Medical Institutions, Assessment and Rating & Increase of Seats for Medical Education) Regulations, 2023”

3. This issues with the approval of Chairman, NMC.


(Pankaj Agrawal)
Director, NMC

National Medical Commission (Establishment of Medical College and Medical Institutions, Assessment and Rating & Increase of Seats for Medical Education) Regulations, 2023

In the exercise of overall authority vested with the National Medical Commission, specifically by clauses (y), (z), (za), (zb), (zc), (ze), (zf) and (zg) of sub-section (2) of section 57 of the National Medical Commission Act, 2019 (30 of 2019), read with the section 26, 28 & 29 of the said Act, the National Medical Commission makes the following Regulations –

CHAPTER – I – SHORT TITLE, DEFINITIONS ETC.

1. Short title and commencement –

- a. These Regulations may be called the National Medical Commission (Establishment of Medical Institutions, Assessment and Rating & Increase of Seats) Regulations, 2023 or in its abbreviated form as ‘establishment of medical college/institution and increase of seat regulations of NMC’.
- b. These Regulations shall come into force on such date as the National Medical Commission may notify after due publication in the official Gazette.

2. Definitions –

- a. **Act** – shall mean the National Medical Commission Act, 2019 (Act 30 of 2019).
- b. **Assessment** – shall mean the process of evaluating a medical institution by the concerned authorities, as being compliant with the applicable Regulations, orders and circulars issued by NMC from time to time.
- c. **Commission** – shall mean National Medical Commission established by section 3 of the National Medical Commission Act, 2019.
- d. **Medical College or Medical Institution** – unless the context otherwise requires, shall mean any college or by whatever name called, in which a person may undergo a course of study or training which will qualify him for the award of any recognized graduate or post-graduate medical qualification.
- e. **MARB** – refers to Medical Assessment and Rating Board constituted under Section 16 of the National Medical Commission Act, 2019.
- f. **Inspection** – the expression or activity of ‘inspection’ shall include virtual and/or physical inspection and/or evaluation of digital record or information.



- g. **MSR** – shall mean the Minimum Standards Requirements as notified by way of guidelines issued by the corresponding Boards from time to time, which shall also include, explanatory notes, circulars, advisories etc.
 - h. **PGMEB**- refers to post Graduate medical education Board constituted under Section 16 of the National Medical Commission Act, 2019.
 - i. **UGMEB**- refers to Under Graduate Medical Education Board constituted under Sec 16 of the National Medical Commission Act, 2019
3. **Interpretation** – Words and phrases used in these Regulations which are not defined here, but defined in the National Medical Commission Act, 2019, shall have the same meaning assigned to them there.

CHAPTER – II – SCHEME FOR ESTABLISHMENT OF MEDICAL COLLEGE

4. **The mandate of NMC** –
- a. No medical college or medical institution can be established unless it is granted permission by MARB in writing, in response to an application submitted in that regard.

Provided any such permission by MARB may be issued subject to such conditions as it may think fit to impose.
 - b. Without prejudice to anything stated in these Regulations, such entities as specified in Section 5 below, shall submit their application seeking permission to establish a medical college, only if they satisfy all conditions provided under the notified MSRs by UGMEB or PGMEB, as on the date of application.
5. **Applicant and application** –
- a. No entity other than the following shall be eligible to apply for establishing a new medical college or medical institution –
 - i. A State government or Union Territory administration, or
 - ii. A university duly established in India, or
 - iii. An autonomous body promoted by the Central or the State Government by or under a statute, and has no conflict of objectives for undertaking medical education by starting a medical college, or



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- iv. A society registered under the Societies Registration Act, 1860 (21 of 1860) or such respective statute meant to establish and regulate Societies in the respective State, or
 - v. A religious endowment or charitable trust in India, or
 - vi. A registered public trust, or
 - vii. A not-for-profit company incorporated under s. 8 of the Companies Act, 2013 or any other corresponding law in force during its establishment.
- b. The eligible entity as per sub-section (a) shall apply only upon the notification by MARB inviting applications for establishing new medical colleges or medical institutions, within the deadline prescribed therein.
- c. Provided the MARB may, while inviting applications for establishing new medical colleges or medical institutions, open opportunities only in some State or States, or designated areas in a state or states (backward areas etc.) as the case may be.
- d. The eligible entity shall apply, through a web portal made available on the website of the National Medical Commission, to the MARB in Pro-forma notified in this regard along with such fees as specified.
- e. No application submitted under subsection (c) above shall be entertained unless it is accompanied with
- i. Essentiality certificate issued by the concerned State Government or Union Territory administration, as the case may be, and
 - ii. A consent of affiliation letter obtained from a recognized university, issued in the name of the applicant entity, and
 - iii. Documentary proof indicating the establishment of a corpus fund by the entity dedicatedly applicable to establishing the new medical college, and
 - iv. A solvency certificate issued by a registered Chartered Accountant issued within 90 days prior to the last date of submission of the application as mandated by section (include the section), and
 - v. Documents indicating the proof that such reasonable area/plot of land is either owned or arranged under lease or such other arrangement by the applicant, and

- vi. Documents showing the proof of either owning a medical hospital or hospital services have been made available upon some contractual arrangement with the applicant, and
 - vii. Basic infrastructural facilities, managerial and financial capabilities of the applicant (Balance Sheets for the last three years in case the person is not a State Government or a Union Territory), and
 - viii. Proof indicating remittance of prescribed application fee and Bank Guarantee, and
 - ix. Any such other documents are to be notified from time to time.
- f. Incomplete applications will be rejected.

Provided such rejected applicant shall lose his chance of reapplying till the next window of opportunity in calling for the applications for the next academic year.

6. Eligibility criteria –

- a. No medical college/ institution shall be provided permission unless they satisfy all the conditions pertaining to but not limited to physical infrastructure, teaching staff, clinical material, and hospital, as detailed in the notified MSRs from time to time.
- b. Without prejudice to anything stated in sub-section (a) above, the UGMEB or PGMEB as the case may be, shall from time to time publish the MSRs with such modifications required, keeping in mind the overall objectives of the Act.

Provided UGMEB or PGMEB as the case may be, shall publish the date from which the changed MSR shall come into effect while notifying the modifications.

Provided further, UGMEB or PGMEB shall provide a reasonable opportunity for all the medical colleges to implement the modified MSRs, particularly where the adoption has financial implications for the medical colleges.

- c. Notwithstanding anything stated in sub-section (b) above, all modified MSRs shall have to be implemented immediately where they have no substantial financial implications for the medical colleges, and in the case of imminent situations deserving immediate modifications.

Provided the MSR shall specify the justification for urgent modifications clearly.



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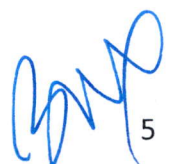
7. MARB evaluating the application –

- a. Keeping in mind the objectives of the Act, without prejudice to anything stated in these Regulations, the MARB shall evaluate the applications received under section 5, sub-section (b) based on all of the following broad criteria viz.,
 - i. The desirability and feasibility of setting up the medical college or medical institution at the proposed location.
 - ii. Assess whether the applicant fulfils the required conditions prescribed by the MSRs in vogue, which shall include physical infrastructure, qualified faculty, and adequate clinical material in terms of hospital, laboratory etc., and
 - iii. Assess whether the scheme submitted by the applicant shows that, once established the medical college or medical establishment will reasonably sustain itself in the long run.
- b. Without prejudice to (a) above, at its sole discretion MARB, may seek any additional information/ clarification/ additional documents from the applicant while considering the application for grant of permission to the establishment of a new medical college.
- c. The applicant shall provide or furnish such information or clarification or additional documents sought under sub-section (b) within 30 days from the date of communication from MARB
- d. If the applicant fails to remove the deficiency or submit such information or clarify or provide additional documents etc., as mandated by the MARB within such prescribed time shall result in the rejection of his application.
- e. Notwithstanding anything stated elsewhere, MARB at its sole discretion determines the appropriate method of inspection, before granting permission to the applicant to establish a medical college.

Provided such method shall include verification of digital documents, Aadhar-based attendance register, verification of live video feed, photographs, Hospital Information Management System (HIMS) data, or a surprise physical assessment.

8. Evaluation result & issuance of letter of approval–

- a. Based on the evaluation carried out by MARB under section 7, MARB shall communicate its decision of approval or otherwise to the applicant within a period of six months from the date of the completed application.


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Provided if approved MARB will issue a letter of permission to the applicant under its seal, with such conditions as it may deem fit. The letter of permission will also be notified on the NMC website.

Provided further, if MARB decides not to issue a letter of permission to the applicant, it shall be doing so by assigning reasons in writing to the applicant.

- b. Without prejudice, it shall be the duty of the applicant to abide by all such conditions laid down in the letter of permission, and MARB will have the right to seek such information or cause an inquiry done into the matter to verify all such conditions are observed in both letter and spirit.

CHAPTER – III – SCHEME FOR NEW or INCREASE OF SEATS IN A MEDICAL COLLEGE OR MEDICAL INSTITUTION

9. No duly established medical college or medical institution shall increase the seats without prior permission of MARB.

Provided, no grant of permission for an increase in seats is given by MARB if the Medical College or Medical Institution, has not admitted earlier sanctioned seats.

10. Without prejudice to the above stated in section 9, the application for an increase in seats shall be accompanied with
 - a. Consent from the recognizing university concerned for the proposed number of seats in the specified courses in writing.
 - b. Such prescribed application fees and bank guarantee as determined by the MARB from time to time by notification, and
 - c. Any other document as prescribed while calling the applications.
11. Once an application for an increase of seats is received, MARB shall evaluate the same on its merit before granting approval.

Provided the same criteria indicated in section 7 and section 8 shall apply above *mutatis mutandis* for such evaluation.



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CHAPTER – IV – ASSESSMENT & RATING

12. Assessment by the MARB for the purpose of rating of Medical college/institution –

- a. The MARB shall conduct an assessment and rating of all medical colleges and shall be vested with all such authority in discharging its function under the Act.

Provided, without prejudice to anything stated in these Regulations, MARB may appoint such number of independent third-party agency to conduct an assessment and rating of medical colleges or medical institutions, and on its behalf.

Provided further the MARB may prepare detailed guidelines in appointing an independent third-party agency to carry on the work of assessment and rating of medical colleges or medical institutions.

If appointed, the independent third-party agency shall have such powers as indicated in the appointment letter issued by MARB.

- b. The MARB may seek any information, clarification, documents or digital material from any medical college or medical institution at any time for the purpose of assessment and rating.
- c. In furtherance, the MARB shall conduct an evaluation and assessment of all medical colleges in general or any class of medical colleges or a specific medical college, either directly by itself or through such designated agency or agencies.
- d. Without prejudice to anything stated in the Regulations, the MARB shall develop such methodology whereby, the medical colleges or institutions are continuously monitored for their performance, leading to assessment and rating.

Provided till such methodology and technology-based systems are put in place, the Board shall notify its methodology and process of assessment and rating of medical colleges.

- e. Notwithstanding the assessment and rating by MARB shall be based on the following parameters, with such due weightage assigned to the respective parameters, viz., –
 - i. Compliance with the standards laid down by Undergraduate and Post Graduate Medical Boards.

- ii. Academic excellence shown through Innovative methods of teaching adopted and courses (other than prescribed) offered to their students.
- iii. The research output of the institution has contributed to the existing knowledge and research impact created by the institution.
- iv. Student discipline and satisfactory teaching-learning environment created by the medical institution.
- v. Student feed back.

Without prejudice to the above MARB will notify the criteria for assessment and rating of medical colleges.

13. **Publication of rating** – The MARB shall make available on its website or otherwise in the public domain the latest annual assessment results and ratings of medical colleges or institutions, in such a manner as to facilitate public understanding and consumption.

CHAPTER – V – SANCTIONS & PENALTY

a) Non-Compliance with the regulations

Following will amount to noncompliance.

Deficiency in any of these: Infrastructure, Teaching staff, Clinical material and others (as prescribed by the minimum standards of UGMEB &/or PGMEB)

Noncompliance with notifications of NMC.

Admitting students outside of common counselling.

Any act of misbehavior, non-cooperation and even forbidding the inspection process with the assessors deputed from MARB.

The college has conducted in any manner which is not in accordance with the goals of medical education and practice, (example; ragging, exploiting students on fees, physical misbehavior by teaching staff with students, etc.,)/Harassment of faculty/student.

- b) False information declared for obtaining permission for any of the schemes including establishment of a medical institution will also amount to non-compliance. Furnishing false information in the application under Section 5 or for fabricating information under section 12, to MARB or any other Boards of NMC will attract penalties as



described below. The MARB or any other Board of NMC may also seek prosecution for providing false information as per Section 191 of the Indian Penal Code.

When these are observed, the MARB shall either penalize the college as per Sec 26 (f) of the Act and/or conduct further enquiry into these, and where needed provide opportunity to rectify the same. The penalty will be appropriately modified.

- i. Issuance of warning,
- ii. Monetary (common to all penalties): upto Rs 1 Cr/offence;
- iii. Penalty for admitting students without Common Counselling process
[This may be in multiples of each student (hence can be > 1Cr/college)]
- iv. Withholding processing of applications for any new schemes that academic year.
- v. Discharging the excess student/s from the college with or without an alternative to the student/s
- vi. Reducing students' numbers in next Academic Year/s
- vii. Stopping admissions to one or more course/s in the next Academic Year/s

Provided that the College shall be granted a reasonable opportunity to rectify the deficiencies and any further action shall be taken only if, it fails to meet the requisite norms during compliance verification.

CHAPTER – VI – REDRESSAL, APPEAL ETC.

14. Appeal to NMC –

A medical college or medical institution or any such person may file an appeal before the Commission against any order passed by MARB stating:

- (a) Disapproval of a scheme for the establishment of a medical institution or
- (b) Where no decision is taken within six months of submitting such a scheme or
- (c) Imposition of penalty as per section 15, etc.,

Provided, such an appeal is filed within 30 days (as per Act) of passing such order or lapse of time, as the case may be.



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Provided that any person appealing against the order of the MARB shall, before filing the appeal, deposit 50% of the amount of such penalty:

Provided further that wherein for any particular case, the Commission is of the opinion that the deposit of such penalty would cause undue hardship to such person, it may dispense with such deposit subject to such conditions as it may deem fit to impose.

15. Where an applicant is aggrieved by the decision of the Commission under section 16 or where the Commission fails to give its decision within forty-five days from the date of receipt of such an appeal, a second appeal may be filed before the Central Government within 45 days from the date of such order or lapse of time, as the case may be.

16. Submission of annual disclosure reports [Section 24, ss 1, (i) & Section 25, ss 1, (i)]

a) All medical colleges or Medical institutions shall furnish a Compulsory Annual Disclosure Report to the UGMEB and/or PGMEB in compliance with the norms specified under the Act in the prescribed format.

Provided the Compulsory Annual Disclosure Report shall be made once all students for the Academic Year are admitted to a given course and not later than thirty days to be calculated from the date of the last student's admission.

b) Without prejudice to the above, failure to submit the report within the notified period, the college/institution shall be barred from admitting students for the next academic year, unless otherwise directed by the Commission.

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