

Bill No. XXX of 2020

**THE INDIAN MEDICINE CENTRAL COUNCIL (AMENDMENT)
BILL, 2020**

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BILL

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

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

1. (1) This Act may be called the Indian Medicine Central Council (Amendment) Act, 2020. Short title and commencement.

5 (2) It shall be deemed to have come into force on the 24th day of April, 2020.

48 of 1970. **2.** In the Indian Medicine Central Council Act, 1970, after section 3, the following sections shall be inserted, namely:— Insertion of new sections 3A, 3B and 3C.

Power of
Central
Government
to supersede
Central
Council and
constitute
Board of
Governors.

"3A. (1) On and from the date of commencement of the Indian Medicine Central Council (Amendment) Ordinance, 2020, the Central Council shall stand superseded and the President, Vice-President and other members of the Central Council shall vacate their offices and shall have no claim for any compensation, whatsoever. Ord. 7 of 2020.

(2) The Central Council shall be reconstituted in accordance with the provisions of section 3 within a period of one year from the date of supersession of the Central Council under sub-section (1). 5

(3) Upon supersession of the Central Council under sub-section (1) and until a new Council is constituted in accordance with the provisions of section 3, the Board of Governors constituted under sub-section (4) shall exercise the powers and perform the functions of the Central Council under this Act. 10

(4) The Central Government shall, by notification in the Official Gazette, constitute the Board of Governors which shall consist of not more than ten persons as its members, who shall be persons of eminence and of unimpeachable integrity in the fields of Indian Medicine and Indian Medicine education and eminent administrators, and who may be either nominated members or *ex officio* members, to be appointed by the Central Government, one of whom shall be selected by the Central Government as the Chairperson of the Board of Governors. 15

(5) The Chairperson and other members, other than *ex officio* members, shall be entitled to such sitting fee and travelling and other allowances as may be determined by the Central Government. 20

(6) The Board of Governors shall meet at such time and such place and shall observe such rules of procedure in regard to the transaction of business at its meetings, as is applicable to the Council.

(7) Two-third of the members of the Board of Governors shall constitute the quorum of its meetings. 25

(8) No act or proceedings of the Board of Governors shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Board of Governors; or 30

(b) any irregularity in the procedure of the Board of Governors not affecting the merits of the case.

(9) A member having any financial or other interest in any matter coming before the Board of Governors for its decision shall disclose his interest in such matter before he may, if allowed by the Board of Governors, participate in such proceedings. 35

(10) The Chairperson and other members of the Board of Governors shall hold office during the pleasure of the Central Government.

Certain
modifications
of Act.

3B. During the period when the Central Council stands superseded,—

(a) the provisions of the Act shall be construed as if for the words "Central Council", the words "Board of Governors" were substituted; 40

(b) the Board of Governors shall exercise the powers and discharge the functions of the Council under this Act and for this purpose, the provisions of this Act shall have effect subject to the modification that references therein to the Central Council shall be construed as references to the Board of Governors;

Power of
Central
Government
to give
directions.

3C. (1) Without prejudice to the provisions of this Act, the Board of Governors or the Central Council after its reconstitution shall, in exercise of its powers and in the performance of its functions under this Act, be bound by such directions on questions of policy, other than those relating to technical and administrative matters, as the Central Government may give in writing to it from time to time: 45

Provided that the Board of Governors or the Council after its reconstitution shall, as far as practicable, be given an opportunity to express its views before any direction is given under this sub-section.

5 (2) The decision of the Central Government whether a question is a matter of policy or not shall be final."

Ord. 7 of 2020. 3. (1) The Indian Medicine Central Council (Amendment) Ordinance, 2020 is hereby repealed. Repeal and savings.

48 of 1970. (2) Notwithstanding such repeal, anything done or any action taken under the Indian Medicine Central Council Act, 1970, as amended by the said Ordinance, shall be deemed to 10 have been done or taken under the corresponding provisions of the said Act as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Indian Medicine Central Council Act, 1970 (48 of 1970) provides for constitution of the Central Council of Indian Medicine for regulation of the educational standards of Indian Systems of Medicine, maintenance of the Central Register of practitioners of Indian Systems of Medicine and for matters connected therewith.

2. In order to streamline the functioning of the Central Council on issues of membership, bringing transparency in the mechanism of granting permission to colleges and practice of Indian Systems of Medicine and improving standards in medical education, the Central Government proposed to replace the Indian Medicine Central Council Act, 1970 and to supersede the Central Council of Indian Medicine established thereunder. Accordingly, the National Commission for Indian System of Medicine Bill, 2019 was introduced in the Rajya Sabha on 7th January, 2019 and was passed by that House on 18th March, 2020. The National Commission for Indian System of Medicine Bill, 2020 is pending in the Lok Sabha for consideration and passing.

3. As the membership of the President of the Central Council of Indian Medicine was only till 30th May, 2020, election of President was to be held in May, 2020. Similarly, elections of Members of the Central Council were also due in Uttar Pradesh, Madhya Pradesh, Assam, Bihar, Jammu and Kashmir, Uttarakhand and Maharashtra. As the term of office of Members of the Central Council is for a period of five years and the National Commission for Indian System of Medicine Bill, 2020 had already passed in the Rajya Sabha, it was considered inappropriate to conduct elections in those States and also in other States where the term was likely to be expired. Therefore, in order to complete time-bound granting of permission to colleges for the academic session 2020-21 and as an interim measure, the Central Government proposed for promulgation of an Ordinance to amend the Indian Medicine Central Council Act, 1970, *inter alia*, to empower the Central Government to supersede the Central Council of Indian Medicine and to constitute the Board of Governors to exercise the powers and perform the functions of the Central Council under the said Act, till reconstitution of the Central Council. Accordingly, the Indian Medicine Central Council (Amendment) Ordinance, 2020 was promulgated by the President on the 24th day of April, 2020 under clause (1) of article 123 of the Constitution.

Ord. 7 of
2020.

4. The Indian Medicine Central Council (Amendment) Bill, 2020 which seeks to replace the Indian Medicine Central Council (Amendment) Ordinance, 2020 (Ord.7 of 2020) provides for empowering the Central Government to—

(i) supersede the Central Council of Indian Medicine and to constitute the Board of Governors to exercise the powers and perform the functions of the Central Council under the said Act, till reconstitution of the Central Council within a period of one year;

(ii) give directions to the Board of Governors or the Central Council on questions of policy.

5. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;
The 27th July, 2020.

SHRIPAD NAIK.

RAJYA SABHA

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BILL

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

*(Shri Shripad Yesso Naik, Minister of State (Independent Charge) of the Ministry
of Ayurveda, Yoga and Naturopathy Unani, Siddha and Homoeopathy)*