

National Medical Commission (Manner of Appointment and Nomination of Members, their Salary, Allowances and Terms and Conditions of Service, and Declaration of Assets, Professional and Commercial Engagements) Rules, 2019

UNION OF INDIA

India

National Medical Commission (Manner of Appointment and Nomination of Members, their Salary, Allowances and Terms and Conditions of Service, and Declaration of Assets, Professional and Commercial Engagements) Rules, 2019

Rule

NATIONAL-MEDICAL-COMMISSION-MANNER-OF-APPOINTMENT-AND of 2019

- Published on 12 September 2019
- Commenced on 12 September 2019
- [This is the version of this document from 12 September 2019.]
- [Note: The original publication document is not available and this content could not be verified.]

National Medical Commission (Manner of Appointment and Nomination of Members, their Salary, Allowances and Terms and Conditions of Service, and Declaration of Assets, Professional and Commercial Engagements) Rules, 2019Published vide Notification No. G.S.R. 650(E), dated 12.9.2019Last Updated 17th September, 2019G.S.R. 650(E). - In exercise of the powers conferred by clauses (a), (b), (c), (d) (e), (f), (g), (h) and (q) of sub-section (2) of section 56 of the National Medical Commission Act, 2019 (30 of 2019), the Central Government hereby makes the following rules, namely: -

1. Short title and commencement.

(1)These rules may be called the National Medical Commission (Manner of Appointment and Nomination of Members, their Salary, Allowances and Terms and Conditions of Service, and Declaration of Assets, Professional and Commercial Engagements) Rules, 2019.(2)They shall come into force from the date of their publication in the Official Gazette.

2. Definitions.

(1)In these rules, unless the context otherwise requires, -(a)"Act" means the National Medical Commission Act, 2019 (30 of 2019);(b)"Commission" means the National Medical Commission constituted under section 3 of the Act;(c)"section" means a section of the Act.(2)Words and expressions used in these rules and not defined herein but defined in the Act, shall have the respective meanings assigned to them in the Act.

3. Manner of appointment of part-time Members of Commission under clauses (b) and (c) of sub-section (4) of section 4.

(1)The Members shall be appointed by the Central Government for a period of two years.(2)The part-time Members of the Commission to be appointed under clauses (b) and (c) of sub-section (4) of section 4 shall be selected by draw of lots from the nominees of States and Union territories in the Medical Advisory Council.(3)The draw of lots shall be conducted in two categories on such date as may be decided by the Central Government.(4)The draw of lots shall be conducted with paper slips of uniform size, colour and design bearing individual names of each State and Union territories, which shall be folded in such manner so as to preserve the confidentiality.(5)The first category of the draw of lots shall be conducted for ten part-time Members from the nominees of States and Union territories amongst the Members of the Medical Advisory Council, nominated under clauses (c) and (d) of sub-section (2) of section 11.(6)The second category of the draw of lots shall be conducted for nine part-time Members from the nominees of States and Union territories by the respective State Medical Council amongst the elected Members of the State Medical Council, nominated under clause (e) of sub-section (2) of section 11:Provided that for the purposes of ensuring representation of maximum States and Union territories, the States and Union territories whose nominees were selected from the draw of lots held for the first category shall be excluded in the draw of lots to be held for the second category.(7)The total number of paper slips shall correspond to the total number of States and Union territories, irrespective of whether a State or Union territory has valid nomination under clauses (c), (d) and (e) of sub-section (2) of section 11, respectively.(8)During the draw of lots as mentioned in sub-rules (5) and (6), one paper slip shall be picked up at a time till all Members are decided in a given category.(9)Where a paper slip is picked up for a State or Union territory, which does not have a nominee in the respective category, the paper slip shall be kept aside till the draw of lots for the particular category is completed and it shall be put back when the draw of lots for the second category commences.(10)Every draw of lots subsequent to the first term of two years shall be conducted in two stages, first by a restricted draw of lots for the two categories referred to in sub-rules (5) and (6) to be drawn from among those States and Union territories, which were not selected in the draw of lots held for selection of the Members of the Commission in accordance with this rule and for selection of the fourth Member of Autonomous Boards in accordance with the National Medical Commission, Autonomous Boards (Manner of Appointment of Fourth Member and the Salary, Allowances and Terms and Conditions of Service, and Declaration of Assets, Professional and Commercial Engagements of President and Members) Rules, 2019, during the previous term.(11)After such number of nominees have been selected through the restricted draw of lots as referred to in sub-rule (10) in respect of the States and Union territories for which Members were not selected for the previous term, the remaining nominees for part-time

Members of the Commission under the two categories referred to in sub-rules (5) and (6) shall be selected from amongst the rest of the States and Union territories by draw of lots, respectively.(12)No State or Union territory shall be represented by more than one nominee in the Commission at a time.(13)The draw of lots shall be conducted in the presence of the Union Minister of Health and Family Welfare.(14)The video recording of the entire process of draw of lots shall be made and all records relating to the draw of lots shall be kept for a period of six months on the website of the Ministry of Health and Family Welfare for public access.(15)For the purpose of maintaining transparency during the process of draw of lots, media personnel shall be invited.(16)Where the term of a nominee of a State or Union territory selected through draw of lots is reduced for any reason to less than two years, the Central Government shall appoint other nominee of the same State or Union territory for the remaining period on the basis of nomination by the concerned State or Union territory or the State Medical Council, as the case may be.(17)The draw of lots to nominate Members of the Commission from among the nominees from the States and Union territories shall be conducted every consecutive two years.

4. Nomination of an expert under clause (c) of sub-section (1) of section 5 for Search Committee for appointment of Chairperson and Members of Commission.

(1)The Central Government shall appoint an expert to form part of the Search Committee for appointment of Chairperson and Members of Commission for a period of two years.(2)The expert referred to in sub-rule (1) shall be selected by draw of lots from amongst the part-time Members of the Commission appointed under clause (c) of sub-section (4) of section 4.(3)The draw of lots shall be conducted with the paper slips of uniform size, colour and design bearing individual names of each part-time Member of the Commission appointed under clause (c) of sub-section (4) of section 4, which shall be folded in such manner so as to preserve the confidentiality.(4)The draw of lots under this rule shall be conducted following the procedure, mutatis mutandis, as specified under sub-rules (13), (14), (15), (16) and (17) of rule 3.

5. Salaries and allowances payable to Chairperson of Commission.

(1)The salary payable to the Chairperson of the Commission shall be equivalent to the salary of the Secretary to the Government of India in Level-17 in the pay matrix (Rs. 225000/-):Provided that where the Chairperson of the Commission is a retired person from Government, semi- Government agencies, public sector undertakings or recognised research institutions, the salary payable together with the pension or pensionary value of the terminal benefits, or both, received by him shall not exceed the last pay drawn.(2)If the Chairperson of the Commission is in service of the Central Government or a State Government, his salary and allowances shall be regulated in accordance with the rules applicable to him or sub-rule (1), whichever is higher.

6. Dearness allowance.

(1)The Chairperson and every other Member of the Commission, shall be entitled for dearness allowance appropriate to their pay at the rates admissible to officers of equivalent level in the Central Government.(2)The dearness allowance of ex-officio Members of the Commission shall be borne by their parent Ministry or Department or organisation.

7. Travelling allowance.

(1)The Chairperson and every other Member of the Commission shall be entitled to draw travelling allowances and daily allowances at the rates appropriate to their pay admissible to officers of equivalent level in the Central Government.(2)The travelling allowance of ex-officio Members of the Commission shall be borne by their parent Ministry or Department or organisation.(3)The Chairperson and every Member of the Commission shall be his own controlling officer in respect of his bills relating to travelling allowances and daily allowances.

8. Leave.

- The Chairperson and every other Member of the Commission shall be entitled to -(a)earned leave, half pay leave and commuted leave as admissible to Central Government servants in accordance with the Central Civil Services (Leave) Rules,1972, as amended from time to time; and(b)extraordinary leave as admissible to the temporary Central Government servants under the Central Civil Services (Leave) Rules, 1972, as amended from time to time.

9. Leave sanctioning authority.

(1)The Central Government shall be the authority competent to sanction leave to the Chairperson.(2)The Chairperson shall be the authority to sanction leave to every other Member of the Commission including its Secretary.

10. Contributory Provident Fund.

(1)The Chairperson of the Commission shall be governed by the provisions of the Contributory Provident Fund Rules (India), 1962 where no option to subscribe under the General Provident Fund (Central Services) Rules, 1960 is available.(2)The Chairperson of the Commission shall not be entitled to additional pension and gratuity for the service rendered by them in the Commission.

11. Sitting fee.

- The ex-officio Members and part-time Members of the Commission shall be entitled to a sitting fee of five thousand rupees for each day of sitting of the Commission.

12. Declaration of assets, professional and commercial engagement or involvement by Chairperson and Members of Commission.

(1)The Chairperson and every other Member of the Commission shall file return of assets and liabilities in Form A of the Schedule annexed to these rules.(2)The Chairperson and every other Member of the Commission shall also declare their professional and commercial engagement or involvement on their first appointment and at the time of demitting office in Form B of the said Schedule.

13. Secretary to Commission.

(1)The salary payable to the Secretary to the Commission shall be equivalent to the salary of Additional Secretary to the Government of India in Level 15 in the pay matrix (Rs. 182200-224100/-).Provided that where the Secretary to the Commission is a retired person from Government, semi-Government agencies, public sector undertakings or recognised research institutions, the salary payable together with the pension or pensionary value of the terminal benefits, or both, received by him shall not exceed the last pay drawn.(2)The Secretary to the Commission shall possess the following qualifications and experience, namely: -
Essential:(i)post-graduate degree in any discipline from any University;(ii)having experience in the Central Government or a State Government or any statutory body or recognized organisation or institution of not less than fifteen years in his related service or profession in Level 12 in the pay matrix (Rs. 78800-209200/-) or equivalent thereto or above along with administrative experience of not less than ten years;Desirable:(iii)preference may be given to persons having medical qualification.

14. Term of office of Secretary to Commission.

- The Secretary to the Commission shall hold office for a term of four years and shall cease to hold office after attaining the age of seventy years, whichever is earlier.

15. Declaration of assets, professional and commercial engagement or involvement by Secretary.

(1)The Secretary of the Commission shall file return of assets and liabilities in the Form A of the Schedule annexed to these rules.(2)The Secretary of the Commission shall also declare his professional and commercial engagement or involvement on his first appointment and at the time of demitting office in Form B of the said Schedule.

16. Other powers and functions of Commission.

- In addition to the powers and functions of the Commission specified in section 10, the Commission shall -(a)undertake study to reduce the cost of medical education in the country;(b)consider to suggest, among others, adoption of modern technology, intensive use of infrastructure, faculty

sharing, global practices as distributed hospitals with a view to reducing the cost of medical education and making it more accessible; and(c)decide the manner of hearing appeals against the decisions of Autonomous Boards:Provided that where an appeal is filed against the decision of an Autonomous Board, the President of such Autonomous Board shall not participate in the appeal proceedings;(d)without prejudice to the condition of previous publication envisaged under sub-section (1) of section 57, make regulations after consulting all State Governments, Union territory Administrations and other stakeholders, such as, association of medical professionals, association of resident doctors and patient rights bodies including general public by placing the draft regulations on the website of the Commission for a period of thirty days and considering the objections or suggestions as may be received;(e)recruit employees on contract basis as per its requirement, not exceeding the present sanctioned strength of the Medical Council of India, until the posts are sanctioned for the Commission and regular recruitment for the said posts takes place.

17. Compensation for the premature termination of employment of employees of Medical Council of India.

(1)The Commission shall decide on the premature termination compensation of the employees of the erstwhile Medical Council of India within a period of three months from the date of constitution of the Commission.(2)The employees of erstwhile Medical Council of India who are not taken for employment on contract basis by the Commission, shall be paid an advance amount of equivalent to three months' salary at the time of termination, which shall be deducted from the total compensation package.

Schedule

Form A[See rule 12 (1) and rule 15 (1)]Declaration of Assets and LiabilitiesA. Assets And Liabilities of chairperson/member/secretary

1. Name (in block letters)

2. Father's/Husband's name

3. Permanent address

4. Present address

5. Date of appointment/nomination

I. Details of immovable property(1)Name of the State, District, Subdivision and village in which property is situated.(2)Details of property(a)House and buildings and their present value(b)Lands and their present value(3)Whether held as owner or beneficiary(4)Whether held jointly or severally. If property held jointly with another person share of property held(5)If not held in Member's own

name, state in whose name held and his/her relationship with the Member(6)How acquired(whether by purchase, lease, mortgage, inheritance, gift or otherwise with date of acquisition and name of person from whom acquired)(7)Any other relevant information which the Member may like to mentionII. Details of movable property(1)Description of the property (i.e. car/motorcycle/jewellery/ investments in banks/stock markets/companies/financial institutions/insurance policies, etc.)(2)Make, model (and also registration number in case of vehicles) where necessary(3)Mode of acquisition(purchase/gift/mortgage lease or otherwise)(4)Purchase price of the property(5)In case of purchase, source or sources from which financed(a)Personal savings(b)Other sources(6)Any other relevant information which the member may like to furnishIII. Details of Liabilities of the Member to public Financial Institutions/Central Government and State Government(1)Details of loans raised from Banks/ Companies/Financial Institutions/Central/ State Governments(2)Amount of loans raised in each case(3)The period for which these loans were raised in each case.B. Information Regarding Immovable and Movable Properties Held Byspouse

1. Name of the spouse

(in block letters)

2. Father's/Husband's name

3. Permanent Address

4. Present Address

I. Details of immovable property(1)Name of State, District, Sub-division and village in which property is situated(2)Details of property(a)House and buildings and their present value(b)Lands and their present value(3)Whether held as owner or beneficiary(4)Whether held jointly or severally.If property held jointly with Member, share of property held(5)If not held in spouse's own name, State In whose name held and his/her relationship with the spouse(6)How acquired(whether by purchase, lease, mortgage, inheritance, gift or otherwise with date of acquisition and name of person from whom acquired).(7)Any other relevant information which the member may like to mentionII. Details of movable property(1)Description of the property(i.e. car/motorcycle/jewellery/investments in banks/stock markets/companies/ financial institutions/insurance policies, etc.)(2)Make, model (and also registration number in case of vehicles) where necessary(3)Mode of acquisition(purchase/gift/mortgage lease or otherwise)(4)Purchase price of the property(5)In case of purchase, source or sources or sources from which financed(a)Personal savings(b)Other sources(6)Whether held as owner or beneficiary(7)Whether held jointly or severally(8)Any other relevant information which the Member may like to furnishC. Information Regarding Immovable and Movable Properties Held by Dependent Children

1. Name of the dependent children

(in block letters)

2. Father's/Husband's name

3. Permanent Address

4. Present Address

I. Details of immovable property(1)Name of State, District, Sub-division and village in which property situated(2)Details of property(a)House and buildings and their present value(b)Lands and their present value(3)Whether held as owner or beneficiary(4)Whether held jointly or severally. If property held jointly with Member, share of property held(5)If not held in the child's own name, state in whose name held and his/her relationship with the child(6)How acquired(whether by purchase, lease, mortgage, inheritance, gift or otherwise with date of acquisition and name of person from whom acquired)(7)Any other relevant information which the Member may like to mentionII. Details of movable property(1)Description of property(i.e. car/motorcycle/jewellery/ investments in banks/stock markets/ companies/financial institutions/ insurance policies, etc.)(2)Make, model (and also registration number in case of vehicles) where necessary(3)Mode of acquisition(purchase/gift/mortgage/lease or otherwise)(4)Purchase price of the property(5)In case of purchase, source or sources from which financed(a)Personal savings(b)Other sources(6)Whether held as owner or beneficiary(7)Whether held jointly or severally(8)Any other relevant information which the member may like to furnishDeclarationI,_____ hereby declare that the information given above is true and correct to the best of my knowledge and belief.In the event of any change in the information given above, I undertake to intimate the same.Yours faithfully,Date:Signature/thumb impressionForm B[See rule 12 (2) and rule 15 (2)]Statement of professional and commercial engagements or involvement on first appointment and at the time of demitting office

Sl.No	Relation	Name	Professional position held in last three years from the date of declarations, if any	Commercial engagements/involvement held in last three years from the date of declarations, if any
1	Self			
2	Spouse			
3	Dependent-1			
4	Dependent-2			
5.*	Dependent-3			

* Add more rows, if necessary.Date:Signature/thumb impression