

AS INTRODUCED IN THE RAJYA SABHA
ON THE 3RD DECEMBER, 2021

Bill No. XII of 2021

THE MEDICAL EDUCATION LAWS (AMENDMENT) BILL, 2021

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BILL

further to amend the Dentists Act, 1948 and the National Medical Commission Act, 2019.

BE it enacted by Parliament in the Seventy-Second Year of the Republic of India as follows:—

1. (1) This Act may be called the Medical Education Laws (Amendment) Act, 2021.

Short title and commencement.

(2) It shall come into force with immediate effect.

16 of 1948. 5

2. In the Dentist Act, 1948, after the proviso to section 10-D, the following shall be inserted, namely:—

Amendment of section 10D.

"Provided further that notwithstanding any judgment or order of any Court, the provisions of this section shall not apply, in relation to the uniform entrance examination at the undergraduate or postgraduate level conducted in accordance with any regulations made under this Act, in respect of the State Government seats, whether in Government Dental College or in a private Dental College, in the States which do not opt for the uniform entrance examination."

Amendment of section 2.

3. In the National Medical Commission Act, 2019 (hereinafter referred to as the principal Act), after clause (t) of section 2, the following shall be inserted namely: 30 of 2019.

"(tt) "State Government seats" shall mean and include all seats in the State Government colleges, State Universities, constituent colleges of said State Universities and medical educational institutions and includes seats surrendered by private medical educational institutions, under any arrangement, to the State Government."

Amendment of section 14.

4. In the principal Act, after the proviso to sub-section (3) of section 14, the following shall be inserted, namely:

"Provided further that notwithstanding anything contained in any provisions of this Act, the provisions of this section shall not apply, in relation to the National Eligibility-cum-Entrance Test, at the undergraduate level or postgraduate or super-speciality level in respect of State Government seats unless such state has opted for such National Eligibility-cum-Entrance Test."

Insertion of new section 15A.

5. In the principal Act, after section 15, the following section shall be inserted, namely: 20

Exemption from National Exit Test.

"15A. (1) Notwithstanding anything contained in any provisions of this Act, section 15 of this Act shall not apply in relation to persons studying in undergraduate courses in all colleges, universities and medical institutions other than Central Government institutions in a State which has not opted for National Exit Test.

(2) The Commission shall specify, by Regulations, the manner of conducting common counselling by the designated authority for admission to the postgraduate seats in the medical institutions referred to in sub-section (1)."

Amendment of section 33.

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

"(1A). Notwithstanding anything contained in this section, all persons who have completed their undergraduate medical courses from colleges, universities and medical institutions other than Central Government institutions in States which have opted out of the National Exit Test, shall, after the completion of their undergraduate medical course, be entitled to a license to practice medicine and shall have his name and qualifications be registered on the rolls of the State or National Register, as the case may be."

STATEMENT OF OBJECTS AND REASONS

Section 10-D of the Dentists Act, 1948 introduced Uniform Entrance Examination to all dental educational institutions at the undergraduate and post graduate levels. Similarly, section 14 of the National Medical Commission Act, 2019 introduced a Uniform National Eligibility-cum-Entrance Test (NEET) for entry into undergraduate and post graduate medical courses. Section 15 of this Act also introduced a National Exit Test to be taken after completion of the undergraduate medical courses, which will serve as qualification for a licence to practice medicine and registration on the National or State Register as the case may be.

2. It has been felt across the country that NEET not only gives students studying in the Central Board of Secondary Education (CBSE) schools an upper hand, but also greatly disadvantages the economically weaker sections of the society. There are three basic grounds on which NEET is opposed by the people of various States—(i) the examination completely decimates the right of the State to regulate medical education; (ii) the test is largely based on CBSE syllabus thereby placing students from other streams of education in an obvious disadvantage; and (iii) it requires extra coaching at considerable cost apart from ordinary school education and not everybody is able to afford the same. In so far as the first objection, education is a matter placed in Entry 25 of List III of Seventh Schedule to the Constitution, meaning thereby the State Legislature also has legislative competence over the field and by extension, the Executive of that State. The Dentist Act, 1948 and the National Medical Commission Act, 2019 have been enacted as per powers vested upon the Central Government under Entry 66 of List I. However, the power of the State Government in the field of admissions to the colleges by conducting examinations is available to them under Entry 25 of List III. This has been clearly enunciated by the Hon'ble Supreme Court in the case of *The Modern Dental College vs. The Tamilnadu Medical Officers Association*.

3. In so far as the second objection, the NEET examination is conducted by the CBSE as the nodal agency on the CBSE syllabus up to 12th standard. This means that the students who have studied in CBSE schools are at an obvious advantage when compared to the students studying in other streams of education, particularly students studying in various State Boards, that too in regional language. The common medical entrance tests cause grave hardships and untold miseries to the students who are passing out from the State Board schools. There are different State Boards across India following different syllabus and textbooks, thus leading to different standards of education among students. Further, the students, after completing rigorous examination at the 10+2 level through various examinations, either conducted at the State level by the respective State Boards or the Indian Certificate of Secondary Education (ICSE) or by the Central Board of Secondary Education (CBSE) are asked to face a common medical entrance examinations immediately after school. This places an enormous strain on them. Thus, common uniform entrance examinations for the undergraduate level does not create a level playing field for all the students as they graduate from different boards with different syllabus.

4. In so far as the third objection, the experience of the past four years shows that in order to pass or score well in the NEET examination, students have to opt for private coaching which is extra-ordinarily expensive and cannot be afforded by a common man.

5. These objections are borne out by the statistics from the last years' NEET examinations. There is a decrease of students from the State Boards who have applied for NEET-2020 when compared to NEET-2019. In fact, there has been a steady dip of candidates from the State Boards since 2016, which shows that students passed out from the State Boards are not able to afford the requisite coaching to be able to sit for NEET examination. In

fact, a number of candidates who have applied are older and repeat candidates who have already taken the examination in the previous years.

6. Further, though the curriculum for medical education is prescribed by the National Medical Commission, however, the medical colleges located in various States affiliated to various Universities follow their own syllabus, and text books at the under graduate level. The syllabus, subjects and textbooks prescribed by the Universities varies from State to State. Therefore, the education of students is not uniform. Consequently, there is no possibility of conducting a uniform test for graduates of undergraduate courses across the country as the Universities which confer the degrees have different standards.

7. Therefore, it is necessary to amend section 10-D of the Dentists Act, 1948 to grant exemption to States opting out of Uniform Entrance Examination. It is also necessary to amend the National Medical Commission, Act, 2019 which provides for a National Eligibility-cum-Entrance Test under section 14 and a National Exit Test under Section 15 of the Act so as the exempt from holding NEET and EXIT test. Needless to say that exemption from these provisions is also the need of the hour for the States which do not opt for National Eligibility-cum-Entrance Test and National Exit Test. Like-wise, the requirement for the certificate of National Exit Test to register as a medical practitioner under section 33 is also required to be amended to fall in tune with new proposed provisions.

The Bill seeks to achieve these objectives.

P. WILSON

ANNEXURE
EXTRACTS FROM THE DENTISTS ACT, 1948
(16 OF 1948)

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10D. There shall be conducted a uniform entrance examination to all dental educational institutions at the undergraduate level and post-graduate level through such designated authority in Hindi, English and such other languages and in such manner as may be prescribed and the designated authority shall ensure the conduct of uniform entrance examination in the aforesaid manner:

Uniform Entrance Examination for undergraduate and postgraduate level.

Provided that notwithstanding any judgment or order of any court, the provisions of this section shall not apply, in relation to the uniform entrance examination at the undergraduate level for the academic year 2016-17 conducted in accordance with any regulations made under this Act, in respect of the State Government seats (whether in Government Dental College or in a private Dental College) where such State has not opted for such examination.

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EXTRACTS FROM THE NATIONAL MEDICAL COMMISSION ACT, 2019
(30 OF 2019)

Short title and extent.

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2. In this Act, unless the context otherwise requires,—

Definitions.

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(t) “Schedule” means the Schedule to this Act;

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14. (1) There shall be a uniform National Eligibility-cum-Entrance Test for admission to the undergraduate and postgraduate super-specialty medical education in all medical institutions which are governed by the provisions of this Act:

National Eligibility-cum-Entrance Test.

Provided that the uniform National Eligibility-cum-Entrance Test for admission to the undergraduate medical education shall also be applicable to all medical institutions governed under any other law for the time being in force.

(2) The Commission shall conduct the National Eligibility-cum-Entrance Test in English and in such other languages, through such designated authority and in such manner, as may be specified by regulations.

(3) The Commission shall specify by regulations the manner of conducting common counseling by the designated authority for admission to undergraduated and postgraduate super-specialty seats in all the medical institutions which are governed by the provisions of this Act:

Provided that the designated authority of the Central Government shall conduct the common counseling for all India seats and the designated authority of the State Government shall conduct the common counseling for the seats at the State level.

15. (1) A common final year undergraduate medical examination, to be known as the National Exit Test shall be held for granting licence to practice medicine as medical practitioners and for enrolment in the State Register or the National Register, as the case may be.

National Exit Test.

(2) The Commission shall conduct the National Exit Test through such designated authority and in such manner as may be specified by regulations.

(3) The National Exit Test shall become operational on such date, within three years from the date of commencement of this Act, as may be appointed by the Central Government, by notification.

(4) Any person with a foreign medical qualification shall have to qualify National Exit Test for the purpose of obtaining licence to practice medicine as medical practitioner and for enrolment in the State Register or the National Register, as the case may be, in such manner as may be specified by regulations.

(5) The National Exit Test shall be the basis for admission to the postgraduate broad-specialty medical education in medical institutions which are governed under the provisions of this Act or under any other law for the time being in force and shall be done in such manner as may be specified by regulations.

(6) The Commission shall specify by regulations the manner of conducting common counselling by the designated authority for admission to the postgraduate broad-speciality seats in the medical institutions referred to in sub-section:

Provided that the designated authority of the Central Government shall conduct the common counselling for All India seats and the designated authority of the State Government shall conduct the common counselling for the seats at the State level.

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33. (1) Any person who qualifies the National Exit Test held under section 15 shall be granted a licence to practice medicine and shall have his name and qualifications enrolled in the National Register or a State Register, as the case may be:

Provided that a person who has been registered in the Indian Medical Register maintained under the Indian Medical Council Act, 1956 prior to the coming into force of this Act and before the National Exit Test becomes operational under sub-section (3) of section 15, shall be deemed to have been registered under this Act and be enrolled in the National Register maintained under this Act.

(2) No person who has obtained medical qualification from a medical institutional established in any country outside India and is recognised as a medical practitioner in that country, shall, after the commencement of this Act and the National Exit Test becomes operational under sub-section (3) of section 15, be enrolled in the National Register unless he qualifies the National Exit Test.

(3) When a person whose name is entered in the State Register or the National Register, as the case may be, obtains any title diploma or other qualification for proficiency in sciences or public health or medicine which is a recognized medical qualification under section 35 or section 36, as the case may be, he shall be entitled to have such title, diploma or qualification entered against his name in the State Register or the National Register, as the case may be, in such manner as may be specified by the regulations.

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Right of persons to have licence to practice and to be enrolled in National Register and their obligations thereto.

RAJYA SABHA

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further to amend the Dentists Act, 1948 and the National Medical Commission Act, 2019.

(Shri P. Wilson, M.P.)

MGIPMRND—1353RS(S3)—07-12-2021.