

COMMITTEE ON SUBORDINATE LEGISLATION
(2018-2019)

(SIXTEENTH LOK SABHA)

THIRTY SEVENTH REPORT

**THE ACTS/RULES/REGULATIONS/BYE-LAWS GOVERNING THE ADMISSION PROCESS OF
BACHELOR OF AYURVEDA/HOMEOPATHY AND OTHER COURSES FOR HIGHER STUDIES
IN AYURVEDA/HOMEOPATHY**

(PRESENTED TO LOK SABHA ON 3.1.2019)



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COMPOSITION OF THE COMMITTEE ON SUBORDINATE LEGISLATION
(16th LOK SABHA)
(2018-2019)

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4. Shri Brajesh Kumar Singh - 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 Thirty Seventh Report.

2. The matters covered by this Report were considered by the Committee on Subordinate Legislation at their sitting held on 3.10.2018 during which oral evidence of the representatives of Ministry of Ayush were taken.

3. The Committee considered and adopted this Report at their sitting held on 20.12.2018.

4. Minutes of the First Sitting of the Committee (2018-19) held on 3.10.2018 and Extracts from Minutes of Third Sitting of the Committee (2018-19) held on 20.12.2018 relevant to this Report are included in Appendix-I of the Report.

**New Delhi;
December, 2018
Agrahayana, 1940 (Saka)**

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

REPORT Part A

Introduction

Securing good public health is one of the important objective of the Union of India. The Constitution of India in Article 47 of Part IV directs the State that it shall regard the improvement of public health as among its primary duties. In line with the Constitutional directive, India recognizes, practices and promotes both Allopathy and alternate systems of medicine. The alternate systems of medicine are *Ayurveda*, *Yoga* and *Naturaopathy*, *Unani*, *Siddha*, Homeopathy and *Sowa-Rigpa*. Baring Homeopathy, the other alternate systems of medicine are also called Indian System of Medicines.

2. The Ayurveda is believed to have originated out of Vedas (particularly *Rigveda* and *Atharvaveda*). It is one of the most ancient health care systems having equal scientific relevance in the modern world, that take a holistic view of the physical, mental, spiritual and social aspects of human life, health and disease.

3. Homeopathy was introduced as a scientific system of drug therapeutics by a German physician, Dr. Christian Frederick Samuel Hahnemann in 1805. He postulated that a drug that could produce certain symptoms in healthy individual could also cure similar disease symptoms, in accordance with some hidden, natural laws of similar as had been vaguely perceived by ancient physicians. It was introduced in India in the early 19th Century. At first, it flourished in Bengal and then spread all over India.

4. The Siddha system of Medicine is one of the ancient system of medicines in India. The term Siddha means achievements and Siddhars are those who have achieved perfection in medicine. Eighteen Siddhars are said to have contributed towards the systematic development of this system and recorded their experiences in Tamil language. The strength of the Siddha system lies in providing very effective therapy in the case of Tsoriasis, Rheumatic disorders, chronic liver disorders, benign prostate hypertrophy, bleeding piles, peptic ulcer including various kinds of dermatological disorders of non-psoriatic nature

5. Yoga means "to unite or integrate" Yoga is about the union of a person's own consciousness with the universal consciousness. It is primarily a way of life, first propounded by Maharishi Patanjali in systematic form in *Yog sutra*. Studies have revealed that yogic practice improves intelligence and memory and help in developing resistance to situations of stress and also help individuals to develop an integrated personality.

6. Naturopathy is a cost effective drugless, non invasive therapy involving the use of natural materials for healthcare and healthy living. It promotes healing by stimulating the body's inherent power to regain health with the help of five elements of nature - Earth, Water, Air, Fire and Ether.

7. The Unani Medicine is Perso-Arabic traditional medicine. It was introduced in India by the 13th Century A.D. with the establishment of the Delhi Sultanate. It took its own course of development during the Mughal empire influenced by Indian medical teachings of Sushruta and Charak. It is a comprehensive medical system which provides preventive, promotive, curative and rehabilitative healthcare. The system is holistic in nature and takes into account the whole personality of any individual rather than taking a reductionist approach towards disease. The fundamentals, diagnosis and treatment modalities of the system are based on scientific principles.

8. Sowa-Rigpa is Tibetan system of medicine. The majority of theory and practice of Sowa-Rigpa is similar to "Ayurveda". In India, this system is widely practiced in Sikkim, Arunachal Pradesh, Darjeeling (West Bengal), Dharamsala, Lahaul and Spiti(Himachal Pradesh) and Ladakh region of Jammu & Kashmir.

9. For promotion, development and regulation of the above mentioned alternate systems of medicine in the country, various institutional mechanisms are there in the form of Acts of Parliament and Rules/ Regulations framed under them, administrative or controlling ministries/ Departments of the Government of India and State Governments, Regulatory Bodies, hospitals, medical colleges, research institutions and laboratories etc. The two prominent regulatory bodies namely, the Central Council of Indian Medicine (CCIM) and Central Council of Homeopathy have been set up under the Indian Medicine Central Council (IMCC) Act, 1970 and the Homeopathy

Central Council (HCC) Act, 1973 respectively. These regulatory bodies have been mandated with framing of Regulations under their respective parent Acts to regulate issues like (i) permission to the colleges to take admission of students and (ii) prescribing the admission criteria for admission. Also, a separate Department of Indian Systems of Medicine and Homoeopathy (ISM&H) was set up in 1995 to ensure the optimal development and propagation of AYUSH systems of health care. The Department of ISM&H was re-named as the Department of AYUSH (an acronym for - Ayurveda, Yoga and Naturopathy, Unani, Siddha, Homoeopathy) in November 2003. Sowa Rigpa has been recognized under IMCC Act, 1970 by the notification published in Gazette of India on 16th December, 2011. However, the process for admission to AYUSH colleges is under the domain of State Governments concerned. The various State authorities makes admissions to AYUSH courses as per the prevailing Act, Rules and Regulations.

10. Over the years, substantial efforts have been made in the country in compiling the traditional knowledge in Indian system of medicines and developing the same on scientific principles. For providing medical education in the alternate systems of medicines, there are a total of 545 Ayurveda and Homeopathy colleges in 26 States/ Union Territories in the country, out of which 540 colleges are imparting undergraduate education with an admission capacity of 35250 students as on 31.01.2017. Further, out of these 545 colleges, 94 colleges belong to Government sector with intake capacity of 5005 students at undergraduate level and the rest belong to the private sector. The admissions in these colleges are under the domain of State Governments concerned.

Admission criteria and establishment of Ayurveda, Sidha and Unani Medical Colleges

11. The Central Council of Indian Medicine in exercise of the powers conferred under Section 36 of Indian Medicine Central Council (IMCC) Act, 1970, have framed following Regulations prescribing the norms and procedure for admission to the Under Graduate and post Graduate courses besides prescribing criteria for granting of approval and establishment of new Ayush medical colleges in the country:-

- i. **The Indian Medicine Central Council (Requirements of Minimum Standard for undergraduate Ayurveda Colleges and attached Hospitals) Regulations, 2012** for regulating issues such as requirement of land, constructed area of college & hospital, admission

capacity, requirement of hospital including beds, number of patients in OPD/IPD, hospital staff, requirement of teaching/non-teaching staff, phase-wise specific requirement of new colleges, requirement of equipment /instruments, etc. for Ayurveda Colleges).

- ii. **The Indian Medicine Central Council (Minimum Standards of Education in Indian Medicine) Amendment Regulations, 1986 (as amended upto 2016)** for regulating issues like admission qualification, duration of course, nomenclature of Under Graduate Degree, subjects for professional examinations, procedure of internship, method of training, examination & assessment, qualification of teaching staff etc.
- iii. **The Indian Medicine Central Council (Post Graduate Ayurveda Education) Regulations, 1994 (as amended upto 2016)** govern nomenclature of Post Graduate Degrees in different specialties, duration of PG course, admission criteria, method of training, examination & assessment, qualification of teaching staff and minimum requirement for PG Ayurveda Colleges.
- iv. **The Indian Medicine Central Council (Post-graduate Diploma Course) Regulations, 2010** deal with specialties of PG diploma course, duration of PG diploma course, admission criteria, method of training, examination & assessment, procedure of permission, criteria for recognition, intake capacity and minimum requirement for conducting PG diploma course.

Eligibility and Admission criteria for admission in Under Graduate courses of Indian Medicine.

12. Schedule I of the Indian Medicine Central Council (Minimum Standards of Education in Indian Medicine) Regulations, 1986 prescribes the following basic qualification for admission into Undergraduate courses of Ayurveda, Sidha and Unani:-

- 12th Standard with Physics, Chemistry and Biology with at least fifty percent aggregate marks in the subjects.
- For reserved category or special category students relaxation in marks for admission as per rules for time being in force.
- For foreign students any other equivalent qualification to be approved by the concerned authority.

In addition to the above basic criteria, the Indian Medicine Central Council (Minimum Standards of Education in Indian Medicine) Regulations, 1986 provides for additional requirement for eligibility for admission into Undergraduate courses of Siddha and Unani. For admission into Undergraduate course of Siddha, the Regulations provides that Candidates shall have passed Tamil as one of the subjects in the 10th Standard or in Higher Secondary course and those Candidates who are not covered under above provision, have to study Tamil as a subject during the First Professional course. Further, for admission into Undergraduate course of Unani, the candidate shall have passed 10th

standard with Urdu or Arabic or Persian language as a subject, or clear the test of Urdu of 10th standard (wherever there is provision to conduct of such test) in the entrance examination conducted by the University or Board or registered Society or Associations authorized by the Government to conduct such examination.

13. For admission into Undergraduate course of Sowa-Rigpa, the Indian Medicine Central Council (Minimum Standards of Education in Indian Medicine) Regulations, 1986 provides for following qualification for being eligible:-

- (a) 12th Standard with science (Physics, Chemistry and Biology) or any other equivalent examination recognised by concerned State Government, education boards; or
- (b) 12th Standard with Bhoti language, Buddhist philosophy and logic; or
- (c) after matriculation passed certificate of 2-year preliminary course (Dus-Ra-Wa) on the history and fundamentals of Sowa Rigpa; or
- (d) for foreign student any other equivalent qualification to be approved by the University concerned may be allowed.

II. Admission criteria and establishment of Homeopathy Medical Colleges

14. The Central Council of Homeopathy in exercise of the powers conferred under Sections 32 of the Homeopathy Central Council (HCC) Act, 1973 and with the previous sanction of the Central Government as required under Section 33 of the HCC Act, 1973 and after obtaining the comments of the State Governments as required under Section 20 of the said Act framed following Regulations prescribing the norms and procedure for admission to Under Graduate and post Graduate courses and for approval for establishment of new Homeopathy medical colleges in the country:-

- i. **The Homoeopathy Central Council (Minimum Standards Requirements of Homoeopathic Colleges and attached Hospital) Regulations, 2013** for regulations of issues like requirement of land, constructed area of college & hospital, admission capacity, requirement of hospital including IPD beds, number of patients in OPD and IPD, Hospital staff, requirement of college including teaching /non- teaching staff, phase-wise specific requirement of new colleges, requirement of equipment / instruments etc. for Homoeopathic College.
- ii. **Homoeopathic (Degree Course) B.H.M.S. Regulations, 1983 (As amended up to 2016)** prescribing admission qualification, duration of course, nomenclature of UG degree, subjects for 4 professional examinations, procedure of internship, method of training, examination & assessment, qualification of teaching staff .

iii **The Homoeopathic (Post Graduate Degree Course) M.D. (Hom.) Regulations, 1989 (last amended in 2016)** prescribe nomenclature of PG Degree in different specialists, duration of PG Course, admission criteria, method of training, examination & assessment, qualification of teaching staff and minimum requirement for PG Homoeopathic Colleges.

15. Regulation 8 of the Indian Medicine Central Council (Post Graduate Ayurveda Education) Regulations, 2016 prescribes the mode of admission to MD/MS courses of Ayurveda which is as under:-

(1) A person possessing the degree of Ayurvedacharya (Bachelor of Ayurveda Medicine and Surgery) from a recognised University or Board or medical institution specified in the Second Schedule to the Act and enrolled in Central or State register of Indian Systems of Medicine shall be eligible for admission in the post-graduate degree course.

(2) The State Government or University concerned shall conduct the admission process.

(3) The Selection of candidates shall be made on the basis of final merit index calculated out of total of hundred marks based on eighty per cent. weightage to the Post-graduate entrance test (PGET) and twenty per cent. weightage to the marks obtained in undergraduate course.

(4) The Post-graduate entrance test (PGET) of hundred marks shall consist of one common written test of multiple choice questions covering all the subjects of Ayurvedacharya (Bachelor of Ayurveda Medicine and Surgery) course.

(5) The minimum eligibility marks of the entrance test for admission in the case of general candidates shall be fifty per cent of the total marks, in the case of candidates belonging to the Schedule Castes, the Scheduled Tribes and regular Central or State Government service candidate shall be forty per cent. and in the case of candidates belonging to the Other Backward classes shall be forty-five per cent.

(6) The sponsored candidates shall also be required to possess the percentage of marks specified in sub-regulations (5).

(7) The sponsored foreign national's candidates shall not be required to possess the percentage of marks specified in sub-regulations (5).

(8) Reservation for all categories shall be applicable as per the policy of the Central Government or the concerned State Government.

(9) Change of subject shall be permissible within a period of two months from the date of admission, subject to availability of vacancy and guide in the concerned department.

iv. Eligibility and Admission criteria for admission in Homeopathy Under Graduate courses (BHMS).

16. Regulation 4 of Homeopathy (Degree Course) Regulations, 1983 prescribes following eligibility criteria for admission to BHMS course:-

- The age of 17 years on or before 31st December of the year.
- Higher secondary examination or the Indian School Certificate Examination which is equivalent to 10+2 Higher Secondary Examination after a period of twelve years' study, the last two years of study comprising of Physics, Chemistry, Biology with Mathematics:
- The intermediate examination in science of an Indian University or Board or other recognized examining body with Physics, Chemistry and Biology which shall include a practical test in these subjects and also English as a compulsory subject;

17. Regulation 4A of Homeopathy (Degree Course) Regulations, 1983 prescribes the criteria for selection of students to BHMS course which is as under:-

"Criteria for selection of students - (i) The selection of students to the college shall be based solely on merit of the candidate and for determination of merit, the following criteria be adopted uniformly throughout the country, namely:-

(a) In States, having only one Medical College and one University or examining body conducting the competitive examination, marks obtained at such qualifying examination shall be taken into consideration.

(b) In states, having more than one University or examining body conducting the competitive examination or where there is more than one medical college under the administrative control of one authority, a competitive examination shall be held so as to achieve a uniform evaluation.

(c) Where there are more than one college in a State and only one University or examining Board conducting the competitive examination, then a joint selection board consisting of the Principals of all the colleges and a representatives from the faculty of University or examining Body, as the case may be, shall be constituted by the State Government for all colleges to achieve a uniform method of competitive examination.

(d) The Central Government itself or any other agency notified by it shall conduct a competitive examination in the case of institutions of an all India character.

(ii) A candidate shall be eligible for the competitive examination if he has passed any of the qualifying examinations specified under regulation 4:

Provided that a candidate who has appeared in the qualifying examination the result of which has not been declared, he may be provisionally permitted to take up the competitive examination and in case of selection for admission to the BHMS Degree Course, he shall not be admitted to that course until he fulfils the eligibility criteria under Regulation 4."

Eligibility and Admission criteria for admission in Post Graduate courses in Homeopathy.

18. Regulation 4(1) of The Homoeopathic (Post Graduate Degree Course) M.D. (Hom.) Regulations, 1989 last amended in 2016 prescribes the qualification for admission to MD /MS courses of Homeopathy which is as under:-

- Bachelor of Homeopathic Medicine and Surgery or equivalent qualification in Homeopathy included in the Second Schedule to the Act, after undergoing a course of study of not less than five years and six months duration including one year compulsory internship.
- Bachelor of Homeopathic Medicine and Surgery (Graded Degree) or equivalent qualification in Homeopathy included in the Second Schedule to the Act, after undergoing a course of study of not less than two years duration.

18. Rule 4(2) of the above Rules prescribes the criteria for admission to above MD/MS courses. The Rule provides as under:

The University or the authority prescribes by the Central Government or the State Government, as the case may be shall select candidates on merit for Post Graduate Course.

IV. Bringing of admissions in AYUSH courses under National Eligibility-cum-Entrance Test (NEET)

19. The Ministry of AYUSH vide letter dated 17.10.2017 informed that the Ministry took various steps to conduct NEET in consultation with the Central Board of Secondary Education (CBSE) from the academic session 2017-18, to bring meritorious students in the AYUSH system. But it could not be included in the NEET examinations by CBSE as many State Governments expressed their inability to admit students into AYUSH-UG course for the academic year 2017-18.

After considering the representations, the Ministry took policy decision and conveyed to all the State Governments through letter dated 26.4.2017 that:

(i) Since, it is important to ensure that meritorious students/candidates come to AYUSH streams of medicine, it would be advisable to the States/UT Governments to adopt the merit list of National Eligibility cum Entrance Test (NEET) for admission in AYUSH UG courses for the A.Y. 2017-18 as per the existing reservation policies of the concerned State Government in tune with CBSE notification of NEET for Modern Medicine.

(ii) However, if due to some difficulties the State / UT governments are unable to adopt NEET merit list for AYUSH UG admission for A.Y. 2017-18 then such States/UT Governments may admit students in all the AYUSH Colleges / Institutions (Public and Private) through Common Entrance Test (CET) of the concerned State Government as per the existing Rules and Policies of the concerned State/UT/Institute/University as done in the previous year (2016-17).

(iii) Admission in AYUSH UG courses shall be compulsorily through NEET merit list from the A.Y. 2018-19.

20. As regards, admission in the Post Graduate courses in Ayurveda, Siddha, Unani and Homeopathy system of medicine, the Ministry of AYUSH vide letter dated 17.10.2017 informed that the All India AYUSH post Graduate Entrance Test (AIAPGET), 2017 to be conducted uniformly and notification in this regard was issued on 21.6.2017. AIAPGET 2017 is a single window entrance examination for admission to AYUSH MD/MS Post Graduate courses for all AYUSH Colleges/Institutions/University/Deemed University.

21. To the query of the Committee as to whether the Ministry proposed to amend Homeopathy (Degree Course) Regulations, 1983 and Ayurveda (Degree Course) Regulations, 1986 for the purpose of bringing uniformity in the admission eligibility criteria, the Ministry vide their letter dated 12.3.2018 replied as under:-

"In consultation with the CCIM and CCH, the Ministry is in the process of bringing amendments in the concerned regulations to make provisions in conformity to NEET regulations. In pursuance to the NEET- 2018 notification issued by CBSE, the Ministry of AYUSH has directed all State/UT Governments to make wider publicity among the students seeking admissions in AYUSH-UG Course to appear in the NEET to be conducted by CBSE on 6th May, 2018. Further, all State Govts have also been requested to strictly ensure that admission of students in AYUSH-PG courses shall be through the merit list of NEET from the academic year 2018-19. "

VI. All India quota and Central pool quota of Ayush medical seats

22. After going through the Regulations, the Committee found that presently the whole admission process is in the control of State Governments concerned. The Committee also examined the admission process applicable in case of admission to MBBS/BDS/MD/MS and MDS courses. The Committee found that in case of MBBS/BDS seats there is an All India quota consisting of 15% of all MBBS and Medical seats. The allotment of all India quota seats is done by Director General of Health Services on the basis of merit. Similarly, in case of MD/ MS/ MDS courses the all India seats consists of 50% of all such seats. The allotment of these all India seats is done in the like manner. Besides, there is a central pool of MBBS, BDS and MDS seats maintained by the Ministry of Health and Family Welfare by seeking voluntary contribution from the various States having Medical Colleges and certain other Medical Education Institutions. These seats are allotted to the beneficiaries of the central pool vis. States/Union Territories, which do not have medical/dental colleges of their own, Ministry of Defence (for the wards of Defence personnel), Ministry of Home Affairs (for the children of para military personnel and Civilian Terrorist Victims), Cabinet Secretariat, Ministry of External Affairs (for meeting diplomatic/bilateral commitments and for the children of Indian staff serving in Indian Mission abroad), Ministry of Human Resource Development (for Tibetan Refugees) and Indian Council for Child Welfare (for National Bravery Award winning children).

23. In this connection, the Committee also made a query to the Ministry as to whether there is division of UG and PG seats in Ayush medical college between Central Government and State Governments and what is the legal basis of the same. In response, the Ministry vide letter dated 12.3.2018 replied as under:-

"At present there is no division of PG and PG seats in Ayush medical colleges between Central Government and State Governments."

VII. Minimum standards for Under Graduate Colleges-

24. The infrastructure of a college or teaching institution is an important factor in imparting quality education. Therefore, the Committee examined the Indian Medicine Central Council

(Requirements of Minimum Standard for Under Graduate Ayurveda Colleges and Attached Hospitals) Regulations, 2016 and the Homeopathy Central Council (Minimum Standards Requirement of Homeopathic Colleges and attached Hospitals) Regulations, 2013 and compared the same with Minimum Standards Requirements of the Medical College Regulations, 1999 of Medical Council of India. It was found that there are substantial differences in infrastructural requirement of a college in respect of Ayush colleges vis-a-vis MBBS colleges. For the purpose, infrastructural requirements for a medical college for upto 100 students intake were studied for both sets of colleges. The Committee also enquired from the Ministry whether the difference in infrastructural requirement in both sets of medical colleges is based on any intelligible criteria or guiding principle. In response, the Ministry vide letter dated 12.3.2018 replied as under:-

"There are no specific guidelines or criteria for fixing the infrastructural requirement of Indian systems of medicine & Homoeopathy colleges. The infrastructural requirements specified in the regulations of CCIM and CCH have been notified by the concerned regulatory Councils as per the provision of IMCC Act, 1970 and HCC Act 1973 after following due procedure of seeking comments from the State Governments. The requirements are finalised by looking at the standard required to ensure quality education and also by considering the scope and limitations of treatment method of AYUSH system of medicine."

VIII. Monitoring by Regulatory Bodies

25. The Committee also examined the issue of supervision of AYUSH medical institutions by Regulatory Bodies. In this regard, the Committee examined the Central Council of Indian Medicine Inspectors and Visitors Regulations, 1977 and Homoeopathy Central Council (Inspectors and Visitors) Regulations, 1982 and observed that the regulations do not recognize the students and their associations as stakeholders in the efficient management of the medical institutions. The Committee, therefore, enquired from the Ministry whether students and their unions/associations are stakeholders in improving the standard of education in AYUSH medical colleges and what is the reason for not recognizing them as such. In response, the Ministry vide letter dated 12.3.2018 has replied as under:-

"CCH/CCIM are conducting inspections/visitations of the colleges to verify the claims of compliance to the regulation by the colleges and furnish its recommendation to the Central Govt for further grant/renewal of permission. The students are free to report to the inspectors about any deficiencies."

Part B

Observations/Recommendations

Introductory

1. The Committee note that one of the mandate of the Ministry of Ayush is to upgrade the educational standards of the Indian System of Medicines and Homeopathy colleges in the country and to strengthen the existing research institutions. Ayurveda, Siddha and Unani institutions are regulated by the Central Council of Indian Medicine (CCIM) constituted under the Indian Medicine Central Council (IMCC) Act, 1970 and Homoeopathy institutes are regulated by the Central Council of Homoeopathy (CCH) constituted under the Homoeopathy Central Council (HCC) Act, 1973. There is no Central body to regulate Naturopathy & Yoga institutes. It is generally accepted that development and mainstreaming of AYUSH systems is the only logical strategy to improve the extremely poor condition of health-care sector as a whole in India.

The Committee, however, feel extremely concerned to observe that the Ayush system of medicine has remained relatively weak compared to the modern system of medicines in India. Hundreds of new colleges under the Ayush system which have emerged over the years are without sufficient infrastructure and teachers resulting in thousands of inadequate equipped graduates and post graduates causing innumerable harm to the credibility of our traditional system.

Looking at the existing state of affairs, the Committee are constrained to gather an impression that no serious attempts have been made by the Ministry of Ayush for implementing timely reforms needed for promotion and development of the Ayush system in the country. In the opinion of the Committee the Indian system of medicine need a Paradigm shift from the current form to a modern form.

Need for common entrance exam for Ayush Under Graduate Medical Courses

2. The Committee after examining the Homeopathy (Degree Course) Regulations, 1983 and Ayurveda (Degree Course) Regulations, 1986 find that there are substantial differences

between the two regulations with regard to eligibility and selection criteria of students. The Ayurveda (Degree Course) Regulations, 1986 make provisions for minimum 50% marks in 12th standard for being eligible for admission in Ayush Under Graduate medical course. The regulation also provides for relaxation in marks for students from reserved category and matters relating to foreign students. However, there is no such provision in Homeopathy (Degree Course) Regulations, 1983. Further, the Homeopathy (Degree Course) Regulations, 1983 make provisions for minimum age of 17 years on or before 31st December as eligibility criteria for admission into BHMS Degree course and barring the admission of blind candidates. The regulation 4(A) of Homeopathy (Degree Course) Regulations, 1983 also stipulates criteria for selection of students. The provisions corresponding to above Homeopathy (Degree Course) Regulations, 1983 are not there in the Ayurveda (Degree Course) Regulations, 1986. In this backdrop, the Committee note that the Ministry of AYUSH is contemplating making admissions to AYUSH undergraduate colleges compulsorily through National Eligibility Entrance Test (NEET) merit list from Academic Year 2018-19. NEET is conducted under the Graduate Medical Education Regulations, 1977 framed by Medical Council of India whose function is to establish uniform standards of higher qualifications in medicine and recognition of medical qualifications in India and abroad. The Committee find that the eligibility conditions prescribed by the CBSE for NEET are again different from those prescribed under the above mentioned Homeopathy and Ayurveda admission Regulations.

In such kind of scenario, the Committee find it simply baffling to understand as to how the admissions in Under Graduate courses of Ayush can be brought within the ambit of NEET without first amending the relevant Rules and regulations. The committee, therefore, recommend amendment of Regulations regulating the admission process in AYUSH medical colleges before introduction of NEET for admission into AYUSH undergraduate courses to ensure uniformity in the basic eligibility criteria.

Need for laying down the objective of Homeopathic medical education

3. The Committee note that the Regulations framed by Central Council of Homeopathy (CCH) namely Homeopathy (Degree Course) B.H.M.S. Regulations, 1983 (As amended upto 2015) and the Homeopathy (Post Graduate Degree Course) M.D. (Hom.) Regulations, 1989 (last amended in 2016) for maintaining the uniform standard of Homeopathy medical education in the country for both undergraduate and post graduate courses do not articulate any objective of the education to be imparted in Homeopathy medical institutions and do not lay down any policy for the same in the Regulations. The Committee are of the view that the articulation of objectives and laying down of policy in the Rules itself will give a sound framework for Homeopathy medical education and will contribute to orderly development of the sector.

In the opinion of the Committee, there is a need of more dynamism and activism in this field to update and develop it further in tune with the changing needs of the society today. Besides, it will also guide in the development of curriculum.

The Committee, therefore, recommend that the CCH may amend the above Regulations and articulate the objectives of the Homeopathy medical education in the Rules and lay down the same as a policy.

Need for All India quota and Central pool quota of Ayush medical seats

4. The Committee note that in most States, seats in medical institutions are reserved on the basis of domicile. This provision prejudicially affect meritorious students particularly those hailing from States which do not have any Medical College or seriously lacks in availability of sufficient medical seats. In this context, the Committee note that under the Modern system of medicines for admission to MBBS / BDS MS/MD/ MDS, a provision of all India quota seats has been made which is administered by a Central Agency. The Committee, however, note that there is no facility in AYUSH medical education sector for students and wards of Defense Personnel, Para Military Personnel, handicapped students etc. in States /Union Territories which do not have AYUSH medical colleges. The Committee feel that similar facility in case of AYUSH medical education is required to cater to the

needs of meritorious students, students of the States which lack in the availability of medical seats and for special category students.

The Committee therefore, recommend the Ministry of Ayush to consider implementation of a similar all India quota seats scheme and central Pool for AYUSH undergraduate and post graduate courses.

Need for improvement in quality of education and infrastructural requirement

5. The Committee note that there is substantial difference in infrastructure requirement of medical colleges conducting MBBS course and those conducting BHMS/BAMS courses under the Indian system of medicines for the same seat capacity, say 100 seats, although the curriculum and method of teaching for both categories of courses are almost similar. The Committee further feel that the Indian Medicine Central Council (Requirements of Minimum Standards for under-graduate Ayurveda Colleges and attached Hospitals) Regulations, 2016 and the Homeopathy Central Council (Minimum Standards Requirement of Homeopathic Colleges and attached Hospitals) Regulations, 2013 were framed without giving objective consideration as is evident from the fact that the AYUSH educational institutions are in a very poor shape in terms of their infrastructure and faculty strength, lack of training facilities, shortage of teachers even in national institutes and apex institutions. It is believed that half of the teaching positions are vacant because not enough qualified persons are available to occupy these positions and even few who are available are reluctant to opt for such jobs because of poor service conditions. The Committee, therefore, feel that there is an urgent need to carry out a comprehensive review of the existing infrastructure of the AYUSH medical colleges in the country and taking appropriate remedial measures wherever necessary for the purpose of ensuring quality education besides ensuring that people coming to the attached hospitals can avail best quality treatment. In this context the Committee further recommend the Ministry to carry out necessary reforms in the education system to bring transparency and improvement in the quality of education and mandating high standard of infrastructure at all the AYUSH institutions in the country.

In the opinion of the Committee, such kind of reforms will definitely improve the quality of education, which will have an impact on providing quality healthcare delivery system rendered by the AYUSH system of medicine. For this purpose suitable amendments may be carried out in the relevant Rules and Regulations notified by CCIM and CCH in order to put such reforms on statutory footing.

Need to recognize students as stakeholders in the management of Ayush medical institutions

6. In the opinion of the Committee, the students including students' associations are also needed to be considered as stakeholders in management and functioning of medical institutions under the Ayush system as they are the real judge to assess the quality of education and the infrastructure requirements and can give the factual feedback to the regulating agencies coming for inspection of these institutions. The Committee feel that by formalizing such kind of system, the management of AYUSH Medical Institutions and the quality of education provided by them will improve.

The Committee, therefore, recommend that the Ministry may consider bringing suitable provisions in the Central Council of Indian Medicine (Inspectors and Visitors) Regulations, 1977 and Homeopathy Central Council (Inspectors and Visitors) Regulations, 1982.

New Delhi;
December, 2018
Agrahayana, 1940 (Saka)

DILIPKUMAR MANSUKHLAL GANDHI
Chairperson
Committee on Subordinate Legislation

3. Shri Roshan Jaggi - Joint Secretary
4. Dr. D.C. Katoch - Advisor (Ayurveda)
5. Shri Shashi Ranjan Kumar Vidyarthi - Director
6. Shri Franklin L.Khobung - Director

2. At the outset, the Chairperson welcomed the Members to the first sitting of the Committee on Subordinate Legislation (2018-19) constituted w.e.f 1st September, 2018. The Committee then took up for consideration Memorandum No. 1 giving details of the works undertaken by the Committee during their previous term, Reports presented to the Parliament and subjects undertaken for examination etc. and decided to continue with the examination of subjects selected earlier. Thereafter, the representatives of the Ministry of AYUSH were called in for giving oral evidence regarding (i) implementation of recommendation contained in the 16th Report of the Committee and (ii) Rules and Regulations governing establishing of new medical colleges/expansion of existing medical colleges under the Indian system of medicine. The Chairperson welcomed the representatives of the Ministry 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 first took up for discussion the implementation of observations/recommendations made by the Committee in their 16th 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 pointed out the deficiencies in the action taken replies furnished by the Ministry. The Committee stressed that the Ministry must consider implementation of the recommendation in true letter and spirit and it must be ensured that interests of RA/STA in Ayurveda do not suffer on account of shortcomings in the Rules. The committee further stated that a lot of time has been wasted in litigation and stressed on the need of resolving the matter through suitable amendment of recruitment rules.

3. The Committee then took up the subject of Rules/Regulations governing establishing of new medical colleges / expansion of existing medical colleges under Indian Systems of Medicine and pointed out the paucity of AYUSH Medical colleges in the country. While stating that the existing regulatory norms of opening of new AYUSH medical colleges in the country or opening of a new course or increasing the admission capacity are of restrictive nature and affecting the growth of such institutions in the country and more particularly in the private sector. The Committee also drew the attention of the representatives of the Ministry to weak monitoring mechanism over the Ayush medical colleges. The Committee further stressed on the need of review of existing norms and designing the same on the basis of requirement of AYUSH Medical sector and regional requirement.

4. In response, the representatives of the Ministry stated that they will discuss the issue with Central Council of Indian Medicine (CCIM) and Central Council of Homeopathy (CCH) and take all possible measures to do away with the shortcomings.

5. The Committee also stated that they will send additional questions in the matter to the Ministry and the reply to the same should be forwarded to the Committee within fifteen days.

6. The Chairperson then thanked the representatives of the Ministry.

7. The witnesses then withdrew.

8. The verbatim proceedings were kept on record.

The Committee then adjourned.

EXTRACTS FROM MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON SUBORDINATE LEGISLATION (2018-2019)

The Third sitting of the Committee (2018-2019) was held on Thursday, the 20th December, 2018 from 1500 hours to 1630 hours in Committee Room No. 'D', Parliament House Annexe, New Delhi.

PRESENT

2. Shri Dilip Kumar Mansukhlal Gandhi Chairperson

MEMBERS

2. Shri Birendra Kumar Chaudhary
3. Shri Shyama Charan Gupta
4. Shri S.P. Muddahanume Gowda
5. Shri Chandulal Sahu
6. Shri Alok Sanjar
7. Shri Ram Prasad Sarmah
8. Adv. Narendra Keshav Sawaikar

SECRETARIAT

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

WITNESSES

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

The Committee then considered the following draft reports:

(i) Draft Report on the Acts/Rules/Regulations/Bye-Laws governing the Admission Process of Bachelor of Ayurveda/Homeopathy and other Courses for Higher Studies in Ayurveda/Homeopathy

(ii) Draft Report on Rules/Regulations governing the service condition of Delhi, Andaman & Nicobar Islands Civil Service (DANICS) and Central Secretariat Service (CSS).

(iii) Draft Action Taken Report on the recommendations/observations contained in the 8th Report (16th Lok Sabha) of the Committee.

(iv) Draft Action Taken Report on the observations/recommendations contained in the 12th Report of the Committee (16th Lok Sabha) on the Amendment to Employees Pension Scheme, 1995.

(v) Draft Action Taken Report on the action taken by the Government on the Recommendations / Observations contained in the Sixteenth Report of the Committee on Subordinate Legislation (Sixteenth Lok Sabha) on Rules/Regulations framed under various Acts of Parliament pertaining to the Ministry of Ayush (Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homeopathy).

(vi) Draft Action Taken Report on the observations/recommendations contained in the 20th Report of the Committee (16th Lok Sabha) on the RBI Pension Regulations, 1990.

3. After deliberations, the Committee adopted the above draft Reports without any modifications. The Committee also authorized the Chairperson to present the same to the House.

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The Committee then adjourned.

**Omitted portion of the Minutes are not relevant to this Report