

Chapter 25

MEDICAL LAW AND ETHICS

The principles of medical ethics are formulated by National and State Medical Councils and the World Medical Association. Enforcement of the code of ethics is done by Medical Councils.

Indian Medical Degree Act was passed in 1916 with the object of regulating the grant of titles implying qualifications in western medical science. Certain authorities mentioned in the Act have the right to grant medical degrees, diplomas, licenses, and the recipient therefore is qualified to practice Western Medical Science.

The Dentist Act was passed in 1948 to regulate the profession of dentistry in general and to constitute Dental Council of India.

THE INDIAN MEDICAL COUNCIL ACT 1956

The Act in 1933 was repealed and the Act of 1956 was passed. This Act was further modified in 1964, 1993 and 2001. In 2010 MCI Amendment Act 2010 was approved by the President of India superseding the previous Council.

Constitution of MCI

Medical Council of India was constituted under this Act, and it consists of -

- (a) One member from each state other than union territory nominated by the Central Government.
- (b) One member from each University to be elected from among the members of the medical faculty of the University.
- (c) One member from each state in which a state medical register is kept, to be elected from among themselves by persons enrolled in the register.
- (d) Seven members to be elected from among themselves by persons enrolled in any of the State Medical Register.
- (e) Eight members to be nominated by the Central Government.

They hold the office for a term of 5 years

President and vice president are elected from among these members.

The council appoints a Registrar. The executive committee consists of President, vice president, and 7 to 10 members.

In 2018, the President of India dissolved the MCI and appointed a 7 member committee comprising of medical experts to perform functioning of the Council till a bill which seeks to replace the body with a new 'National Medical Commission' is passed by Parliament.

INDIAN MEDICAL COUNCIL

Functions

1. Medical Register

The Medical council maintains a Register of Medical Practitioners. It contains the names of all persons enrolled on any State Medical Register. Removal of a name from the State Medical Register will lead to its removal from the Indian Medical Register also.

2. Medical Education

The Council has the authority to prescribe the standards of -

- a) Undergraduate medical education
- b) Postgraduate medical education

Council has prescribed certain standards of medical education, the curriculum, the teaching pattern, including staff, equipments, accommodation, training and other facilities. Council has undergraduate and postgraduate committees for this purpose. The council prescribes courses and criteria which a medical institute should fulfil for a particular course of study.

3. Recognition of Medical Institutions

- Council will send inspectors to see that the college is adequately spaced, staffed and equipped as per MCI stipulations.
- Council may appoint inspectors to attend any or all examinations held by medical institutions to assess the standards.
- The inspections will be held every year to get recognition for a specific period, and every 5 years after getting the permanent recognition.

Medical Law And Ethics Study Guide

**Mark A. Hall, Ira Mark Ellman, David
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