

# SC UPHOLDS RULES FOR FOREIGN MEDICAL STUDENTS

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The Supreme Court has noted that “overambitious parents” and “exploitative founders of infrastructure-deficient” colleges have led to the decline and commercialisation of medical education and upheld the National Medical Commission’s regulations that prescribe certain strictures before foreign medical graduates can practise in India.

The regulations had in the recent past been a point of debate with relation to Indian students who were forced to return due to the Ukraine crisis.

A Bench of Justices Hemant Gupta and V. Ramasubramanian, in a judgment in early May, upheld the regulatory validity of the National Medical Commission (Foreign Medical Graduate Licentiate) Regulations, 2021 and the National Medical Commission (Compulsory Rotating Medical Internship) Regulations, 2021.

The first one requires the foreign medical graduates (FMGs) to undergo a medical course for a minimum of 54 months and an internship for a minimum duration of 12 months in the same foreign medical institution; to register with a professional regulatory body competent to grant licence in the same foreign country and further undergo a supervised 12-month internship in India after applying to the National Medical Commission.

The second lists rigorous conditions for internship in India for the FMGs.

## Regulations challenged

Both set of regulations had been challenged in appeals filed in the Supreme Court as violative of the right to health of the public and the right to profession of students.

The appellants had argued that the regulations placed a heavy and arbitrary burden upon students who want to pursue medical education abroad.

But the Bench did not agree with the point of view of the appellants.

The judgment, authored by Justice Ramasubramanian, said that though it was “true that the country needs more doctors, but it needs really qualified doctors and not persons trained by institutions abroad, to test their skills only in their motherland”.

The court drew attention to how every time the regulatory authorities took steps to plug the loopholes in the medical education and reform the system and their efforts would come under challenge in courts.

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