

Bill No. XXIX of 2010

THE INDIAN MEDICINE CENTRAL COUNCIL
(AMENDMENT) BILL, 2010

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BILL

further to amend the Indian Medicine Central Council Act, 1970.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Indian Medicine Central Council (Amendment) Act, 2010. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

48 of 1970.

2. In the Indian Medicine Central Council Act, 1970 (hereinafter referred to as the principal Act), in section 2, in clause (e), for the words "or Unani Tibb", the words ", Unani Tibb or Sowa-Rigpa" shall be substituted. Amendment of section 2.

3. In the principal Act, in section 3,—

(a) for the words "and Unani" wherever they occur, the words ", Unani and Sowa-Rigpa" shall be substituted; and

(b) for the words "or Unani", the words ",Unani or Sowa-Rigpa" shall be substituted. Amendment of section 3.

- Amendment of section 8. **4.** In section 8 of the principal Act, in the proviso to sub-section (2), for the words "or Unani", the words ", Unani or Sowa-Rigpa" shall be substituted.
- Amendment of section 9. **5.** In section 9 of the principal Act,—
 (A) for sub-section (1), the following sub-section shall be substituted, namely:—
 "**(1) The Central Council shall constitute from amongst its members,—**
 (a) a Committee for Ayurveda;
 (b) a Committee for Siddha;
 (c) a Committee for Unani; and
 (d) a Committee for Sowa-Rigpa,
 and each such Committee shall consist of members elected under clause (a) or clause (b) or nominated under clause (c) of sub-section (1) of section 3 representing the Ayurveda, Siddha, Unani or Sowa-Rigpa system of medicine, as the case may be.";
 (B) in sub-section (2), for the words "and Unani", the words ", Unani and Sowa-Rigpa" shall be substituted;
 (C) in sub-section (3), for the words "or Unani", the words ", Unani or Sowa-Rigpa" shall be substituted.
- Amendment of section 17. **6.** In section 17 of the principal Act, in sub-section (2), in clause (a), for the words "physician or", the words "physician or Amchi or" shall be substituted.
- Amendment of First Schedule. **7.** In the First Schedule to the principal Act, in paragraph 1, "and Unani", the words ", Unani and Sowa-Rigpa" shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Indian Medicine Central Council Act, 1970, *inter alia*, provides for constitution of a Central Council of Indian Medicine for regulating of educational standards of Ayurveda, Siddha and Unani systems of medicine and the maintenance of Register containing names of approved Medical Practitioners of the Central Council of Indian Medicine.

2. The Central Council of Indian Medicine was initially constituted under section 3 of the said Act by nomination of members from Ayurveda, Siddha and Unani in the year 1970.

3. At present the above said Council comprises of members elected from amongst the practitioners of Ayurveda, Siddha and Unani whose names are enrolled in the State Registers, from Universities having the faculty or Department of Ayurveda, Siddha and Unani and members nominated by the Central Government from amongst the persons having special knowledge or practical experience in respect of Indian Systems of Medicine. The “Sowa-Rigpa” system of medicine practiced in the Sub-Himalayan region needs to be included as a system within the definition of “Indian Medicine” and the practitioners of the said Sowa-Rigpa system be enrolled in the Register so as to develop the system and its practices within a legal framework.

4. The amendment to various provisions of above said Act are required in order to legalise Sowa-Rigpa as a system of Indian Medicine. This will also enable the protection and preservation of this ancient system of medicine and will help its propagation and development.

5. The recognition of the “Sowa-Rigpa” system of Indian Medicine will also lead to the setting up of a regulatory mechanism in the field of its education and practice.

6. The Bill seeks to achieve the above objectives.

NEW DELHI;
The 23rd April, 2010.

GHULAM NABI AZAD

FINANCIAL MEMORANDUM

Clause 5 of the Bill seeks to substitute sub-section (1) of section 9 of Indian Medicine Central Council Act, 1970, which provides for the constitution of various Committees by the Central Council.

It provides for payment of allowance to the members of “Sowa-Rigpa” elected or nominated to the Central Council of Indian Medicine.

The Bill if enacted, could involve expenditure from the Consolidated Fund of India which may be of recurring in nature. The estimated total expenditure per annum will be to the tune of rupees ten lakhs.

ANNEXURE

EXTRACTS FROM THE INDIAN MEDICINE CENTRAL COUNCIL ACT, 1970.
(48 OF 1970)

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2. (1) In this Act, unless the context otherwise requires,— Definitions.

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(e) "Indian medicine" means the system of Indian medicine commonly known as Ashtang Ayurveda, Siddha or Unani Tibb whether supplemented or not by such modern advances as the Central Council may declare by notification from time to time;

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CHAPTER II

THE CENTRAL COUNCIL AND ITS COMMITTEES

3. (1) The Central Government shall, by notification in the Official Gazette, constitute for the purposes of this Act a Central Council consisting of the following members, namely:— Constitution of Central Council.

(a) such number of members not exceeding five as may be determined by the Central Government in accordance with the provisions of the First Schedule for each of the Ayurveda, Siddha and Unani system of medicine from each State in which a State Register of Indian Medicine is maintained, to be elected from amongst themselves by persons enrolled on that Register as practitioners of Ayurveda, Siddha or Unani, as the case may be;

(b) One member for each of the Ayurveda, Siddha and Unani systems of medicine from each University to be elected from amongst themselves by the members of the Faculty or Department (by whatever name called) of the respective system of medicine of that University;

(c) such number of members, not exceeding thirty per cent. of the total number of members elected under clauses (a) and (b), as may be nominated by the Central Government, from amongst persons having special knowledge or practical experience in respect of Indian medicine:

Provided that until members are elected under clause (a) or clause (b) in accordance with the provisions of this Act and the rules made thereunder, the Central Government shall nominate such number of members, being persons qualified to be chosen as such under the said clause (a) or clause (b), as the case may be, as that Government thinks fit; and references to elected members in this Act shall be construed as including references to members so nominated.

(2) The President of the Central Council shall be elected by the members of the Central Council from amongst themselves in such manner as may be prescribed.

(3) There shall be a Vice-President for each of the Ayurveda, Siddha and Unani systems of medicine who shall be elected from amongst themselves by members representing that system of medicine, elected under clause (a) or clause (b) of sub-section (1) or nominated under clause (c) of that sub-section.

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8. (1) * * * * * Meetings of Central Council.

(2) Unless otherwise prescribed, one-third of the total number of members of the Central Council shall form a quorum, and all the acts of the Central Council shall be decided by a majority of the members present and voting:

Provided that no decision of the Central Council in relation to any Indian medicine shall be effective unless three members representing Ayurveda, Siddha or Unani system of medicine, as the case may be, are present at the meeting and support the decision.

Committees for Ayurveda, Siddha and Unani.

9. (1) The Central Council shall constitute from amongst its members,—
- (a) a committee for Ayurveda;
 - (b) a committee for Siddha; and
 - (c) a committee for Unani,

and each such committee shall consist of members elected under clause (a) or clause (b) or nominated under clause (c) of sub-section (1) of section 3 representing the Ayurveda, Siddha or Unani system of medicine, as the case may be.

(2) The Vice-President for each of the Ayurveda, Siddha and Unani systems of medicine elected under sub-section (3) of section 3 shall be, respectively, the Chairman of the committees referred to in clauses (a), (b) and (c) of sub-section (1).

(3) Subject to such general or special directions as the Central Council may from time to time give, each such committee shall be competent to deal with any matter relating to Ayurveda, Siddha or Unani system of medicine, as the case may be, within the competence of the Central Council.

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Rights of persons possessing qualifications included in Second, Third and Fourth Schedules to be enrolled.

17. (1) *
- (2) Save as provided in section 28, no person other than a practitioner of Indian medicine who possesses a recognised medical qualification and is enrolled on a State Register or the Central Register of Indian Medicine,—
- (a) shall hold office as Vaid, Siddha, Hakim or physician or any other office (by whatever designation called) in Government or in any institution maintained by a local or other authority;

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THE FIRST SCHEDULE

[See section 3(1) (a)]

1. The Central Government shall, by notification in the Official Gazette, determine the number of seats allocated in the Central Council to each of the Ayurveda, Siddha and Unani systems of medicine in each State on the following basis, namely:—

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RAJYA SABHA

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further to amend the Indian Medicine Central Council Act, 1970.

(Shri Ghulam Nabi Azad, Minister of Health and Family Welfare)