

# THE INDIAN MEDICINE CENTRAL COUNCIL ACT, 1970

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# THE INDIAN MEDICINE CENTRAL COUNCIL ACT, 1970

ACT NO. 48 OF 1970

[21st December, 1970.]

An Act to provide for the constitution of a Central Council of Indian Medicine and the maintenance of a Central Register of Indian Medicine and for matters connected therewith.

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

## CHAPTER I

### PRELIMINARY

**1. Short title, extent and commencement.**—(1) This Act may be called the Indian Medicine Central Council Act, 1970.

(2) It extends to the whole of India.

(3) It shall come into force in a State on such date<sup>1</sup> as the Central Government may, by notification in the Official Gazette, appoint in this behalf for such State, and different dates may be appointed for different States and for different provisions of this Act.

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

(a) “approved institution” means a teaching institution, health centre or hospital recognised by a University or Board as an institution in which a person may undergo the training, if any, required by his course of study before the award of any medical qualification to him;

(b) “Board” means a Board, Council, Examining Body or Faculty of Indian Medicine (by whatever name called) constituted by the State Government under any law for the time being in force regulating the award of medical qualifications in, and registration of practitioners of, Indian medicine;

(c) “Central Council” means the Central Council of Indian Medicine constituted under section 3;

(d) “Central Register of Indian Medicine” means the register maintained by the Central Council under this Act;

(e) “Indian medicine” means the system of Indian medicine commonly known as Ashtang Ayurveda, Siddha<sup>2</sup>[Unani Tibb or Sowa-Rigpa] whether supplemented or not by such modern advances as the Central Council may declare by notification from time to time;

<sup>3</sup>[(ea) “medical college” means a college of Indian medicine, whether known as such or by any other name, in which a person may undergo a course of study or training including any post-graduate course of study or training which will qualify him for the award of a recognised medical qualification;]

(f) “medical institution” means any institution within or without India which grants degrees, diplomas or licences in Indian medicine;

(g) “prescribed” means prescribed by regulations;

(h) “recognised medical qualification” means any of the medical qualifications, including post-graduate medical qualification, of Indian medicine included in the Second, Third or Fourth Schedule;

(i) “regulation” means a regulation made under section 36;

1. 15th August, 1971, *vide* notification No. S.O. 2994, dated 10th August, 1971, in respect of ss. 2, 13, 32 to 36 (both inclusive) in the whole of India and ss. 3, 5 to 12 (both inclusive) and 14 to 16 (both inclusive) in all the States (except the State of Nagaland) and the Union territory of Delhi, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

1st October, 1974, *vide* notification No. S.O. 584(E), dated the 1st October, 1974, in respect of ss. 18 to 22 (both inclusive), *see* Gazette of India, Extraordinary, Part II, sec. 3(ii),

1st October, 1976, *vide* notification No. S.O. 626(E), dated the 10th September, 1976, in respect of ss. 17 and 23 to 31 (both inclusive), *see* Gazette of India, Extraordinary, Part II, sec. 3(ii),

2. Subs. by Act 43 of 2010, s. 2, for “or Unani Tibb” (w.e.f. 1-1-2012).

3. Ins. by Act 58 of 2003, s. 2 (w.e.f. 7-11-2003).

(j) “State Register of Indian Medicine” means a register or registers maintained under any law for the time being in force in any State regulating the registration of practitioners of Indian medicine;

(k) “University” means any University in India established by law and having a Faculty of Indian Medicine and includes a University in India established by law in which instruction, teaching, training or research in Indian medicine is provided.

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## CHAPTER II

### THE CENTRAL COUNCIL AND ITS COMMITTEES

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

(a) such number of members not exceeding five as may be determined by the Central Government in accordance with the provisions of the First Schedule for each of the Ayurveda, Siddha <sup>2</sup>[Unani and Sowa- Rigpa] systems of medicine from each State in which a State Register of Indian Medicine is maintained, to be elected from amongst themselves by persons enrolled on that Register as practitioners of Ayurveda, Siddha <sup>3</sup>[Unani or Sowa-Rigpa], as the case may be;

(b) one member for each of the Ayurveda, Siddha <sup>1</sup>[Unani and Sowa-Rigpa] Systems of medicine from each University to be elected from amongst themselves by the members of the Faculty or Department (by whatever name called) of the respective system of medicine of that University;

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

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

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

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

**<sup>4</sup>[3A. Power of Central Government to supersede Central Council and constitute Board of Governors.**—(1) On and from the date of commencement of the Indian Medicine Central Council (Amendment) Ordinance, 2020 (Ord. 7 of 2020.), the Central Council shall stand superseded and the President, Vice-President and other members of the Central Council shall vacate their offices and shall have no claim for any compensation, whatsoever.

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

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

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1. Sub-section (2) omitted by the Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Order, 2020, *vide* notification No. S.O. 1123(E) dated (18-3-2020) and *vide* Union Territory of Ladakh Reorganisation (Adaptation of Central Laws) Order, 2020, notification No. S.O. 3774(E), dated (23-10-2020).

2. Subs. by Act 43 of 2010, s. 3, for “and Unani”, (w.e.f. 1-1-2012).

3. Subs. by s. 3, *ibid.*, “or Unani” (w.e.f. 1-1-2012).

4. Ins. by Act 25 of 2020, s. 2 (w.e.f. 24-4-2020).

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

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

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

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

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

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

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

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

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

**3B. Certain modifications of Act.**—During the period when the Central Council stands superseded, —

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

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

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

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

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

**4. Mode of election.**—(1) An election under clause (a) or clause (b) of sub-section (1) of section 3 shall be conducted by the Central Government in accordance with such rules as may be made by it in this behalf.

(2) Where any dispute arises regarding any election to the Central Council, it shall be referred to the Central Government whose decision shall be final.

**5. Restriction on elections and membership.**—(1) No person shall be eligible for election to the Central Council unless he possesses any of the medical qualifications included in the Second, Third or Fourth Schedule, is enrolled on any State Register of Indian Medicine and resides in the State concerned.

(2) No person may at the same time serve as a member in more than one capacity.