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राष्ट्रीय आयुर्विज्ञान आयोग
National Medical Commission
(Under Graduate Medical Education Board)

No. U.11022/1/2023-UGMEB

Date the 9th June, 2023


PUBLIC NOTICE

Subject :- Seeking Comments of the stakeholders on National Medical Commission (Recognition of Medical Qualification) Regulations, 2023 - Reg.

The Undergraduate Medical Education Board 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.ugregulations@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 (Recognition of Medical Qualification) Regulations, 2023.

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


09/6/2023
(Shambhu Sharan Kumar)
Director, UGMEB

NATIONAL MEDICAL COMMISSION (RECOGNITION OF MEDICAL QUALIFICATION) REGULATIONS, 2023

In the exercise of overall authority vested with the National Medical Commission, and specifically vide sub-sections (zp), (zq), (zr), (zs), (zt) of sub-section (2) of Section 57 sub-section (1j) of section 24, sub-section (1i) of section 25, sub-section (1f) of section 26, read with Sections 35, 36, 37, 38, 39 and 40 of the National Medical Commission Act, 2019 (Act 30 of 2019), the National Medical Commission makes the following Regulations –

CHAPTER I – PRELIMINARY, SHORT-TITLE, DEFINITIONS

1. **Nomenclature** – These Regulations may be called the National Medical Commission (Recognition of Medical Qualification) Regulations, 2023; and in its abbreviated form as “NMC Recognition” Regulations.
2. **Commencement of the Regulations** – All these Regulations shall come into force immediately on a designated day by the National Medical Commission by Notification.

Provided the National Medical Commission may specify the date or dates from which either entire Regulations or part of the Regulations come into force. If nothing is specifically indicated, it is deemed that all these Regulations have come into force from the date of Notification at once.

3. **Definitions** – In these Regulations, unless the context otherwise requires the terms defined herein shall bear the meaning assigned to them below and their cognate expressions and variations shall be construed accordingly –
 - a. **“Act”** shall mean the National Medical Commission Act, 2019 (Act No. 30 of 2019).
 - b. **“Commission”** shall mean National Medical Commission established by Section 3 of the National Medical Commission Act, 2019.
 - c. **“Foreign authority”** shall mean an authority in any country outside India, which by the law of that country is entrusted or endowed with the power of recognition of medical qualifications in that country, making an application to the Commission seeking recognition of their medical qualification or qualifications in India.



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- d. **“List”** shall mean the list of recognized medical qualifications in India, prepared as per Section 35 of the Act, by the concerned Board.
- e. **“Medical Institution”** shall mean a medical institution as defined in subsection (i) of Section 2 of the National Medical Commission Act, 2019 and shall also include medical college in its commonly understood form.
- f. **“PGMEB”** shall mean the Post Graduate Medical Education Board, duly constituted under Sec. 16 of National Medical Commission Act.
- g. **“Inspection”** – the expression or activity of inspection shall include virtual and/or physical inspection and/or evaluation of actual and/or digital records or information.
- h. **“MSR”** shall mean the Minimum Standards of Requirements as Notified by any of the Boards (UGMEB or PGMEB) as the case may be from time to time, which shall also include explanatory notes, circulars, advisories etc., issued by these Boards or Commission.
- i. **“UGMEB”** shall mean the Under Graduate Medical Education Board, duly constituted under Sub-section (1)(a) of Section 16 of the National Medical Commission Act.
4. **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 – COMPREHENSIVE LIST OF RECOGNISED MEDICAL QUALIFICATIONS IN INDIA

5. **No practice without recognized medical qualification** – No person shall indulge in such permitted medical practice, unless in possession of a recognized medical qualification or qualifications, as the case may be, as per these Regulations.
6. **Maintenance of list of recognized medical qualifications** – There shall be a list of recognised medical qualifications in India to be maintained by the Under Graduate Medical Education Board in respect of undergraduate medical qualifications and the Post Graduate Medical Education Board for the postgraduate medical qualifications and super-speciality medical qualifications, as per the proforma annexed to these Regulations as Annexure I.

Provided, without prejudice to the above such prepared list of medical qualifications in India shall be updated regularly and published by the respective Boards.

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7. **Medical qualifications recognized under the Indian Medical Council Act, 1956** – The medical qualifications recognized in the First Schedule and Part -I of the Third Schedule under the erstwhile Indian Medical Council Act, 1956 or subsequently till the commencement of these Regulations, shall be maintained in the proforma annexed to these Regulations as Annexure II, by the respective Boards.

CHAPTER III – INCLUSION OF NEW MEDICAL QUALIFICATIONS

8. **Application for inclusion of new medical qualification** – Any medical institution conferring an undergraduate or postgraduate or super-speciality medical qualification may apply to the concerned Board, along with such documents and information, for inclusion of any new medical qualification, which is not already included in the list.

Provided a foreign authority shall submit its application to the concerned Board along with such documents and information for inclusion of any medical qualification, which is not already included in the list.

9. **Application & fee** – No such application indicated in Section 8 shall be considered by the concerned Board unless submitted (with appropriate fee as indicated from time to time) per qualification as fees.

Provided any foreign authority in any country outside India, entrusted with the recognition shall remit fees (with appropriate fee as indicated from time to time) to the Commission while submitting its application in a proforma.

10. **Furnishing of information, additional information etc.** – No application submitted under Section 8 shall be entertained by the respective Board unless it is appended with all mandated information sought by way of proforma or otherwise by the respective Board.

Provided, nothing shall be read herewith, to constrain or restrict the respective Board to seek additional information from the applicant while submitting the application or after submitting the application. If asked for additional information by the respective Board, it shall be the duty of the applicant to submit such information as early as possible or within the time specified by the respective Board.

11. **Examination of the application by the respective Board** – Keeping in mind the overall objective of the Act, without prejudice to anything stated elsewhere in

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these Regulations, the respective Board shall evaluate the application received under Section 8 above, based on all or any of the following broad criteria –

- a. the overall impact in terms of desirability and feasibility of recognition of such proposed medical qualification in India.
- b. Whether the proposed medical qualification for recognition is the outcome of sufficient academic rigour, quality, standard learning approaches etc.,
- c. Once given recognition the proposed medical qualification would not create confusion in the mind of the public while seeking medical services.
- d. The overall impact of such recognition upon the public policy in India.
- e. Any such other considerations are to be Notified by the respective Boards in this regard.

12. Without prejudice to section 8 or elsewhere in these Regulations, the respective Board may seek any additional information or clarification or additional documents from the applicant while considering the application for a grant of recognition to the proposed medical qualifications.

13. The applicant shall provide or furnish such information or clarification or additional documents sought above, within a specified time or 30 days, whichever is earlier, from the date of receipt of communication from the respective Board.

14. Provided failure to remove or correct the deficiency or submit such information or clarification or provide additional documents etc., as required by the Board within a specified time shall result in the rejection.

15. Notwithstanding anything stated in these Regulations or elsewhere, the respective Board at its sole discretion determine the appropriate method of evaluation before grant of recognition of the proposed medical qualification to be included in the list.

Provided such appropriate method of evaluation shall include, but not be limited to verification of documents in digital or physical form, verification through a live video feed, photographs, or physical inspection as the case may be.

16. **Evaluation result and recognition of medical qualification** – As per the evaluation carried out, the respective Board shall include the newly recognized medical qualification into the list, and communicate the same to the applicant within six months.



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Provided that, if the respective Board after due evaluation, rejects the application submitted to it for recognition of a medical qualification, may do so after the grant of reasonable opportunity of being heard to the applicant, and shall communicate to the applicant at the earliest.

17. **Appeal to the Commission** – A medical institution or a foreign authority may file an appeal before the Commission against any decision regarding their application for a grant of recognition to the medical qualification, within sixty days from the date of receipt of communication of the decision by the respective Board.
18. **Appeal to the Central Government** -- Where an applicant is aggrieved by the decision of the Commission under Section 16 of these Regulations, or where the Commission fails to give its decision within sixty days from the date of receipt of such an application, the aggrieved party may prefer an appeal before the Central Government within thirty days from the date of such order or lapse of time, as the case may be.

CHAPTER IV – WITHDRAWAL OF RECOGNITION

19. **Recommending withdrawal to the Commission** – The Commission on receipt of the recommendation of the either of the Boards or Medical Assessment and Rating Board for withdrawal of recognition of medical qualification, shall examine the same in the first instance and may also seek further information from the concerned medical institution, if required and if arrives at the conclusion that –
 - a. The courses of study and examination to be undergone or the proficiency required from candidates at any examination held by the medical institution does not conform to the standards specified by the Undergraduate Medical Education Board or the Post Graduate Medical Education Board, as the case may be
 - b. The standards and norms for infrastructure, faculty and quality of education in the medical institution as determined by the Undergraduate Medical Education Board or the Postgraduate Medical Education Board, as the case may be, are not adhered to by the medical institution, and such medical institution has failed to take necessary corrective action to maintain specified minimum standards and the medical institution has failed to maintain the prescribed standards for imparting of the said medical qualification.



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20. **Commission deciding of withdrawal of recognition** – In furtherance of forming a conclusion as per section 18 above, the Commission shall forthwith forward the report in respect of the concerned medical institution or a foreign authority to the respective Board (undergraduate or postgraduate) and direct such Board to Notify the withdrawal of recognition of medical qualification.

Provided that the Undergraduate Medical Education Board or the Postgraduate Medical Education Board, as the case may be, on receipt of the Order of the Commission, shall amend the concerned entry made against the name of the medical institution or a foreign authority indicating that the said medical qualification's recognition is being withdrawn prospectively.

21. **Reasonable audience prior to the withdrawal of recognition** – Without prejudice to anything stated above, no withdrawal of recognition of a medical qualification vis-à-vis a medical institution or a foreign authority shall happen without the grant of a reasonable opportunity to the medical institution or a foreign medical authority concerned.

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