

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

G.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.



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असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित
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आयुष मंत्रालय
अधिसूचना

नई दिल्ली, 14 फरवरी, 2022

सा.का.नि. 116(अ).—केंद्रीय सरकार, भारतीय चिकित्सा पद्धति राष्ट्रीय आयोग अधिनियम, 2020 (2020 का 14) की धारा 54 की उप-धारा (2) के खंड (क), (ख), (ग), (घ), (ङ), (च), (छ), (ज), (झ), (ण) और (त) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारतीय चिकित्सा पद्धति राष्ट्रीय आयोग (सदस्यों की नियुक्ति और नामांकन की रीति, उनका वेतन, भत्ते तथा सेवा की निबंधन एवं शर्तें और संपत्ति की घोषणा, व्यावसायिक और वाणिज्यिक कार्य) नियम, 2020 में संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. संक्षिप्त नाम और प्रारंभ.—(1) इन नियमों का संक्षिप्त नाम भारतीय चिकित्सा पद्धति राष्ट्रीय आयोग (सदस्यों की नियुक्ति और नामांकन की रीति, उनका वेतन, भत्ते तथा सेवा की निबंधन एवं शर्तें और संपत्ति की घोषणा, व्यावसायिक और वाणिज्यिक कार्य) संशोधन नियम, 2022 है।

(2) ये नियम राजपत्र में इनके प्रकाशन की तारीख से प्रवृत्त होंगे।

2. भारतीय चिकित्सा पद्धति राष्ट्रीय आयोग (सदस्यों की नियुक्ति और नामांकन की रीति, उनका वेतन, भत्ते तथा सेवा की निबंधन एवं शर्तें और संपत्ति की घोषणा, व्यावसायिक और वाणिज्यिक कार्य) नियम, 2020 में नियम (3), उप-नियम (2) में निम्नलिखित परंतुक अन्तःस्थापित किया जाएगा, अर्थात्:—

"परंतु जिन मामलों में लॉटरी आयोजित करने के लिए राज्यों और संघ राज्य क्षेत्रों के नामनिर्देशितियाँ पर्याप्त संख्या में उपलब्ध नहीं हैं, वहां उक्त खंडों के अधीन अंशकालिक सदस्यों को पहले आओ पहले नियुक्ति के आधार पर नियुक्त किया जा सकता है"।

[फा. सं. वाई-18011/16/2021-ईपी-III]

कविता गर्ग, संयुक्त सचिव

नोट : मूल नियम सा.का.नि. 771(अ) तारीख 18 दिसंबर, 2020 द्वारा भारत के राजपत्र, असाधारण, भाग-II, धारा-3, उप-धारा (i) में प्रकाशित किए गए थे।

MINISTRY OF AYUSH

NOTIFICATION

New Delhi, the 14th February, 2022

G.S.R. 116(E).—In exercise of the powers conferred by clauses (a), (b), (c), (d), (e), (f), (g), (h), (i), (o) and (p) of sub-section (2) of section 54 of the National Commission for Indian System of Medicine Act, 2020 (14 of 2020), the Central Government hereby makes the following rules to amend the National Commission for Indian System of Medicine (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, 2020, namely: —

1. Short title and commencement.—(1) These rules may be called the National Commission for Indian System of Medicine (Manner of Appointment and Nomination of Members, Their Salary, Allowances and Terms and Conditions of Service, and Declaration of Assets, Professional and Commercial Engagements) Amendment Rules, 2022.

(2) They shall come into force from the date of their publication in the Official Gazette.

2. In the National Commission for Indian System of Medicine (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, 2020, in rule (3), in sub-rule (2), the following proviso shall be inserted, namely:—

“Provided that in cases where the nominees of the States and Union territories are not available in sufficient numbers for conducting draw of lots, the part-time Members under the said clauses may be appointed on the basis of first come first appointment.”

[F. No. Y-18011/16/2021-EP-III]

KAVITA GARG, Jt. Secy.

Note : The principal rules were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (i) vide G.S.R 771(E), dated the 18th December, 2020.