

COMMITTEE ON SUBORDINATE LEGISLATION**(2015-2017)****(SIXTEENTH LOK SABHA)****SIXTEENTH REPORT****(RULES/REGULATIONS FRAMED UNDER VARIOUS ACTS OF PARLIAMENT
PERTAINING TO THE MINISTRY OF AYUSH (AYURVEDA, YOGA AND NATUROPATHY,
UNANI, SIDDHA AND HOMEOPATHY)****(PRESENTED TO LOK SABHA ON 1.12.2016)****LOK SABHA SECRETARIAT****NEW DELHI****23 November, 2016/ 02 Agrahayana, 1938 (Saka)**

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**COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION (16th LOK SABHA)
(2016-2017)**

1. Shri Dilipkumar Mansukhlal Gandhi Chairperson
2. Shri Idris Ali
3. Shri Birendra Kumar Chaudhary
4. Shri S. P. Muddahanume Gowda
5. Shri Shyama Charan Gupta
6. Shri Jhina Hikaka
7. Shri Janardan Mishra
8. Shri Prem Das Rai
9. Shri Chandu Lal Sahu
10. Shri Alok Sanjar
11. Shri Ram Prasad Sarmah
12. Adv. Narendra Keshav Sawaikar
13. Shri V. Panneer Selvam
14. Shri Ram Kumar Sharma
15. Shri Nandi Yellaiah

SECRETARIAT

1. Shri Devender Singh - Additional Secretary
2. Shri Ajay Kumar Garg - Director
3. Shri Nabin Kumar Jha - Additional Director
4. Smt. Jagriti Tewatia - Deputy Secretary
5. Shri Maneesh Mohan Kamble - Committee Officer

INTRODUCTION

I, the Chairperson, Committee on Subordinate Legislation having been authorised by the Committee to submit the report on their behalf, do present this Sixteenth Report.

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sittings held on 18.12.2015 and 4.4.2016 during which oral evidence of the representatives of Ministry of AYUSH (Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy) was taken.

3. The Committee considered and adopted this Report at their sitting held on 23.11.2016.

4. Minutes of the Fourth Sitting of the Committee (2015-16) held on 18.12.2015, Tenth Sitting of the Committee (2015-16) held on 4.4.2016 and Extracts from the Minutes of Third Sitting of the Committee (2016-17) held on 23.11.2016 relevant to this Report are included in Appendix-I of the Report.

**New Delhi;
23 November, 2016
02 Agrahayana, 1938 (Saka)**

**DILIPKUMAR MANSUKHLAL GANDHI
Chairperson,
Committee on Subordinate Legislation**

REPORT

I. Introductory

The Department of Indian Systems of Medicine and Homeopathy (ISM&H) was established in the Ministry of Health & Family Welfare in March, 1995 and was renamed as Department of AYUSH in 2003 and later granted the status of Ministry w.e.f. 9 November, 2014. The main objective of the Ministry of AYUSH is development and implementation of programmes for the growth, development and propagation of Ayurveda, Yoga, Naturopathy, Unani, Siddha and Homeopathy in the country. Various research councils have been established for carrying out research works in the Indian Systems of Medicine i.e. Central Council for Research in Ayurvedic Sciences (CCRAC), Central Council for Research in Unani Medicine (CCRUM), Central Council for Research in Homeopathy (CCRH) and Central Council for Research in Yoga and Naturopathy (CCRYN). In addition to this, Ministry of AYUSH has set up two statutory bodies i.e. Central Council of Indian Medicines constituted under the Indian Medicine Central Council Act, 1970 (IMCC Act, 1970) and the Central Council of Homeopathy (CCH) constituted under the Homeopathy Central Council Act, 1973.

II. Upgradation of the pay scales of Research Assistants (RAs) and Senior Technical Assistants (STAs) in Ayuurveda

2. The Committee note from the information furnished by the Ministry of AYUSH that the 5th Central Pay Commission (5th CPC) in para 52.33 of their Report recommended that all posts requiring medical practice in Indian System of Medicine and Homeopathy (ISM & H) and degree in ISM & H as the minimum qualification be placed in the entry scale of Rs. 2200-4000/- . Accordingly, the Department of ISM & H forwarded a proposal for up gradation of 4 categories of posts viz. Research Assistant (RA) (Ayurveda/ Uniani), Senior Technical Assistant (STA) / Technical Officer (Ayurveda) and Research Officer (Homoeopathy) in Homoeopathic Pharmacopoeia Laboratory (HPL), Ghaziabad to the Ministry of Finance (Department of Expenditure) as per recommendations contained in Para nos. 52.32 & 52.33 of the Pay Commission Report. The Ministry of Finance (Deptt. of Expenditure) vide their UO Note No.6/60/99-IC dated 6-4-1999, except for the post of RO (H), HPL, Ghaziabad, approved the proposal of the Department of ISM&H for upgradation of the pay scales of the posts of Technical Officers/Sr. Technical Assistants/Research Assistants *w.e.f.* 1.1.1996 while observing that their notification dated 30.9.1997 already provided the starting pay scales of Rs. 8000-13500 (replacement scale for Rs. 2200-4000/-) for the posts requiring medical practice in ISM&H and degree in ISM&H as the minimum qualifications. Thereafter, the Ministry of Finance (Department of Expenditure) upgraded the pay scale of the posts of Technical Officers/ Sr. Technical Assistants/ Research Assistants to Rs. 8000-13500/- *w.e.f.* 1.1.1996 with the approval of Secretary (Expenditure) vide UO NO. 6/16/99-IC dated 16.4.1999.

III. Subsequent Withdrawal of the upgraded pay scales for the posts of RAs/STAs (Ayurveda)

3. The Committee note that after up gradation of the pay scales of the above posts and completion of the requisite qualifying service, a request was made by the incumbents holding the posts of Research Assistant/Senior Technical Assistant (Ay) for placement of their post in Group 'A' and re-designation of the post as Research Officer (Ayurveda) under the prescribed Assured Career Progression (A.C.P.) Scheme. Instead of considering their request for grant of A.C.P., the Department of ISM & H constituted a Committee (*Bala Prasad Committee*) without first taking any approval of Secretary (Expenditure), to examine the genuineness of the upgraded pay scale of Rs. 8000-13500/- given to them on the recommendations of the 5th CPC and duly approved by the Ministry of Finance. This *Committee* after examining the matter recommended withdrawal of upgraded scale of pay of Rs. 8000-13500/- on the ground that the Recruitment Rules for the posts of Research Assistant/Senior Technical Assistant (Ayurveda) prescribe minimum qualification as degree /diploma in Ayurveda and also these posts do not require any medical practice and as such RAs/STAs were not eligible for grant of upgraded scale of pay of Rs. 8000-13500/- and Non-practicing Allowance (NPA). Accordingly, the upgraded pay scales for the posts of RA/ STAs (Ay) were withdrawn by the Department of ISM&H vide their order dated 29 November, 2002, simply after taking approval of the Joint Secretary & Financial Adviser (JS&FA) of the Health Ministry without actually referring the matter to the Ministry of Finance (Deptt. of Expenditure) who were the competent authority in this regard. However, this Order of the Ministry was quashed by Central Administrative Tribunal

(CAT) on 31.07.2003, as Tribunal observed that it was issued without giving any show cause notice to the affected persons. Based on the judgment of the CAT, the Department had to withdraw their order dated 29.11.2002 and issued a show cause notice to the affected persons which was replied to by them in stipulated time and thereafter, the Research Assistants/Senior Technical Assistants were allowed to continue in the upgraded scale of pay. Subsequently, the Department of AYUSH constituted another Committee headed by the *then Adviser (Ayurveda)* on 5th February, 2010 to look into the various issues pertaining to the case which submitted its report on 26 February, 2010 *inter-alia* recommending that the upgradation of scale and posts for the aggrieved persons were correctly fixed as per the recommendations of the 6th Central Pay Commission and the concerned Researchers may be allowed to draw the pay scale of Rs. 8000-13500 with NPA, PG allowances and annual allowances and their pay may be fixed as per the recommendations of the 6th Central Pay Commission along with the benefit of time bound promotion under the Career Promotion Scheme as recommended by the 5th Central Pay Commission. However, the recommendations made by the Committee headed the by *Adviser(Ayurveda)* were not accepted by the Ministry of Finance (Deptt. of Expenditure) on the ground that this post did not have the requisite degree as the minimum qualification as well as the requirement of medical practice and finally the upgraded pay scales in respect of Research Assistant/Senior Technical Assistants (Ay) were finally withdrawn by the Ministry of AYUSH in the year 2012.

4. The Committee find the withdrawal of upgraded pay scales already given to Research Assistants and Senior Research Assistants (Ayurveda) highly unfair and

unjustified and cannot help getting an impression that for whatsoever be the reasons, the RAs/ STAs (Ayurveda) were selectively discriminated by the Department of ISM&H. The Committee find no valid grounds for withdrawal of legitimately upgraded pay scale of Rs. 8000-13500/- given to them only after being duly considered and approved by the Ministry of Finance (Department of Expenditure) in 1999 on the basis of the recommendations of the Fifth Central Pay Commission. In this context, the Committee observe that even though the Ministry of Finance (Department of Expenditure) had not accorded approval to the proposal of the Department of ISM&H for up gradation of the post of RO(H) in HPL Ghaziabad, the incumbent of this post for which the prescribed qualification in Recruitment Rules was also Degree / Diploma, was allowed to continue in the upgraded pay-scale. The Committee find it preposterous that instead of considering the request of RA/STAs (Ayurveda) for grant of A.C.P., in 2002 after completion of the requisite qualifying service, the Department of ISM & H chose to constitute a Committee (*Bala Prasad Committee*) to examine the genuineness of the upgraded pay scale of Rs. 8000-13500/- given to them on the recommendations of the 5th CPC and duly approved by the Ministry of Finance in 1999. The said inquiry Committee overriding the recommendations of the CPC as well as the approval of the Ministry of Finance (Deptt. of Expenditure), recommended for withdrawal of upgraded pay scales besides recovery of the amount already given to them by virtue of upgraded pay scales. The AYUSH Department in its unbecoming zeal to implement the recommendations of the *Bala Prasad Committee* straight away chose to withdraw the

upgraded pay scales given to Research Assistant/Senior Technical Assistants(Ay) without affording them any opportunity to show cause their case. This, in the opinion of the Committee, is against the canons of natural justice. Further, the then Department of ISM&H did not bother to refer the matter to the Ministry of Finance (Department of Expenditure) who were the competent authority to take a decision in the matter. In the considered opinion of the Committee, such a substantive decision should have been taken only with the approval of the Secretary of Expenditure Ministry of Finance (Department of Expenditure) on whose approval upgradation of the post was done. Subsequently, even when in the first instance, it was not agreed to by the Department of Expenditure for the withdrawal of the upgraded pay scales when the case was ultimately referred to them, the proposal for withdrawal was continued to be pursued by the Department of AYUSH and till the Department of Expenditure agreed subject to the condition that the Ministry of Law may also be consulted. Surprisingly, the Department of AYUSH did not submit their replies to the queries raised by the Ministry of Law as to whether there were any instances in the Government where a pay scale recommended by the Central Pay Commission and accepted by the Government have been withdrawn administratively. Moreover, the Ministry of AYUSH failed to implement the recommendations of the Committee constituted subsequently under the Chairmanship of Adviser (Ayurveda) which categorically held that the upgradation of pay scales of RA/ STAs was correctly done and they may also be allowed the benefits of other allowances including NPA.

IV. Position of upgradation of pay scales in respect of other similar posts under AYUSH.

5. The Committee note that there has been a lack of uniformity in the matter of qualifications required and upgraded pay scales given to similar posts in different streams i.e. Ayurveda, Homeopathy, Unani and Naturopathy existing in the Department of AYUSH as well as the Ministry of Labour as follows:

Research Officer (Homeopathy)

6. The Committee note that for the post of Research Officer in Homeopathy in HPL Ghaziabad, which at that time required minimum qualification of degree/diploma in Homeopathy, the Department of AYUSH not only upgraded their pay scale from Rs.6500-10500/- to Rs. 8000-13500/-, but also extended NPA although there was no provision for NPA in the recruitment rules for this post. Moreover, no approval in this regard was taken from the Ministry of Finance.

Assistant Research Officers

7. Similarly the pay scale for the posts of Assistant Research Officer in Unani (CCRUM) was also increased from Rs. 6500-10500/- to Rs. 8000-13500/- w.e.f. 2 August, 2002 although the minimum qualification prescribed for this post at that time was also degree/diploma. In respect of certain Councils the post of Research Assistant in Ayurveda was upgraded to Assistant Research Officer (Ayurveda) vide Ministry of Health and Family Welfare Letter No. V.27020/69/95-AV.II dated 12/7/1995 and were given the pay scale of Rs. 6500-10500. Subsequently, the Ministry of Health and Family Welfare (Department of ISM&H) vide their

order No.V.27020/24/99-AY.desk dated 22 January, 2002 revised the pay scale of Assistant Research Officer (Ayurveda/Siddha/Unani) from Rs. 6500-10500 to Rs. 8000-13500. The Committee further note that the Ministry of AYUSH also upgraded the pay scale of Assistant Research Officer (Ayurveda) in CCRAS from Rs. 2000-3500 to Rs. 8000-13500 vide order No. V.27020/24/AY dated 22 January, 2002 although the prescribed qualification of ARO in CCRAS were also degree/diploma in Ayurveda without NPA.

Research Assistant (Nature Cure)

8. Similarly, the post of Research Assistant (Nature Cure) in the pay scale of Rs. 4500-7000 was upgraded as Assistant Research Officer (Nature Cure) in the pay scale of Rs.6500-10500 w.e.f. 1-8-1996 vide Department of AYUSH letter dated 29 February, 2008. Likewise, the upgraded pay scales recommended by the 5th Pay Commission were also extended by then Department of Ayush to the Research Officer (Nature Cure/ Naturopathy) in CCRYN on the ground that it is a Class 'A; Registered Medical Practitioner post under registration from Statutory/State Board and therefore is fulfilling the requirement of medical practice, although the required qualification for this post is again degree in any discipline and one year diploma/certificate in naturopathy.

9. **The Committee, note that the condition of requiring medical practice is fulfilled when a person is registered with the Central /State Boards of Indian Medicines. In the light of this, the Committee find it intriguing that the RAs/ STA (Ay.) who are also registered with the State/ Central Boards have been denied upgraded scales by the Department on the ground that they do not fulfill the condition of medical practice.**

Vaidyas in the Ministry of Labour

10. The Committee find that even the post of Vaidyas in the Labour Welfare Organisation which required minimum qualification as Diploma in Ayurveda was upgraded and they were given the pay scale of Rs. 8000-13500/- w.e.f. 1.1.1996 by the Ministry of Finance (Department of Expenditure) in accordance with the recommendations of the 5th Central Pay Commission with the advice that in future recruitment, 75% of the posts of Vaidyas may be filled up from degree holders by way of amendment in the Recruitment Rules, vide Ministry of Finance (Department of Expenditure) note dated 18 September, 2001.

11. The Committee find it extremely discriminatory that while the upgraded pay scales have been given to similarly placed posts in other streams like Research Officer in Homeopathy, HPL, Ghaziabad, Vaidyas in the Labour Welfare Organization which required similar kind of minimum qualification or even the lesser qualification like for the posts of Research Assistant in Nature Cure which require only one year certificate in the respective field, the Ministry of AYUSH singled out the RAs/ STAs (Ayurveda) and withdrew the upgraded pay scales given to them for no valid justification.

V. Withdrawal of upgraded pay scales despite minimum qualification

12. The Committee note that the Recruitment Rules for the posts of Research Assistant (Ayurveda) which were framed way back in the year 1980 prescribe 'Degree/ Diploma' in Ayurveda awarded by a recognised University / Statutory State Board/ Council/ Faculty or equivalent with good knowledge of English, whereas for Senior Technical Assistant, which is essentially a promotional post for RA (Ayurveda), regular service of five years in the grade of RA is required. The Committee also note that the Recruitment Rules for these posts have never been revised since then. The Ministry have interpreted this provision that the post of RA Ayurveda does not prescribe 'Degree' as minimum qualification and used this as a ground for withdrawing the upgraded pay scales given to the incumbents holding this post, although most of them were in possession of 'Degree' qualification. In this regard, the Committee understand that no recognized University in the country has awarded Diploma in Ayurveda since 1981 and the Diploma of 4 year and above duration awarded prior to 1981 was treated equivalent to Degree. This could be the logic as to why the required qualification for the posts of Research Assistant (Ayurveda) at that time i.e. in 1980 was kept as degree/diploma in Ayurveda, as these were treated as equivalent qualifications. The Committee are of the considered view that the entry degree/diploma contained under the heading 'Education and other qualification required for direct recruits' cannot be construed to mean that the minimum qualification required for the post of RA is 'diploma' only as the word 'Degree' is also contained therein. In the opinion of the Committee, the word 'degree' also qualify for the minimum qualification required for the post of RA and as such cannot be treated as a valid ground for denying the upgraded scales to RAs on

the ground of minimum qualification. Moreover, it is the responsibility of the administrative Ministry to bring about the requisite amendments to the recruitment rules as and when necessitated to do away with the ambiguities, if any.

13. The Committee deplore that the Ministry of AYUSH, instead of bringing suitable amendments to the recruitment rules for the post of Research Assistant Ayurveda in tune with the developments in the field of medical education, resorted to punishing the helpless Research Assistants by withdrawing the upgraded pay scales given to the Research Assistants and Senior Research Assistants on the specious ground of 'obsolete provisions contained in their Recruitment Rules framed way back in 1980'.

VI. Need for review of Recruitment Rules of RA/ STA (Ayurveda)

14. The Committee find it glaring that Recruitment Rules for Research Assistants/ Senior Research Assistants in Ayurveda have never been amended after they were notified in 1980 and 1981 respectively. The Committee are not inclined to accept the plea of the Ministry that the Recruitment Rules could not be amended as the Research Assistant/ Senior Technical Assistant(Ay) continuously engaged them in the litigation while observing that the litigations started only when the Ministry resorted to taking punitive action of withdrawal of already granted upgraded pay scales without giving any opportunity to the affected persons. The Ministry never considered carrying out necessary amendments in the recruitment rules as an option for ensuring justice and fair treatment to the affected persons, which in the opinion of the Committee was the right approach. For the sake of avoiding discrimination and ensuring uniformity in the recruitment rules, the Committee strongly recommend that the Ministry must review the issue in its entirety keeping in mind the interests of the affected persons and bring suitable amendments to the Recruitment Rules pertaining to Research Assistants and Senior Research Assistant in Ayurveda and re-designate these posts as Research Officer (Ayurveda) as has been done in respect of various Research Councils functioning under the Ministry of AYUSH so that injustice caused to the incumbents of these posts is set right.

15. The Committee also note that not much attention is being paid by the Ministry of AYUSH in up keeping and updating the Recruitment Rules for various posts in the Ministry. The representatives of the Ministry of AYUSH conceded before the Committee that they were not even in the possession of all the recruitment rules pertaining to

different posts belonging to Homeopathy, Ayurvedic, Siddha and Unani streams. Admittedly, many of the Recruitment Rules or administrative orders are either not available or are missing. The Committee, therefore, feel that there is an urgent need for a comprehensive review of all the Recruitment Rules for various posts under the Indian Systems of Medicine in various disciplines in the Ministry of AYUSH in order to bring uniformity, harmony and equity so that there is no scope for discrimination or arbitrariness of any kind, whatsoever, on account of ambiguity in the Rules. In the considered opinion of the Committee, this would not only help the Ministry in achieving their prime objective of growth of traditional and rich Indian Systems of Medicine in the country but will also ensure efficient functioning of various organs of the Ministry.

VII. Grant of NPA to RAs/STAs in Ayurveda

16. The Committee note that the 5th Central Pay Commission in para 52.34 of their Report while observing that the physicians of ISM & H are equally concerned with the medical practices, teaching and research, recommended that allowances and facilities granted to the Central Health Services (CHS) doctors of Allopathic stream should also be granted to the physicians of the ISM&H on the same terms and conditions. In this regard, the Committee note that as per Government rules, the Non-practicing Allowance (NPA) is attached to the posts requiring medical practice as well as degree ISM&H as the minimum qualification. The Ministry of Finance (Deptt. of Expenditure) vide their OM No. 7(9)/2008-E.III(A) dated 30 August, 2008 issued instructions regarding grant of Non-practicing Allowances (NPA) @ of 25% of aggregate of the band pay and grade pay and extending the same to AYUSH Physicians also who are equally concerned with Medical Practices as well as Teaching & Research. Accordingly, the Ministry of AYUSH has extended NPA for the posts of (i) Research Officer/ Assistant Advisor/ Deputy Advisor/ Advisor of the Ministry of AYUSH; (ii) Medical Officer/ Senior Medical Officer/ Chief Medical Officer in the CGHS; and (iii) Technical Officer (Ayurveda) in the department of AYUSH claiming that the essential qualification for all these posts is degree in the concerned stream recognized under Indian Medicine Central Council Act, 1970 and the Homeopathy Central Council Act, 1973 and enrollment in the Central Register/State Register. So far as Central Council for Research in Homeopathy (CCRH) is concerned, NPA is admissible to Research Officer/ Assistant Director /Deputy Director and Director General (CCRH). In

addition, Research Officers/Assistant Directors / Director(Institute)/Deputy Director (Technical), Director-General in CCRAS are also paid NPA.

17. However, according to the Ministry of Ayush, the NPA can be given in respect of only those posts where it has been indicated in the Recruitment Rules. Taking this as a ground, the Ministry of AYUSH has denied the benefit of NPA to the incumbents of the posts of Research Assistant/ Senior Technical Officers (Ayurveda) on the ground that there is no provision of NPA in the Recruitment Rules concerning these posts. In this regard, the Committee note that there are a number of instances in the Ministry of AYUSH itself where NPA is being given without there being any provision for the same in the relevant recruitment rules. For instance, the Ministry of Health and Family Welfare had granted NPA to Research Officers (ISM&H) after 4th Pay commission implementation although NPA was not mentioned in the Recruitment Rules of these post and in the case of Research Officer (Homeopathy), there is no provision for the same in the Recruitment Rules but still the NPA is being given. The Ministry failed to justify the same to the Committee. In this regard, the Committee find it worthwhile to take note of the observations contained in the Report of the committee constituted by the Department of AYUSH and headed by Adviser (Ayurveda), wherein it has been observed as under:-

"...that Recruitment Rules of the incumbents did not mention the payment of NPA. The incumbent cannot be denied the benefit provided by CPC simply because there is no mention of NPA in Recruitment Rules at the time of appointment. The prudent course of action would have been to amend the Recruitment Rules to give the benefit of recommendation of 4th CPC to the incumbents.

It is to be noted that the entire Researcher (Whatever their designation may be) who are Medical Degree holder and registered as Medical Practitioners in their respective states are placed in the Scale of 8000-13500 and are being paid NPA in all

the Councils and in this Department also. Director, Rashtriya Ayurved Vidyapeeth was paid NPA despite there was no provision of payment of NPA in Recruitment Rules and IFD & AS&FA has opined on the matter : - "When a post requires a clinical degree, it ipso facto entitle the possessor to practice Medicine". The above definition of Medical Practice was accepted by Department of Expenditure and conveyed the following decision. "The proposal for grant of NPA to Director, Rashtriya Ayurved Vidyapeeth has further been examined by this Ministry. The Ministry agrees to the grant of NPA to Director, Rashtriya Ayurved Vidyapeeth in the light of the clarification given by M/o Health & Family Welfare to the effect that NPA is paid to the entire hierarchy of all technical officers of Department of AYUSH, Directors & Technical Person in Research Councils like CCRAS/CCRUM/CCRH and institute like NIS, NIA etc."

It may be concluded that in view of the incumbents being degree holder and entitled to do medical practice by virtue of being Registered as Medical Practitioner in their respective states are entitled to pay scale of Grade 'A'. The incumbents are also entitled for NPA though it may not have been mentioned in Recruitment Rules in view of the decision of IFD/AS&FA/Department of Expenditure as mentioned in above para."

18. The Committee, while observing that there exist cases in the Ministry where NPA is being given to the holders of certain posts without there being any provision for the same in the Recruitment Rules, seek valid reasons as to why RA / STA (AYURVEDA) have been deprived of NPA selectively. The Committee fully agree with the observations contained in the Report of the committee headed by the Adviser (Ayurveda) that the Research Assistants/ Senior Technical Assistants (Ayurveda) being degree holder and entitled to do medical practice by virtue of being Registered Medical Practitioners in their respective states are entitled to pay scale of Grade 'A' as well as the for NPA though it may not have been mentioned in the Recruitment Rules. The Committee, therefore, recommend that the pay scale of Rs. 8000-13500/- along with NPA and other allowances may continue to be given to Research Assistants and Sr. Technical

Assistants in Ayurveda w.e.f. 1.1.1996 and their pay may fixed as per the recommendations of the Fifth Central Pay Commission along with the benefit of Dynamic Assured Career Progression Scheme (DACP) as recommended by the Fifth Central Pay Commission as has been done in the case of Research Officer/Medical Officer (Ayurveda) of Ministry of AYUSH. The Committee further recommend that the necessary amendments in this regard may be carried out in the Recruitment Rules without any delay.

VIII. Deployment of Medical Officers in the Ministry

19. The Committee note that many Research Officers from CCRAS/CCRUM/CCRH/CCRYN are posted and working in the Ministry of AYUSH for many years without being formally transferred or taken on deputation from the concerned organisations functioning under the administrative control of the Ministry of AYUSH. Moreover, the entire practice seems to be unregulated in the absence of any kind of regulatory mechanism in this regard. The Committee feel that this kind of practice leads to wastage of technical and medical resources and goes against the instructions issued by the Department of Personnel and Training under which misuse of resources by any Ministry is strictly prohibited. The Committee would like to be apprised about the reasons of posting of such resources from the Councils to the Ministry and remedial measures taken in this regard.

**New Delh;
November, 2016
Agrahayana, 1938 (Saka)**

**DILIPKUMAR MANSUKHLAL GANDHI
Chairperson,
Committee on Subordinate Legislation**

APPENDIX I

(Vide Para 4 of the Introduction of the Report)

MINUTES OF THE FOURTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2015-2016)

The Fourth sitting of the Committee (2015-16) was held on Friday, the 18th December, 2015 from 1500 to 1700 hours in Committee Room 'C', Parliament House Annexe, New Delhi.

PRESENT

1. Shri Dilipkumar Mansukhlal Gandhi Chairperson

MEMBERS

2. Shri P.P. Chaudhary
3. Shri Birendra Kumar Chaudhary
4. Shri Shyama Charan Gupta
5. Shri Chandulal Sahu
6. Shri Ram Prasad Sarmah

SECRETARIAT

1. Shri Ravindra Garimella - Joint Secretary
2. Shri Ajay Kumar Garg - Director
3. Shri Nabin Kumar Jha - Additional Director
4. Smt. Jagriti Tewatia - Deputy Secretary

WITNESSES

Ministry of AYUSH

1. Shri Anil Ganeriwala - Joint Secretary
2. Shri Jitendra Sharma - Joint Secretary
3. Dr. Rais-ur-Rehman - Advisor (U)
4. Dr. N. Radha - Advisor (H)
5. Dr. Manoj Nesari - Advisor (Ay.)
6. Dr. D.C. Katoch - Advisor (Ay.)

7.	Shri R.S. Sinha	-	Director
8.	Shri Franklin L. Khobung	-	Director
9.	Shri Anshumann Sharma	-	Deputy Secretary
10.	Shri Lalit Verma	-	Secretary (CCH)
11.	Dr. M.M. Sharma	-	Research Officer
12.	Dr. Chinta Srinivas	-	Asstt. Director
13.	Dr. K Natrajan	-	Asstt. Registrar, CCIM
14.	Dr. Vanitha Murli Kumar	-	President, CCIM

2. At the outset, the Chairperson welcomed the Members of the Committee. The Committee, thereafter, considered and adopted the draft Tenth Report' of the Committee without any modification. The Committee also authorised the Chairperson to present the report to the House.

3. Thereafter, the representatives of Ministry of AYUSH (Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy) were called in. The Chairperson then welcomed the representatives of the Ministry of AYUSH to the sitting of the Committee and also drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings. The Committee then heard the views of representatives of the Ministry of AYUSH on the Rules/Regulations framed under various Acts of Parliament applicable to the Ministry of AYUSH.

4. The representatives of the Ministry in the beginning presented a brief Power Point Presentation and briefed the Committee about the key functional Areas of the Ministry i.e. Ayush Services, HRD, Drugs Administration, Research, Medicinal Plants Information Education and Communication, International Cooperation, Organisational set up of the Ministry etc. Thereafter, the Committee deliberated on various issues broadly covering aspects such as AYUSH Network in India, Regulations & Rules framed under the Homoeopathy Central Council (HC) Act, 1973, Regulations and Rules framed under the Indian Medicine Central Council (IMCC) Act, 1970, Rules framed under the Drugs & Cosmetics Act, 1940 for AYUSH. Accreditation of various Pvt. Colleges under various Acts, Degrees/Courses offered on these colleges, Regulations issued for maintenance of quality education on Ayurveda, Siddha & Unani (ASU) systems of medicine, suitability of Indian System of Medicine (ISM) vis-a-vis other Medicines, National AYUSH Mission (NAM), National Policy on AYUSH, role and functioning of Central Council for Indian Medicine (CCIM)/Central Council for Homoeopathy (CCH), Rules governing payment of Non Practicing Allowance (NPA) under AYUSH etc.

5. The representatives of the Ministry furnished clarifications on the queries raised by the Committee. On some of the points, the information on which was not readily available with the representatives of the Ministry, the Chairperson asked them to furnish written replies to those points within 15 days to the Lok Sabha Secretariat.

6. The Chairperson then thanked the representatives of the Ministry for presenting their inputs on the subject before the Committee.

7. The witnesses then withdrew.

8. A verbatim record of the proceedings of the sitting has been kept separately.

The Committee then adjourned.

MINUTES OF THE TENTH SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2015-2016)

The Tenth sitting of the Committee (2015-16) was held on Monday, the 4th April, 2016 from 1500 to 1645 hours in Committee Room 'E', Parliament House Annexe, New Delhi.

PRESENT

1. Shri Dilipkumar Mansukhlal Gandhi Chairperson

MEMBERS

2. Shri C.R. Chaudhary
3. Shri S.P. Muddahanume Gowda
4. Shri Shyama Charan Gupta
5. Shri Chandulal Sahu
6. Shri Ram Kumar Sharma
7. Shri Nandi Yellaiah

SECRETARIAT

1. Shri Ajay Kumar Garg - Director
2. Shri Nabin Kumar Jha - Additional Director
3. Smt. Emma C Barwa - Deputy Secretary

WITNESSES

Ministry of AYUSH

1. Shri Ajit M. Sharan - Secretary
2. Shri Anil Ganeriwala - Joint Secretary
3. Shri Jitendra Sharma - Joint Secretary
4. Shri Anurag Srivastav - Joint Secretary
5. Ms. Shomita Biswas - CEO

2. At the outset, the Chairperson welcomed the Members of the Committee.

3. Thereafter, the representatives of Ministry of AYUSH (Ayurveda, Yoga & Naturopathy, Unani, Siddha and Homoeopathy) were called in. The Chairperson then welcomed the representatives of the Ministry of AYUSH to the sitting of the Committee and also drew their attention to Direction 55(1) of the Directions by the Speaker regarding confidentiality of the proceedings. The Committee then proceeded with the evidence of representatives of the Ministry of AYUSH on the Rules/Regulations framed under various Acts of Parliament applicable to the Ministry of AYUSH.

4. The representatives of the Ministry briefed the Committee about the key functional Areas of the Ministry i.e. Recruitment Rules for the post of RO/MO, Homeopathic Practitioners (Professional Conduct, Etiquette and Code of Ethics) (Amendment) Regulations, 1982 and Rules governing payment of Non-Practicing Allowance (NPA) under AYUSH etc. Thereafter, the Committee deliberated on various issues broadly covering aspects such as Manufacturing Remedies Act, Manufacturing of Ayurvedic and Unani Medicines, Control over fake products, Mechanism for Quality Control, Central Council for Indian Medicine (CCIM) / Central Council for Homeopathy (CCH), De-addiction drugs under AYUSH etc.

5. The representatives of the Ministry furnished clarifications on the queries raised by the Committee. On some of the points, the information on which was not readily available with the representatives of the Ministry, the Chairperson asked them to furnish written replies within 15 days to the Lok Sabha Secretariat.

6. The Chairperson then thanked the representatives of the Ministry for presenting their inputs on the subject before the Committee.

7. The witnesses then withdrew.

8. A verbatim record of the proceedings of the sitting has been kept separately.

9. The Committee also decided to undertake a study visit during the month of June, 2016.

The Committee then adjourned.

APPENDIX II

(Vide Para 4 of the Introduction of the Report)

MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2016-2017)

The third sitting of the Committee (2016-17) was held on Wednesday, the 23rd November, 2016 from 1500 to 1535 hours in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

1. Shri Dilipkumar Mansukhlal Gandhi Chairperson

MEMBERS

2. Shri S.P. Muddahanume Gowda
- 3.. Shri Janardan Mishra
4. Shri Alok Sanjar
5. Shri Ram Prasad Sarmah
6. Adv. Narendra Keshav Sawaikar
7. Shri Nandi Yellaiah

SECRETARIAT

1. Shri Devender Singh - Additional Secretary
2. Shri Ajay Kumar Garg - Director
3. Shri Nabin Kumar Jha - Additional Director
4. Smt. Jagriti Tewatia - Deputy Secretary

2. The sitting of the Committee was convened for considering and adopting draft Sixteenth Report on Rules/Regulations framed under various Acts of Parliament pertaining to the Ministry of Ayush (Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy) and draft Seventeenth Action Taken Report on the Recommendations/Observations contained in Sixth Report (2015-2016) (Sixteenth Lok Sabha).

3. At the outset, the Chairperson welcomed the members to the sitting of the Committee (2016-17). The Committee, then, considered the draft 'Sixteenth Report and Seventeenth Action Taken Report' and adopted the same without modifications. The Committee also authorized the Chairperson to present the same to the House.

The Committee then adjourned.
