

1. Hierarchy of Medical Councils in India

National Medical Commission (NMC)

Established by the National Medical Commission Act, 2019, replacing the Medical Council of India (MCI) .

Composed of a Chairperson, ex-officio and part-time members, including representation from State Medical Councils .

Primary functions:

Frame policies for medical education and ethics

Constitute boards: Undergraduate Education, Postgraduate Education, Medical Assessment & Rating, and Ethics & Medical Registration .

Maintain National Medical Register and oversight of standards .

State Medical Councils (SMCs)

Established under respective State laws following directives of the NMC Act .

Key responsibilities:

Maintain State registers for local practitioners

Conduct disciplinary proceedings for professional or ethical misconduct .

2. Duties of a Medical Practitioner

Outlined extensively in the Indian Medical Council (Professional Conduct, Etiquette & Ethics) Regulations, 2002 (still in force via Section 61 of the NMC Act until new rules are made) :

Core Duties under Chapter I: General

Character and Purpose

Uphold dignity and honour of the profession; prioritize service to humanity over financial gain .

Competence and Practice

Maintain accurate records; engage in continuing medical education (minimum 30 hours per 5 years) .

Display registration numbers on clinic materials; prescribe using generic names whenever possible .

Ethics and Social Responsibility

Expose unethical conduct without fear; avoid conflicts of interest; comply with relevant public health laws and regulations (e.g., MTP Act, Mental Health Act) .

Chapter II: Duties Toward Patients

Accessibility & Professional Judgment

Do not arbitrarily refuse treatment; refer when beyond one's competence; emergencies mandate care .

Confidentiality & Sensitivity

Respect patient privacy; confidentiality may only be breached legally (e.g., notifiable diseases) .

3. Professional Misconduct

Defined under Chapter VI of the 2002 Code, with examples including:

Credential Violations: Practicing without recognized registration or qualified status .

Improper Conduct: Adultery or unethical behavior toward patients .

Criminal Convictions: Offenses involving moral turpitude .

Illegal Acts: Performing sex-determination tests for female feticide .

SMCs and NMC have disciplinary jurisdiction to issue warnings, suspend, or remove practitioners based on such violations .

4. Penal Erasure

Often referred to as the “professional death sentence”, it involves removing a practitioner's name from the medical register due to serious misconduct .

It strips the individual of all legal privileges to practice. Prior steps may include warnings or temporary sanctions before erasure is issued .

5. Consent (High Weightage)

Legal and ethical cornerstone of patient autonomy:

Basics of Consent

Must be informed, voluntary, and from a competent individual.

Ethical & Legal Framework

Rooted in the Code of Ethics and the Indian Penal and Contract Acts. Courts have emphasized consent as essential to lawful treatment and safeguarding against assault or battery claims.

Operational Features

Explicit explanation of risks, benefits, alternatives. Consent must be documented.

Allows revocation at any time.

Failure to Obtain Consent

Considered professional misconduct and may have legal ramifications, including tort or criminal liability.