

**PARLIAMENT OF INDIA**  
**RAJYA SABHA**

**DEPARTMENT-RELATED PARLIAMENTARY STANDING  
COMMITTEE ON HEALTH AND FAMILY WELFARE**

**TENTH REPORT**

**ON**

**THE HOMOEOPATHY CENTRAL COUNCIL (AMENDMENT) BILL-2005**

**(PRESENTED TO THE RAJYA SABHA ON 29<sup>TH</sup> JULY, 2005)  
(LAID ON THE TABLE OF LOK SABHA ON 29<sup>TH</sup> JULY, 2005)**

**RAJYA SABHA SECRETARIAT  
NEW DELHI**

July, 2005/ Sravana, 1927 (SAKA)

---

**C O N T E N T S**

---

- [1. Composition of the Committee](#)
  - [2. Preface](#)
  - [3. Report](#)
  - [4. Observations/Recommendations at a glance](#)
  - 5. Annexure
  - [6. Minutes](#)
- 

---

**COMPOSITION OF THE COMMITTEE  
(2005-2006)**

- 1. Shri Amar Singh — *Chairman*
- MEMBERS  
RAJYA SABHA**
- 2. Shrimati Sukhbuns Kaur
  - 3. Shri Yusuf Sarwar Khan *alias* Dilip Kumar
  - 4. Dr. A.K. Patel

5. Shrimati Maya Singh
- \*6. Shri Tariq Anwar
7. Shri R. Sarath Kumar
8. Shri Lalming Liana
- \*\*9. Dr. M.A.M. Ramaswamy
- \$10. Shri M.P. Abdussamad Samadani
11. *Vacant*

### **LOK SABHA**

12. Shri D.K. Adikesavulu
13. Shri M.H. Ambareesh
14. Smt. B. Sushila Devi Laxman
15. Dr. M. Baburao
16. Dr. R.C. Dome
17. Smt. Maneka Gandhi
18. Smt. Bhavana Pundlikrao Gawali
19. Shri S. Mallikarjunaiah
20. Dr. Chinta Mohan
21. Shri Rasheed Masood
22. Ms. Archana Nayak
23. Shri D.B. Patil
24. Shri Nakul Das Rai
25. Shri Rajendra Kumar
26. Smt. K. Rani
27. Md. Shahabuddin
28. Dr. Arvind Kumar Sharma
29. Shri Uday Singh
30. Smt. V. Radhika Selvi
31. Shri Kailash Nath Yadav
32. Dr. Karan Singh Yadav

### **SECRETARIAT**

Shri N.C. Joshi, Additional Secretary  
 Smt. Vandana Garg, Joint Secretary  
 Shri P.R. Guharoy, Director  
 Shri Momraj Singh, Under Secretary  
 Shri S.C. Dixit, Committee Officer

-----  
 \*Ceased to be Member w.e.f. 31<sup>st</sup> August, 2004

\*\* Nominated w.e.f. 31<sup>st</sup> August, 2004

\$ Ceased to be Member w.e.f. 14<sup>th</sup> December, 2004

---

## **PREFACE**

I, the Chairman of the Department-related Parliamentary Standing Committee on Health & Family Welfare, having been authorized by the Committee to present the Report on its behalf, present this Tenth Report of the Committee. The Report is on the Homoeopathy Central Council (Amendment) Bill-2005. \*

2. In pursuance of Rule 270 relating to the Department related Parliamentary Standing Committees, the Chairman, Rajya Sabha, referred\*\* the Homoeopathy Central Council (Amendment) Bill 2005 (Annexure-I) as introduced in the Rajya Sabha on the 23<sup>rd</sup> March 2005 and pending therein, to the Committee on the 19<sup>th</sup> April 2005 for examination and report, within a period of three months.

3. The Committee considered the Bill in four meetings held on the 12<sup>th</sup> May, 26<sup>th</sup> May, 1<sup>st</sup> July and 14<sup>th</sup> July, 2005.

4. At its meeting held on the 12<sup>th</sup> May, 2005, the Committee heard the Secretary of the Department of AYUSH. Thereafter, on the 26<sup>th</sup> May, 2005, the Committee held extensive discussions with the office-bearers of the Central Council of Homeopathy and some experts. (Annexure-II) In its meeting held on the 1<sup>st</sup> July, 2005, the Committee took up "clause-by-clause" consideration of the Bill. The Committee, in its meeting held on the 14<sup>th</sup> July, 2005, considered the draft Report and adopted the same .

5. The Committee has relied on the following in finalizing the Report:

- (i) Background Note and Clause-by-Clause Note on the Bill received from the Department of AYUSH;
- (ii) Presentation and clarification by Secretary of the Department;
- (iii) Memoranda received on the Bill from the President, Central Council of Homoeopathy and individuals/experts;
- (iv) Replies to the Questionnaire on the Bill; and
- (v) Oral evidence on the Bill.

6. On behalf of the Committee, I would like to acknowledge with thanks the contributions made by those who deposed before the Committee and submitted their valuable suggestions on the subject matter of the Bill.

7. For facility of reference and convenience, observations and recommendations of the Committee have been printed in bold letters in the body of the Report.

NEW DELHI;

14<sup>th</sup> July , 2005

23 Asadha , 1927 (Saka)

AMAR SINGH

*Chairman*

*Department-related Parliamentary*

**Standing Committee on Health and Family  
Welfare**

---

\* Published in Gazette of India Extraordinary Part II Section 2, dated 23<sup>rd</sup> March, 2005.

\*\* Rajya Sabha Parliamentary bulletin Part II, No 42127, dated 19<sup>th</sup> April 2005

---

## REPORT

The Homoeopathy Central Council (Amendment) Bill 2005 aims to amend the Homoeopathy Central Council Act, 1973, which provides for constitution of the Central Council of Homoeopathy for regulation of the educational standards of Homoeopathic Medical Colleges, maintenance of the Central Register of practitioners of Homoeopathy and for matters connected therewith.

2. The Statement of Objects and Reasons appended to the Bill is as under: -

“ The Central Council of Homoeopathy was initially constituted through nomination of members in the year 1973. Subsequently, elections to the said Central Council were conducted. Though the tenure of all the members of the said Central Council had expired in 2002, but it could not be reconstituted even after a lapse of more than two years. This is due to not updating the State Register of Homoeopathy, at the instance of sitting members, a pre-requisite for conducting elections in time. Sometimes, elections are delayed due to litigation and stay orders from court.

The election for the Central Council of Homoeopathy from Bihar and Maharashtra States could not be conducted till date and the members elected in 1989-90 are still continuing in the Central Council of Homoeopathy. It has been observed that such problem persists due to the existing provisions in section 7(1) of the Homoeopathy Central Council Act, 1973, which provide for term of five years from date of election or nomination, as the case may be, or until the election or nomination of the successor, whichever is longer.

Further, in the HCC Act, 1973, there is no provision for removal of the President, Vice-President of the Council and also withdrawal of the member nominated to the Council in case they commit some irregularity or unwanted activities. The Department is of the opinion that the tenure of the members should not exceed five years and also there should be a provision for the removal of the President, Vice-President or the members.

Sometimes, the Central Council abuses and exceeds its powers and in such conditions, there is a need to issue proper direction to the Central Council. Since there is no provision in HCC Act, 1973 to give directions to the Central Council in case of any irregularity, the Central Government is not in a position to check such activities.

The Homoeopathy Central Council Act, 1973 was amended with effect from 28.1.2003 to check the mushroom growth of sub-standard Homoeopathic Medical Colleges, increase in admission capacity and starting of new courses in such colleges. The permission of the Central Government is mandatory for establishing new colleges or starting new courses of study. The amendment shall require permission of the Central Government for existing Homoeopathic Medical Colleges within a grace period of three years. This will improve the standard of Homoeopathic Medical Colleges in the country imparting training of Homoeopathic education. There is need to improve the standard of existing colleges, to bring uniformity of standard in existing Homoeopathic Colleges.

In order to meet the requirements, it is proposed to amend the Homoeopathy Central Council Act, 1973 so as to make provisions-

- (a) to define Homoeopathic Medical College;
- (b) to nominate ex-officio members;
- (c) for seeking permission for certain existing Homoeopathic Medical Colleges;
- (d) to have fix tenure of elected or nominated members;
- (e) to remove the President, Vice-President and members on the grounds of misconduct or incapacity;
- (f) to dissolve the Executive Committee of the Central Council if it persistently defaults or abuses its powers; and
- (g) to give directions to the Central Council in public interest.

The proposed amendments will ensure timely election to the Central Council of Homoeopathy and streamline its functioning”.

3. The Secretary, Department of AYUSH deposing before the Committee on the 12<sup>th</sup> May 2005, put forward the Department’s views for bringing the Bill. Outlining the history of the Central Council of Homoeopathy since its constitution in 1973, the Secretary drew the attention of the Committee to inherent flaws in some provisions of the Central Homeopathy Council Act, 1973. The Secretary emphasized that this has resulted in undue delay in the elections to the Central Council and arbitrary decisions being taken by it. In order to bring about overall quality improvement in the educational standards of Homeopathy, the Homoeopathy Central Council (Amendment) Bill, 2005

has been brought before Parliament, it was clarified

4. The Committee in its meeting held on the 1<sup>st</sup> July, 2005, took up 'clause-by- clause' consideration of the Bill. The clauses where amendments have been suggested by the Committee are discussed in the succeeding paragraphs.

### **Clause 2**

5.1 Section 2 of the Homeopathy Central Council Act, 1973 deals with 'definitions' Clause 2 (i) of the Bill proposes to include the definition of "Homoeopathic Medical College" as given below:-

*"Homeopathic Medical College" means a college of Homoeopathy, whether known as such or by any other name, in which a person may undergo a course of study or training including any postgraduate course of study or training which will qualify him for the award of a recognized medical qualification."*

5.2 The Committee feels that in order to ensure quality and standard of education, affiliation to a University is a mandatory condition for every college. Specific mention in this regard needs to be incorporated in the definition of 'Homeopathic Medical College'. The Committee, accordingly, recommends that the following definition of 'Homeopathic Medical College' may be inserted after clause (d) in section 2 (1) of the Principal Act --

*'(da) "Homeopathic Medical College" means a college of Homoeopathy, whether known as such or by any other name affiliated to a University, in which a person may undergo a course of study or training including any postgraduate course of study or training which will qualify him for the award of a recognized medical qualification.'*

Clause 2 (ii) defines the term " Member" as follows:-

*' "member" means a member of the Central Council and includes the President and Vice-President'*

5.4 The Committee feels that the definition should also specify the category of member - elected or nominated. The Committee, accordingly, recommends that the following definition of 'member' may be inserted after clause (e) in section 2(1) of the Principal Act:-

*'(ea) "Member" means any member of the Central Council, elected or nominated and includes President or Vice-President.'*

### **Clause- 3**

6.1 This clause seeks to insert the provision regarding nomination of two ex-officio members, namely Adviser or Deputy Adviser (Homeopathy), Department of AYUSH, and Director, National Institute of Homoeopathy to the Central Council by the Central Government in section 3 of the Principal Act.

6.2 The Committee was given to understand that nomination of two ex-officio members will enable the Council to make use of their expertise in policy matters/academic areas which will improve its functioning. The Committee, however, observes that Section 3 (1) (c) of the Principal Act already empowers the Government to nominate 40% of the total number of members elected under clauses (a) and (b) from amongst persons having special knowledge or practical experience in respect of Homeopathy or other related disciplines The Committee feels that this provision is adequate and experts are getting due representation under this clause. The Committee, therefore, recommends that clause-3 of the Bill proposing to insert clause (d) in section 3(1) of the Principal Act may be deleted.

### **Clause 4**

7.1 Clause 4 of the Bill seeks the insertion of a new Section 3A 'Reconstitution of Central

Council' after Section 3 of the Principal Act. As per this clause, the existing Central Council shall stand dissolved with all the members vacating their office from the date of commencement of the Homeopathy Central Council (Amendment) Act, 2005. A new Council will be re-constituted as soon as possible by the Central Government. The new clause also proposes appointment of a Board of Administrators.

7.2 The Committee takes note of very serious reservations expressed by not only the office-bearers of the Central Council, but also by some experts who appeared before it. The Committee is inclined to agree with their views that dissolution of a primarily elected body of professionals and experts cannot be considered democratic. The Committee has been given to understand that besides some members of the existing Council having completed their term, it also consists of some members yet to complete their term.

7.3 The Committee was informed that election was to be conducted in 23 States/UTs for 34 seats including those in the defaulting states of Bihar and Maharashtra where elections were last conducted in 1989-90. Despite funds being provided for conducting elections and Returning officers being appointed, elections remain to be held. The Committee finds that election process for the Central Council has been initiated since 2002 with Gazette Notifications dated 13.7.02, 3.3.03, 13.11.03, 26.3.04, 6.5.04, 22.11.04 and 1.4.05 being issued. The Committee is of the firm opinion that appointment of Board of Administrators will not serve any purpose for the very reason that existing election process is a prolonged affair. The Committee, therefore, recommends that proposed clause 3 A may be deleted.

### **Clause-5**

8.1 Clause 5 seeks to substitute Section 7 (1) of the Principal Act which pertains to the term of President, Vice- President and Members of Central Council. As per the substituted provision, the President, Vice-President and members of the Central Council shall hold office for a fixed term of five years from the date of election/ nomination. This specific provision is further sought to be strengthened by making it binding for the Central Govt to take necessary steps for the reconstitution of a new Central Council at least three months before the expiry of the term of the Council.

8.2 Explaining the logic behind the amendment clause, the Department has submitted that the Homoeopathy Central Council was last constituted in 1998. Although term of all the members expired in 2003, members are still continuing beyond their term of five years because of non-holding of election due to non-updation of State Registers in many states. The existing legal provisions which allow continuance of members beyond their term of five years have compounded the problem. The Committee was given to understand that the restriction of five years on the term of members and office bearers would ensure timely election of Council.

8.3 The Committee also feels that fixed term of five years for the members and office- bearers of the Council and withdrawing the option of continuing beyond their term by virtue of their successor not being elected or nominated would be the ideal position. The Committee is, however, not inclined to agree with the contention of the Department that fixed term of five years would ensure timely election of the Council. The Committee fails to understand as to how the members would be in a better position to influence the State Councils/ Boards for updating of State Registers - a pre-requisite for conducting timely elections. The Committee would like to emphasize that as per Section 4 of the Principal Act elections to the Council are to be conducted by the Central Govt. However, the history of the Council, since its constitution through nomination in 1974, clearly indicates that the Central Govt. has failed in its statutory duty. First elections to the Council could be conducted only in 1989-90, followed by next elections during 1996-98. The Committee finds that although steps were initiated for conducting elections in 2001, elections are yet to be conducted in 23 States/ UTs for 34 seats.

The Committee does not foresee any significant improvement in spite of Central Govt. being bound to take necessary steps for the reconstitution of a new Council at least three months before the expiry of term of the Council as indicated in the proviso to substituted section 7 (1). The Committee feels that the period of three months is not enough for the Central Govt. to complete the procedural

formalities for reconstitution of the Central Council. The Committee also feels that the involvement of the Council in the election process would expedite the same. The Committee, therefore, recommends that the Central Govt., in consultation with the Central Council, should initiate the process of reconstitution of Central Council at least six months before the expiry of the term of the Council.

8.5 Committee's attention has been drawn by sub-section (6) of section 7 of the Principal Act reproduced below:-

*“Where the said term of five years is about to expire in respect of any member, a successor may be elected or nominated at any time within three months before the said term expires but he shall not assume office until the said term has expired”*

The Committee feels that in view of the proposed substitution of section 7(1) of the Act, the above provision has become redundant. The Committee, accordingly, recommends that the same may be deleted.

8.6 Sub-section 7 (1) states that the term of office of President, Vice-President or member shall start from their date of election or nomination. Committee's attention was drawn towards another disturbing aspect of election process of the Council. Not only election/ nomination gets delayed due to compelling reasons, there are instances of undue delay on the issue of Gazette notifications about election/nomination. Therefore, with a view to protect the rights of newly elected/nominated members, the Committee feels that election/nomination should be notified without any delay. It would be appropriate if the term of the member starts from the date of notification of his election/nomination. The provision may be amended accordingly.

8.7 Proposed sub-section (1A) to section 7 empowers the Central Government to appoint a Board of Administrators in case the Central Govt. is unable to reconstitute the Central Council within the specified time.

8.8 The Committee feels that the Central Council which is a democratically elected body, having eminent experts in their respective fields as its members cannot be substituted by the nominees of the Central Govt. even for a temporary period of six months. The Committee would like to emphasize that with the proposed substitution of section 7(1) providing a fixed term for members and Committee's recommendation for starting the election process six months in advance, any eventuality of a Board of Administrators running the Council should not arise. The Committee would also add that Govt. should instead take all necessary measures for expediting the election process so as to ensure its completion within six months.

8.9 Section 7(3) of the Principal Act stipulates that members of Central Council shall be eligible for re-election or re-nomination. Sub-clause (b) of clause 5 of the Bill seeks to insert a proviso thereby restraining the members from serving more than two terms.

8.10 The Department justified this restriction in view of the needs of the changing time and wider choice of persons. In contrast, the representatives of the Central Council of Homoeopathy were of the view that the restriction on contesting elections for third time is undemocratic and violates the fundamental rights of Homoeopaths. Similar opinion was voiced by some of the experts who appeared before the Committee.

8.11 While upholding the democratic rights of members of the Council the Committee feels that functioning of the Council should not be allowed to remain under the control of a selected few. The Committee, therefore, recommends that instead of two terms, a member should be allowed to hold office for three terms. The proviso may be amended accordingly.

### **Clause- 6**

9.1 Clause (6) of the Bill seeks to insert the following section relating to 'Time for seeking permission for certain existing Homeopathic Medical Colleges' after Section 12 B of the Principal Act: -

*“12 C (1) If any person has established a Homoeopathic Medical College or any Homoeopathic Medical College has opened a new or higher course of study or training (including the postgraduate*

*course of study or training) or increased the admission capacity in any course of study or training (including the postgraduate course of study or training) on or before the date of commencement of the Homoeopathy Central Council (Amendment) Act, 2005, such person or Homoeopathic Medical college, as the case may be, shall seek, within a period of three years from the said commencement, permission of the Central Govt. in accordance with the provisions of Section 12 A.*

If any person or Homoeopathic Medical College, as the case may be, fails to seek permission under sub-section (1), the provisions of section 12B shall apply, so far as may be, as if, permission of the Central Govt. under Section 12 A has been refused”.

9.2 Explaining the rationale behind this clause, the Department had submitted that the provision has been introduced for the purpose of bringing the existing colleges at par with new Homoeopathic colleges within a grace period of three years.

9.3 The Committee feels that required infrastructure and faculty members are the most rudimentary requirements of all Homoeopathy Medical Colleges, be it new or old. Therefore, it should be ensured that the standard of education in the Homoeopathy Medical Colleges is maintained. The Committee, however, feels that the grace period of three years sought to be given to the existing colleges to improve themselves and come at par with new colleges is too long, which may lead to adversely affecting the career of students. The Committee, accordingly, recommends that grace period of only one year should be given. Proposed section 12 C may be accordingly modified.

### **Clause 7**

10.1 Clause 7 of the Bill provides the mechanism of removal of President, Vice-President or member of the Council by inserting Section 30A after Section 30 of the Principal Act. Sub-clauses (1) and (2) give the power to the Central Council to recommend to the Central Government for removal of the President, the Vice-President or any member on the grounds of misconduct or incapacity. Such a recommendation is to be based on a resolution passed by a majority of the total membership of the Central Council excluding the vacancies and a two thirds majority of the members present and voting after having given a reasonable opportunity of being heard. In the event of a President being removed, his powers and duties are to be performed by the Vice-President.

10.2 The Committee observes that this provision is required to be invoked in case of some irregularity or unwanted activity on the part of the President or the Vice-President or any member. The Committee, therefore, agrees to the proposed addition. The Committee, however, has reservations about the provisions of sub-clauses (3) and (4) whereunder powers and duties of Vice-President since removed are to be exercised and performed by a person to be appointed by the Central Govt. Period of three months is provided for election of the new President or Vice-President or any member. The Committee is of the opinion that the provision regarding Central Govt. having the powers to impose any outsider although eligible to be a member of the Council as the Vice-President will go against the Central Council, an elected body. The Committee, therefore, recommends that the Vice-President should be elected by the members from amongst themselves. The Committee also recommends that instead of three months, a period of one month would be adequate for election of new President or Vice-President or any member. Proposed sub-sections (3) and (4) of new sub-section 30A may, accordingly, be modified.

10.3 Clause 7 of the Bill proposes to insert Section 30 (B) in the Principal Act which provides for withdrawal and removal of nominated members of Central Council by the Central Government in public interest.

10.4 The Committee does not agree with the submission of the Department that there is a need for having a provision for withdrawal and removal of nominated members in case they commit some misconduct or unwanted activity. The Committee is of the opinion that such a provision will prove to be discriminatory for nominated members. The Committee also apprehends that members nominated by the Central Council may become pawns in the hands of the Central Government. Therefore, for the purpose of maintaining the independent status of the Council, the Committee recommends for the deletion of the above provision from the Bill.

10.5 Clause 7 of the Bill provides for insertion of section 30 C in the Principal Act which provides that

*in the discharge of its functions under this Act, the Central Council shall be guided by such directions as may be given to it in the public interest by the Central Govt. In the event of any dispute arising between the Central Govt. and the Central Council as to whether a question relates to public interest or not, the decision of the Central Govt. thereon shall be final.*

10.6 The Committee was given to understand that there have been instances of the Council exhibiting tendency to violate the legal/regulatory provisions and exceeding its powers. Proper direction needs to be given to the Council by the Central Govt. for initiating any corrective course of action.

10.7 The Committee is of the opinion that making it obligatory for the Central Council to be guided by directions given in ‘ public interest ‘ by the Central Govt. may lead to undue interference in the working of the Council which is a duly elected body whose decisions are collective, based on majority of votes. The Committee observes that section 30 of Principal Act already provides for a Commission of Inquiry to be setup by the Central Govt. to probe any action of the Council contrary to the provisions of the Act. The Committee, therefore, recommends deletion of proposed section 30 C.

10.8 Clause 7 of the Bill provides for insertion of Section 30 D whereunder the Central Govt. will have the power to dissolve the Executive Committee or any other committee of the Central Council in the event of its failure in performing its duties/ persistent default/ abuse of its powers etc. The Committee will be dissolved only after being given reasonable time for explanation. The Clause further stipulates that during the period of dissolution, all the powers and duties of the Executive Committee/committee shall be exercised and performed by such persons appointed by the Central Govt. for a maximum period of six months.

10.9 The Committee has been given to understand that the Principal Act is not having any provisions to check irregularities on the part of the Executive Committee/committees. The amendment provides for action in an objective and transparent manner so that no bias can be attributed to passing of such orders. The alternative arrangements after dissolution will be for a maximum period of six months only. The Committee is, however, not inclined to agree with the argument put forth by the Department.

10.10 The Committee would also like to point out that as per section 30 D (1) (b) any non-compliance of the directions sought to be given by the Central Govt. under Section 30 C either willfully or without sufficient cause by the Executive Committee/ any other committee would justify its dissolution by the Central Govt. The Committee strongly feels that an elected body cannot be dissolved by an Executive order. Further, imposition of persons in spite of them being from amongst the members of the Council as proposed under section 30 D (2) (b) will be clearly at the discretion of Central Govt. Thus, for a period of six months, Central Govt will be virtually running the Council. The Committee apprehends that instances may be there when Central Govt. may assume such powers more than once during the term of a Council. Thus, an atmosphere of confrontation may prevail which will be against the larger interests of all concerned. The Committee would also like to point out that Govt. nominees are already represented in the Council and various Committees under Section 3 (C) of the Principal Act. Not only this, there also exists a provision for setting up a Commission of Inquiry under Section 30 where by the Central Govt. has the powers to refer any case of non-compliance by the Council to a Commission of inquiry for investigation and follow up action.

10.11 The Committee feels that the provision of Commission of Enquiry as mentioned in Section 30 is sufficient to check the misuse of power/ successive default by any Committee of the Council and there is no further need to give the Government powers which are susceptible to be misused. The Committee, therefore, recommends deletion of this provision from the Bill.

10.12 Clause 7 of the Bill provides for insertion of Section 30 (E) in the Principal Act. Section 30E seeks to empower the Central Govt. to remove President, Vice-President or any member of the

Executive Committee or any other Committee on the same grounds as envisaged in section 30D where under Central Govt. can dissolve Executive Committee or any other Committee.

10.13 Explaining the reason for introduction of the provision, the Department submitted that the provision for removal of President, Vice-President or member of Executive Committee or any other Committee has been made as a measure of caution and to dissuade the office bearers of the Council/ members of Committee from indulging in unethical and illegal acts. Adequate provisions have been proposed not to give scope for any arbitrary action by the Government, as evident from the amendment.

10.14 The Committee is of the view that the above provision gives unfettered powers to the Government, which can be used to interfere with the autonomous functioning of the Council. The Committee also notes that there already exists section 30 in the Principal Act which provides for the constitution of a Commission of Inquiry by the Central Govt. to enquire into the cases of alleged misconduct by the office bearers of the Council/ member of Committee. Besides that, with the proposed section 30A with amendments as suggested by the Committee, action can be taken by the Central Council based on a resolution passed by majority of membership of the Central Council.

10.15 The Committee therefore feels that there is no need to insert Section 30 E in the Principal Act, as proposed by the Bill and the same may be deleted.

### **Clause-10**

11.1 This Clause empowers the Central Govt. to issue directions to the Council for making or amending or revoking any regulation within a specified period, by inserting Section 34 after Section 33 in the Principal Act. Central Govt. may itself make/amend/revoke regulations in the event of non-compliance by the Central Council.

11.2 The Committee has been given to understand that such a provision was necessary to take care of an eventuality where Central Council was not agreeing to the suggestions made by the Central Govt. with regard to regulations. The Committee is, however, not convinced by the contention of the Department. The Committee would like to point out that under section 32 of the Principal Act, the Central Govt is already empowered to make rules to carry out the purposes of the Act. Section 33 provides that the Central Council, with the previous sanction of the Central Govt. may make regulations necessary for its functioning. The Committee fails to understand the justification for assumption of over-riding powers by the Central Govt. as against the powers given to the Central Council, an elected body which will be making /amending/revoking regulations with the previous sanction of the Central Govt. The Committee therefore, recommends the deletion of section 34 sought to be incorporated in the Principal Act.

12. The Committee adopts the remaining clauses of the Bill, including the enacting formula and the title without any amendment.

### **General Observations**

13.1.Statement of Objects and Reasons to the Homeopathy Central Council (Amendment) Bill, 2005 gives the impression that besides some inherent shortcomings in some provisions of the Principal Act, functioning of the Central Council also needs to be streamlined. Based on the feedback received by the Committee and also its interactions with a number of witnesses, the Committee has to make the following observations.

13.2.On a specific query about the efforts made by the Department to obtain the views of all Stakeholders on various provisions of the proposed legislation, the Committee has been informed that only an internal exercise had been taken by the Department. The Committee expresses its serious concern

on non-adherence to a well-established convention of consultation with all the Stake-holders for bringing out any legislation or proposed amendments thereto. Clarification made by the Department that unwarranted action of the Council has resulted in the proposed legislation for amendment of the Act clearly indicates that this non-initiative was deliberate on the part of the Department.

13.3.The Committee notes that the election to the Homoeopathy Central Council is conducted by the Central Govt. as per the provision of the relevant Rules. The Returning Officer is appointed by the Central Govt. on the recommendation of State Govt. The Voters List is to be provided by the Registrar, State Board/Council. Non-appointment of Returning Officer, frequent change of Returning Officers by State Govts. due to retirement/transfer/death of incumbents, non-provision of updated State Registers by State Registrars, Court cases, difficulty in determination of seats etc. are some of the constraints being faced by the Central Govt. in the conduct of elections to both the Councils.

13.4.The Committee observes that the election process for the Central Council is a prolonged affair, depending upon timely appointment of Returning Officers and availability of Updated Registers. The Committee fails to understand in what manner, Central Govt. would manage and expedite the election process of the Central Council under the existing provisions. The Committee is of the view that there is an urgent need for review of the existing system, specially in view of the present circumstances. Proposed amendments to the Act governing the functioning of the Central Council will neither result in timely appointment of Returning Officers nor in timely updating of State Registers. The Committee feels that there is an urgent need for review of the existing procedure for election to the Central Council and taking required steps for streamlining the same. The Committee, accordingly, recommends that the Central Govt. in consultation with the Central Council and experts may initiate action.

13.5.The Committee observes that under the present setup, State Boards/Councils are not controlled by the Central Council. They are also not accountable to Central Govt. As a result, by and large, State Councils are not adhering to the prescribed norms for updating of State Registers, essential for holding elections to the Councils. Non-submission of consolidated list of practitioners, non-removal of names of expired practitioners, submission of incomplete lists with regard to State Registers are some of the shortcomings brought to the notice of the Committee. State Councils are also defaulting in the proper and timely appointment of Returning Officers. The Committee apprehends that after enacting the present legislation, there would not be any significant improvement. The Committee is of the firm opinion that a mechanism has to be evolved where under Central Council and State councils work in coordination, complementing the functioning of each other and the State Councils should function under the former. The Committee, therefore, recommends that the Department should work out a legally and practically viable set up for the purpose.

13.6.The Committee was informed by the Department that on a complaint made by MPs, a Commission of Inquiry was set up to look into the allegations against the office-bearers of CCH on the 12<sup>th</sup> January, 2004. The Commission was to give its Report within four months. The Commission has completed its hearings and examination of witnesses and is expected to give its Report shortly.

13.7.During the course of interaction with the office-bearers of CCH on the 26<sup>th</sup> May, 2005, the President of CCH categorically mentioned that the Commission of Inquiry was wound up on the 28<sup>th</sup> February, 2005 itself. The Committee observes that the Report of the Commission of Inquiry was already one year overdue. The Committee is disturbed to note the discrepancy between the information given by the office-bearers of CCH and the Department. The Committee would like to have the factual position about the status of the Commission of Inquiry.

13.8 Statement of Objects and Reasons for the Bill mentions that sometimes elections are delayed due to litigation and stay orders from the court. The Committee, however, observes that, in respect of CCH, out of 76 pending cases, only two cases relate to election matters. Generally cases pertain to matters regarding opening of new colleges, increase in seat intake capacity, service matters etc. Thus,

the Committee is not inclined to accept the contention of the Department that due to litigation and stay orders by Court, elections to the Council get delayed.

---

### OBSERVATION/RECOMMENDATIONS AT A GLANCE

The Committee feels that in order to ensure quality and standard of education, affiliation to a University is a mandatory condition for every college. Specific mention in this regard needs to be incorporated in the definition of 'Homeopathic Medical College'. The Committee, accordingly, recommends that the following definition of 'Homeopathic Medical College' may be inserted after clause (d) in section 2 (1) of the Principal Act --

*'(da) "Homeopathic Medical College" means a college of Homoeopathy, whether known as such or by any other name affiliated to a University, in which a person may undergo a course of study or training including any postgraduate course of study or training which will qualify him for the award of a recognized medical qualification.'*

The Committee feels that the definition should also specify the category of member - elected or nominated. The Committee, accordingly, recommends that the following definition of 'member' may be inserted after clause (e) in section 2(1) of the Principal Act:-

*'(ea) "Member" means any member of the Central Council, elected or nominated and includes President or Vice-President.'*

The Committee feels that this provision is adequate and experts are getting due representation under this clause. The Committee, therefore, recommends that clause-3 of the Bill proposing to insert clause (d) in section 3(1) of the Principal Act may be deleted.

The Committee takes note of very serious reservations expressed by not only the office-bearers of the Central Council, but also by some experts who appeared before it. The Committee is inclined to agree with their views that dissolution of a primarily elected body of professionals and experts cannot be considered democratic. The Committee has been given to understand that besides some members of the existing Council having completed their term, it also consists of some members yet to complete their term.

The Committee was informed that election was to be conducted in 23 States/UTs for 34 seats including those in the defaulting states of Bihar and Maharashtra where elections were last conducted in 1989-90. Despite funds being provided for conducting elections and Returning officers being appointed, elections remain to be held. The Committee finds that election process for the Central Council has been initiated since 2002 with Gazette Notifications dated 13.7.02, 3.3.03, 13.11.03, 26.3.04, 6.5.04, 22.11.04 and 1.4.05 being issued. The Committee is of the firm opinion that appointment of Board of Administrators will not serve any purpose for the very reason that existing election process is a prolonged affair. The Committee, therefore, recommends that proposed clause 3 A may be deleted.

The Committee also feels that fixed term of five years for the members and office-bearers of the Council and withdrawing the option of continuing beyond their term by virtue of their successor not being elected or nominated would be the ideal position. The Committee is, however, not inclined to agree with the contention of the Department that fixed term of five years would ensure timely election of the Council. The Committee fails to understand as to how the members would be in a better position to influence the State Councils/ Boards for updating of State Registers - a pre-requisite for conducting timely elections. The Committee would like to emphasize that as per Section 4 of the Principal Act elections to the Council are to be conducted by the Central Govt. However, the history of the Council, since its constitution through nomination in 1974, clearly indicates that the Central Govt. has failed in its statutory duty. First elections to the Council could be conducted only in 1989-90, followed by next elections during 1996-98. The Committee finds that although steps were initiated for conducting elections in 2001, elections are yet to be conducted in 23 States/ UTs for 34 seats.

The Committee does not foresee any significant improvement in spite of Central Govt. being bound to take necessary steps for the reconstitution of a new Council at least three months before the expiry of term of the Council as indicated in the proviso to substituted section 7 (1). The Committee feels that the period of three months is not enough for the Central Govt. to complete the procedural formalities for reconstitution of the Central Council. The Committee also feels that the involvement of the Council in the election process would expedite the same. The Committee, therefore, recommends that the Central Govt., in consultation with the Central Council, should initiate the process of reconstitution of Central Council at least six months before the expiry of the term of the Council.

*“Where the said term of five years is about to expire in respect of any member, a successor may be elected or nominated at any time within three months before the said term expires but he shall not assume office until the said term has expired”*

The Committee feels that in view of the proposed substitution of section 7(1) of the Act, the above provision has become redundant. The Committee, accordingly, recommends that the same may be deleted.

The Committee feels that election/nomination should be notified without any delay. It would be appropriate if the term of the member starts from the date of notification of his election/nomination. The provision may be amended accordingly.

The Committee feels that the Central Council which is a democratically elected body, having eminent experts in their respective fields as its members cannot be substituted by the nominees of the Central Govt. even for a temporary period of six months. The Committee would like to emphasize that with the proposed substitution of section 7(1) providing a fixed term for members and Committee's recommendation for starting the election process six months in advance, any eventuality of a Board of Administrators running the Council should not arise. The Committee would also add that Govt. should instead take all necessary measures for expediting the election process so as to ensure its completion within six months.

While upholding the democratic rights of members of the Council the Committee feels that functioning of the Council should not be allowed to remain under the control of a selected few. The Committee, therefore, recommends that instead of two terms, a member should be allowed to hold office for three terms. The proviso may be amended accordingly.

The Committee feels that required infrastructure and faculty members are the most rudimentary requirements of all Homoeopathy Medical Colleges, be it new or old. Therefore, it should be ensured that the standard of education in the Homoeopathy Medical Colleges is maintained. The Committee, however, feels that the grace period of three years sought to be given to the existing colleges to improve themselves and come at par with new colleges is too long, which may lead to adversely affecting the career of students. The Committee, accordingly, recommends that grace period of only one year should be given. Proposed section 12 C may be accordingly modified.

The Committee observes that this provision is required to be invoked in case of some irregularity or unwanted activity on the part of the President or the Vice-President or any member. The Committee, therefore, agrees to the proposed addition. The Committee, however, has reservations about the provisions of sub-clauses (3) and (4) whereunder powers and duties of Vice-President since removed are to be exercised and performed by a person to be appointed by the Central Govt. Period of three months is provided for election of the new President or Vice-President or any member. The Committee is of the opinion that the provision regarding Central Govt. having the powers to impose any outsider although eligible to be a member of the Council as the Vice-President will go against the Central Council, an elected body. The Committee, therefore, recommends that the Vice-President should be elected by the members from amongst themselves. The Committee also recommends that instead of three months, a period of one month would be adequate for election of

new President or Vice-President or any member. Proposed sub-sections (3) and (4) of new sub-section 30A may, accordingly, be modified.

The Committee does not agree with the submission of the Department that there is a need for having a provision for withdrawal and removal of nominated members in case they commit some misconduct or unwanted activity. The Committee is of the opinion that such a provision will prove to be discriminatory for nominated members. The Committee also apprehends that members nominated by the Central Council may become pawns in the hands of the Central Government. Therefore, for the purpose of maintaining the independent status of the Council, the Committee recommends for the deletion of the above provision from the Bill.

The Committee is of the opinion that making it obligatory for the Central Council to be guided by directions given in 'public interest' by the Central Govt. may lead to undue interference in the working of the Council which is a duly elected body whose decisions are collective, based on majority of votes. The Committee observes that section 30 of Principal Act already provides for a Commission of Inquiry to be setup by the Central Govt. to probe any action of the Council contrary to the provisions of the Act. The Committee, therefore, recommends deletion of proposed section 30 C.

The Committee strongly feels that an elected body cannot be dissolved by an Executive order. Further, imposition of persons in spite of them being from amongst the members of the Council as proposed under section 30 D (2) (b) will be clearly at the discretion of Central Govt. Thus, for a period of six months, Central Govt will be virtually running the Council. The Committee apprehends that instances may be there when Central Govt. may assume such powers more than once during the term of a Council. Thus, an atmosphere of confrontation may prevail which will be against the larger interests of all concerned. The Committee would also like to point out that Govt. nominees are already represented in the Council and various Committees under Section 3 (C) of the Principal Act. Not only this, there also exists a provision for setting up a Commission of Inquiry under Section 30 where by the Central Govt. has the powers to refer any case of non-compliance by the Council to a Commission of inquiry for investigation and follow up action.

The Committee feels that the provision of Commission of Enquiry as mentioned in Section 30 is sufficient to check the misuse of power/ successive default by any Committee of the Council and there is no further need to give the Government powers which are susceptible to be misused. The Committee, therefore, recommends for deletion of this provision from the Bill.

The Committee is of the view that the above provision gives unfettered powers to the Government, which can be used to interfere with the autonomous functioning of the Council. The Committee also notes that there already exists section 30 in the Principal Act which provides for the constitution of a Commission of Inquiry by the Central Govt. to enquire into the cases of alleged misconduct by the office bearers of the Council/ member of Committee. Besides that, with the proposed section 30A with amendments as suggested by the Committee, action can be taken by the Central Council based on a resolution passed by majority of membership of the Central Council.

The Committee therefore feels that there is no need to insert Section 30 E in the Principal Act, as proposed by the Bill and the same may be deleted.

The Committee is, however, not convinced by the contention of the Department. The Committee would like to point out that under section 32 of the Principal Act, the Central Govt is already empowered to make rules to carry out the purposes of the Act. Section 33 provides that the Central Council, with the previous sanction of the Central Govt. may make regulations necessary for its functioning. The Committee fails to understand the justification for assumption of over-riding powers by the Central Govt. as against the powers given to the Central Council, an elected body which will be making /amending/revoking regulations with the previous sanction of the Central Govt. The Committee therefore, recommends the deletion of section 34 sought to be incorporated in the Principal Act.

The Committee adopts the remaining clauses of the Bill, including the enacting formula and the title without any amendment.

## General Observations

The Committee expresses its serious concern on non-adherence to a well-established convention of consultation with all the Stake-holders for bringing out any legislation or proposed amendments thereto. Clarification made by the Department that unwarranted action of the Council has resulted in the proposed legislation for amendment of the Act clearly indicates that this non-initiative was deliberate on the part of the Department.

The Committee notes that the election to the Homoeopathy Central Council is conducted by the Central Govt. as per the provision of the relevant Rules. The Returning Officer is appointed by the Central Govt. on the recommendation of State Govt. The Voters List is to be provided by the Registrar, State Board/Council. Non-appointment of Returning Officer, frequent change of Returning Officers by State Govts. due to retirement/transfer/death of incumbents, non-provision of updated State Registers by State Registrars, Court cases, difficulty in determination of seats etc. are some of the constraints being faced by the Central Govt. in the conduct of elections to both the Councils.

The Committee observes that the election process for the Central Council is a prolonged affair, depending upon timely appointment of Returning Officers and availability of Updated Registers. The Committee fails to understand in what manner, Central Govt. would manage and expedite the election process of the Central Council under the existing provisions. The Committee is of the view that there is an urgent need for review of the existing system, specially in view of the present circumstances. Proposed amendments to the Act governing the functioning of the Central Council will neither result in timely appointment of Returning Officers nor in timely updating of State Registers. The Committee feels that there is an urgent need for review of the existing procedure for election to the Central Council and taking required steps for streamlining the same. The Committee, accordingly, recommends that the Central Govt. in consultation with the Central Council and experts may initiate action.

The Committee observes that under the present setup, State Boards/Councils are not controlled by the Central Council. They are also not accountable to Central Govt. As a result, by and large, State Councils are not adhering to the prescribed norms for updating of State Registers, essential for holding elections to the Councils. Non-submission of consolidated list of practitioners, non-removal of names of expired practitioners, submission of incomplete lists with regard to State Registers are some of the shortcomings brought to the notice of the Committee. State Councils are also defaulting in the proper and timely appointment of Returning Officers. The Committee apprehends that after enacting the present legislation, there would not be any significant improvement. The Committee is of the firm opinion that a mechanism has to be evolved where under Central Council and State councils work in coordination, complementing the functioning of each other and the State Councils should function under the former. The Committee, therefore, recommends that the Department should work out a legally and practically viable set up for the purpose.

The Committee is disturbed to note the discrepancy between the information given by the office-bearers of CCH and the Department. The Committee would like to have the factual position about the status of the Commission of Inquiry.

The Committee, however, observes that, in respect of CCH, out of 76 pending cases, only two cases relate to election matters. Generally cases pertain to matters regarding opening of new colleges, increase in seat intake capacity, service matters etc. Thus, the Committee is not inclined to accept the contention of the Department that due to litigation and stay orders by Court, elections to the Council get delayed.

---

### LIST OF WITNESSES WHO APPEARED BEFORE THE COMMITTEE



2. At the outset, the Chairman welcomed the members of the Committee. The Secretary, Department of AYUSH then gave a presentation on the Indian Medicine Central Council (Amendment) Bill-2005 and the Homoeopathy Central Council (Amendment) Bill-2005. The members raised certain issues in respect of both the Bills.

2A. Verbatim record of proceeding of the meeting is kept.

3. The Committee then decided to hear the views of “experts” on both the Bills at its next meeting scheduled on 24<sup>th</sup> May, 2005.

4. The meeting then adjourned at 5.30 p.m. to meet again at 11.00 a.m. on the 24<sup>th</sup> May, 2005.

**NEW DELHI**

12<sup>th</sup> May, 2005

**(MOMRAJ SINGH)**

UNDER SECRETARY

---

**MINUTES OF THE MEETING OF DEPARTMENT-RELATED PARLIAMENTARY**

**STANDING COMMITTEE ON HEALTH & FAMILY WELFARE**

**XV**

**FIFTEENTH MEETING**

The Committee met at 11.00 *a.m.* on Thursday, the 26<sup>th</sup> May, 2005 in Room 63, First Floor, Parliament House, New Delhi.

**MEMBERS PRESENT**

**RAJYA SABHA**

Shri Amar Singh — *Chairman*  
 Shrimati Sukhbans Kaur  
 Dr. A.K. Patel  
 Smt. Maya Singh  
 Shri Lalming Liana

**LOK SABHA**

6. Shri D.K. Adikesavulu
7. Smt. B. Sushila Devi Laxman
8. Dr. M. Baburao
9. Dr. R.C. Dome
10. Smt. Maneka Gandhi
11. Shri S. Mallikarjunaiah
12. Dr. Arvind Kumar Sharma
13. Shri Uday Singh
14. Smt. V. Radhika Selvi
15. Shri Kailash Nath Singh Yadav
16. Dr. Karan Singh Yadav

**SECRETARIAT**

Smt Vandana Garg, Joint Secretary  
 Shri P.R. Guha Roy, Director

Shri Mom Raj Singh, Under Secretary  
Shri S.C. Dixit, Committee Officer

## WITNESSES

### A. Representatives of The Central Council of Homoeopathy

1. Dr. S.P.S. Bakshi President, Central Council of Homoeopathy (CCH).
2. Dr. Ramjee Singh Vice-President, (CCH).
3. Dr. M.R. Srivatsan Executive Members, (CCH).
4. Dr. J.S. Khanna Ex-President, the Homoeopathy Medical Association of India.
5. Dr. Veerabramhachary President, Karnataka Homoeopathy Board, (Govt. of Karnataka).
6. Dr. Arun Bhasme Secretary General, National Federation of Homoeopathy Colleges in India.

### B. Expert on Indian System of Medicine

Dr. B.L. Gaur Director, National Institute of Ayurveda, Jaipur.

### C. Experts on Homoeopathy

1. Dr. Diwan Harish Chand Chairman (Ex-President, CCH)  
Scientific Advisory Committee, Central Council for Research in Homoeopathy, New Delhi.
2. Dr. V.K. Khanna MD (Homoeopathy), Principal, Nehru Homoeopathy Medical College & Hospital, New Delhi.
3. Dr. S.K. Bhattacharya, Director, National Institute of Homoeopathy, Kolkata.
4. Dr. Mahendra Singh, Secretary-General, Indian Homoeopathic Teachers Association, Kolkata.

2. The Committee heard the views of the President/Vice-President of Central Council of Homoeopathy and “experts” on the Homoeopathy Central Council (Amendment) Bill 2005. The Committee also heard the views of Director, National Institute of Ayurveda, Jaipur on the Indian Medicine Central Council (Amendment) Bill, 2005. The Members raised certain queries which the witnesses replied.

2A. A verbatim record of the proceedings was kept.

3. The Committee decided to hold its next meeting on 28<sup>th</sup> June, 2005. The Committee then adjourned at 1:00 *p.m.* to meet again at 3.00 *p.m.* on Tuesday, 28<sup>th</sup> June, 2005.

NEW DELHI

MOM RAJ SINGH

26<sup>th</sup> May, 2005

UNDER SECRETARY

---

**MINUTES OF THE MEETING OF DEPARTMENT-RELATED PARLIAMENTARY  
STANDING COMMITTEE ON HEALTH & FAMILY WELFARE**

**XVI**  
**SIXTEENTH MEETING**

The Committee met at 3.00 *p.m.* on Friday, the 1<sup>st</sup> July, 2005 in Committee Room “A” Ground Floor, Parliament House Annexe, New Delhi.

**MEMBERS PRESENT**  
**RAJYA SABHA**

Shri Amar Singh                     —     *Chairman*  
Shrimati Sukhbuns Kaur  
Dr. A.K. Patel

**LOK SABHA**

Shri D.K. Audikesavulu  
Smt. B. Sushila Devi Laxman  
Dr. M. Baburao  
Smt. Maneka Gandhi  
Shri S. Mallikarjunaiah  
Dr. Chinta Mohan  
Shri Rajendra Kumar  
Shri Uday Singh  
Smt. V. Radhika Selvi

**SECRETARIAT**

Smt Vandana Garg, Joint Secretary  
Shri P.R. Guha Roy, Director  
Shri Mom Raj Singh, Under Secretary  
Shri S.C. Dixit, Committee Officer

2. At the outset, the Chairman welcomed the members of the Committee and took-up for consideration both the Homoeopathy Central Council (Amendment) Bill-2005, and the Indian Medicine Central Council (Amendment) Bill, 2005 clause-by-clause. The observations of the Committee with regard to the changes proposed in the Homoeopathy Central Council (Amendment) Bill, 2005 are as follows:

**Clause -1**

2.1 The Committee considered the provisions of the clause (1) and adopted the same as it is. Clause 1 was adopted without any change.

**Clause -2**

2.2 (i) The Committee considered insertion of Sub-clause (i), after clause (d) in Sub-Section-I of Section 2 of Principal Act regarding the definition of Homoeopathy Medical College but after discussion decided the definition of Homoeopathy Medical College may be substituted with the following definition.

*‘(da) “Homeopathic Medical College” means a college of Homoeopathy,*

*whether known as such or by any other name affiliated to a University, in which a person may undergo a course of study or training including any postgraduate course of study or training which will qualify him for the award of a recognized medical qualification.'*

The Committee adopted the Sub Clause (i) as amended.

(ii) Sub-clause (ii) after clause (e) in Sub Section-I, the Committee considered the definition of the term "Member" and after discussion decided to insert the words 'elected and nominated' after the word "Central Council" (in line 2) in the definition of the "member"

The Committee adopted the Sub Clause (ii) as amended.

(iii) The Committee agreed to the definition of the term "President" as given in the sub-clause (iii) of the Bill.

The Committee adopted the Sub Clause (iii) without any change.

(iv) The Committee agreed to the definition of the term "Vice-President" as given in sub-clause (iv) of the Bill.

The Committee adopted the Sub Clause (iv) without any change.

#### **Clause-3**

2.3 The Committee considered the provisions of clause 3 of the Bill and after extensive discussion decided that Clause -3 of the Bill proposing to insert Clause (d) after Clause (C) in Section 3 (I) of the Principal Act may be deleted. The Committee did not agree to insert Clause 3 of the Bill.

Clause 3 was not adopted.

#### **Clause-4**

2.4 The Committee considered the insertion of new Section 3 A 'Reconstitution of Central Council' after Section 3 of the Principal Act. The new clause also propose the appointment of Board of Administrator. The Committee after extensive discussion decided not to insert the new Section 3 A of the Bill and it may be deleted.

Clause 4 was not adopted.

#### **Clause-5**

2.5 (i) The Committee considered the substitution for Sub-Section 1 of Section 7 of the Principal Act and decided that the Central Government in consultation with the Central Council should initiate the process of reconstitution of the Central Council at least 6 months before the expiry of the term of the Council. The Committee's attention was also drawn regarding Sub Section 6 of Section 7 (i) of the Act would become redundant hence it should be deleted. It was also felt that election/nomination should be notified without any delay. It would be appropriate, if the term of the member starts from the date of notification of his election/nomination. So this provision may be amended accordingly.

(ii) The Committee also considered the proviso contained in Sub Section (1A) in Section 7 of the Principal Act and did not agree with the provision and decided that it may be deleted.

(iii) The Committee considered the part b of clause of the Bill and decided that instead of two terms a Member should be allowed to hold office for three terms.

Clause 5 as amended was adopted.

#### **Clause-6**

2.6 The Committee considered the insertion of new Section 12C after Section 12 B of the Principal Act under Clause (6) of the Bill and decided to insert as a whole except one substitution, i.e., the word "three was substituted with the word "one"

Clause 6 as amended was adopted.

#### **Clause-7**

2.7 (a) The Committee then considered the insertion of new section 30 A in the Principal Act. The

Committee after extensive discussion, decided to insert the sub-clause (1) and (2) in toto. The Sub Clause (3) and (4) was amended slightly by the Committee.

(a)(i) The Committee decided for substitution of the words “who is otherwise eligible to become the member of the Central Council as the Central Government may appoint in that behalf” with the words “who is elected by the member from amongst themselves”

(ii) The Committee decided to substitute the word “three” with the word “one”.

(b) The Committee did not agree with the provisions to be insertion under Sections -30 B,30 C, 30D& 30E of the Principal Act as proposed in the Bill and decided to delete the same.

Sub-clause was deleted.

#### Clause-8 & 9

The Committee discussed the position contained in Clause 8 & 9 of Bill regarding Sub Section 1 the “brackets and figures” “(1)” and Sub Section 2 in Section 32 and 33 of the Principal Act and decided that the same should be adopted.

The Clause 8 and 9 were adopted without any change.

#### Clause-10

2.8 (i) The Committee considered the insertion of new Section 34 and 35 after section 33 of the Principal Act regarding power of Central Government to issue directions for making or amending regulations and laying of rules and regulations respectively. The Committee decided to delete the provisions contained in Section 34 as the Central Government is already empowered to make rules to carry out the purposes of the Act. The Committee decided to delete the same.

Section 34 was not adopted.

#### **General Observations**

2.9 Statement of objects and Reasons to the Homeopathy Central Council (Amendment) Bill, 2005 gives the impression that besides some inherent shortcomings in some provisions of the Principal Act, functioning of the Central Council also needs to be streamlined. Based on the feedback received by the committee and also its interactions with a number of witnesses, the Committee has to make the following observations.

(i) On a specific query about the efforts made by the Department to obtain the views of all Stake-holders on various provisions of the proposed legislation, the Committee has been informed that only an internal exercise had been taken by the Department. The Committee expresses its serious concern on non-adherence to a well-established convention of consultation with all the Stake-holders for bringing out any legislation or proposed amendments thereto. Clarification made by the Department that unwarranted action of the Council has resulted in the proposed legislation for amendment of the Act clearly indicates that this non-initiative was deliberate on the part of the Department.

(ii) The Committee noted that the election to the Homoeopathy Central Council is conducted by the Central Govt. as per the provision of the relevant Rules. The Returning Officer is appointed by the Central Govt. on the recommendation of State Govt. The Voters List is to be provided by the Registrar, State Board/Council. Non-appointment of Returning Officer, frequent change of Returning Officers by State Govts. due to retirement/transfer/death of incumbents, non-provision of updated State Registers by State Registrars, Court cases, difficulty in determination of seats etc. are some of the constraints being faced by the Central Govt. in the conduct of elections to both the Councils.

The Committee observed that the election process for the Central Council is a prolonged affair, depending upon timely appointment of Returning Officers and availability of Updated Registers. The Committee fails to understand in what manner, Central Govt. would manage and expedite the election process of the Central Council under the existing provisions. The Committee was of the view that there is an urgent need for review of the existing system, specially in view of the present circumstances. Proposed amendments to the Act governing the functioning of the Central Council will neither result in timely appointment of Returning Officers nor in timely updating of State Registers. The Committee felt that there is an urgent need for review of the existing procedure for election to the Central Council and taking required steps for

streamlining the same. The Committee, accordingly, recommended that the Central Govt. in consultation with the Central Council and experts may initiate action.

(iii) The Committee observed that under the present setup, State Boards/Councils are not controlled by the Central Council. They are also not accountable to Central Govt. As a result, by and large, State Councils are not adhering to the prescribed norms for updating of State Registers, essential for holding elections to the Councils. Non-submission of consolidated list of practitioners, non-removal of names of expired practitioners, submission of incomplete lists with regard to State Registers are some of the shortcomings brought to the notice of the Committee. State Councils are also defaulting in the proper and timely appointment of Returning Officers. The Committee apprehended that after enacting the present legislation, there would not be any significant improvement. The Committee is of the firm opinion that a mechanism has to be evolved where under Central Council and State councils work in coordination, complementing the functioning of each other and the State Councils should function under the former. The Committee, therefore, recommended that the Department should work out a legally and practically viable set up for the purpose.

(iv) The Committee was informed by the Department that on a complaint made by MPs, a Commission of Inquiry was set up to look into the allegations against the office-bearers of CCH on the 12<sup>th</sup> January, 2004. The Commission was to give its Report within four months. The Commission has completed its hearings and examination of witnesses and is expected to give its Report shortly.

During the course of interaction with the office-bearers of CCH on the 26<sup>th</sup> May, 2005, the President of CCH categorically mentioned that the Commission of Inquiry was wound up on the 28<sup>th</sup> February, 2005 itself. The Committee observes that the Report of the Commission of Inquiry was already one year overdue. The Committee is disturbed to note the discrepancy between the information given by the office-bearers of CCH and the Department. The Committee would like to have the factual position about the status of the Commission of Inquiry.

(v) Statement of Objects and Reasons for the Bill mentions that sometimes elections are delayed due to litigation and stay orders from the court. The Committee, however, observed that, in respect of CCH, out of 76 pending cases, only two cases relate to election matters. Generally cases pertain to matters regarding opening of new colleges, increase in seat intake capacity, service matters etc. Thus, the Committee was not inclined to accept the contention of the Department that due to litigation and stay orders by Court, elections to the Council get delayed.

3. The Committee took-up for consideration the Indian Medicine Central Council (Amendment) Bill 2005 clause-by-clause. Provisions of both the Bills being similar, therefore decided that amendments as suggested in the case of Homoeopathy Central Council (Amendment) Bill, 2005 may be made applicable with respect to Indian Medicine Central Council (Amendment) Bill, 2005 also.

4. The Committee then adjourned at 4:30 *p.m.* to meet again at 3.00 *p.m.* on the 14<sup>th</sup> July, 2005.

**NEW DELHI**

1<sup>st</sup> July, 2005

**MOM RAJ SINGH**

UNDERSECRETARY

---

**MINUTES OF THE MEETING OF DEPARTMENT-RELATED PARLIAMENTARY**

**STANDING COMMITTEE ON HEALTH & FAMILY WELFARE**

**XVII**

**SEVENTEENTH MEETING**

The Committee met at 3.00 *p.m.* on Thursday, the 14<sup>th</sup> July, 2005 in Room No. 63 First Floor, Parliament House, New Delhi.

**MEMBERS PRESENT****RAJYA SABHA**

Shri Amar Singh — *Chairman*  
 Shrimati Sukhbuns Kaur  
 Dr. A.K. Patel  
 Shrimati Maya Singh

**LOK SABHA**

Shri D.K. Adikesavulu  
 Smt. B. Sushila Devi Laxman  
 Dr. M. Baburao  
 Dr. R.C. Dome  
 Shri S. Mallikarjunaiah  
 Md. Shahabuddin  
 Dr. Arvind Kumar Sharma  
 Shri Uday Singh  
 Smt. V. Radhika Selvi  
 Shri Kailash Nath Singh Yadav  
 Dr. Karan Singh Yadav

**SECRETARIAT**

Smt Vandana Garg, Joint Secretary  
 Shri P.R. Guha Roy, Director  
 Shri Mom Raj Singh, Under Secretary  
 Shri S.C. Dixit, Committee Officer

**REPRESENTATIVES OF THE DEPARTMENT OF HEALTH**

|    |                       |  |
|----|-----------------------|--|
| 1. | Shri S.Y. Quraishi    | <b>Special Secretary &amp; D.G. (NACO)</b> |
| 2. | Dr. S.P. Agarwal      | Director General (Health Service)          |
| 3. | Dr. Ashwani Kumar     | Drug Controller General of India           |
| 4. | Smt. Rita Teaotia     | Joint Secretary                            |
| 5. | Shri Rajesh Bhushan   | Director                                   |
| 6. | Dr. N.S. Dharamshakhu | Addl. Project Director (NACO)              |

2. At the outset, the Chairman welcomed the members of the Committee. The Special Secretary, Department of Health then gave a brief presentation on the Drugs and Cosmetics (Amendment) Bill-2005. The members raised certain issues in respect of the Bill to which the Spl. Secretary assured to submit written reply later.

3. The Committee then took up for consideration the Tenth and Eleventh Draft Reports of the Committee on the Homoeopathy Central Council (Amendment) Bill-2005 and the Indian Medicine Central Council (Amendment) Bill-2005 respectively. The Committee adopted both the Draft Reports without any change.

4. The Committee decided that the Reports may be presented to the Rajya Sabha and laid on the Table of the Lok Sabha in the ensuing Monsoon Session of the Parliament. The Committee authorized the Chairman and in his absence Smt. Maya Singh to present the Reports in the Rajya Sabha and Shri Uday Singh and in his absence Shri R.C. Dome for laying the Reports on the Table of Lok Sabha.

4A. A verbatim record of the proceedings was kept.

4. The Committee then adjourned at 4:00 *p.m.*

**NEW DELHI**

14<sup>th</sup> July, 2005

**MOM RAJ SINGH**

**UNDERSECRETARY**