

DRAFT**The Recognition of New Systems of Medicines Bill, 2005**

An Act to establish a scheme of procedure for recognizing any new system of health & medicine for the purpose of medical practice and education.

Short title, extent and commencement

- 1 (i) This Act may be called the Recognition of New Systems of Medicines Act, 2005.
- (ii) It extends to the whole of India.
- (iii) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions

2. In this Act, unless the context otherwise requires:
 - (i) 'Committee' means the Central Committee constituted by the Central Government under Section 3(a) of the Act.
 - (ii) 'Government' means the Central Government.
 - (iii) 'Institution' means any institution, which grants degrees, diplomas or licenses.
 - (iv) 'Medical education' means a course run by a recognized institution in a recognized system of medicine, leading to a graduate or a postgraduate certificate or diploma.
 - (v) 'Medical practice' means consultation and medical advice on matters of diseases and health, and includes

dispensing or prescribing medicines by a registered medical practitioner.

- (vi) 'New system of medicine' means any system of medicine/therapy, which is not included under Section 4 of the Act.
- (vii) 'Recognized institution' means an institution which grants degrees/diplomas or certificates which are recognized under the relevant Acts.
- (viii) 'Recognized system of medicine' means all systems of medicine/therapy included under Section 4 of the Act.
- (ix) 'Registered medical practitioner' means a person who is entitled to be registered as a medical practitioner under any law for the time being in force in any State to which this Act extends.
- (x) 'Rule' means a rule made under Section 11 of the Act.

3. Constitution of the Central Committee:

- (a) The Central Government shall, by notification in the Official Gazette constitute for the purpose of this Act a Central Committee consisting of the following members:
 - (i) Director General of Indian Council of Medical Research, New Delhi.
 - (ii) Director General of Health Services, Ministry of Health & Family Welfare, Government of India or his nominee.
 - (iii) Director General, Council of Scientific and Industrial Research, New Delhi or his nominee.
 - (iv) Drugs Controller General of India.

- (v) Director, Central Drugs Research Institute,
Lucknow.
- (vi) Professor & Head, Department of Medicine, All
India Institute of Medical Sciences, New Delhi.
- (vii) One expert each in Ayurveda, Siddha, Unani, Yoga,
Naturopathy & Homeopathy, as nominated by the
Department of Indian Systems of Medicines &
Homeopathy (AYUSH), Ministry of Health & Family
Welfare, Government of India.
- (b) The Central Committee shall be chaired by the Director
General of Indian Council of Medical Research.
- (c) The Chairperson can invite other experts to participate in
the proceedings.
4. On the commencement of this Act, only the following systems
of medicines shall be known as 'recognized systems of
medicine' in the country.
- (i) Allopathic or the modern system of medicines, as
governed by the Indian Medical Council Act, 1956.
- (ii) Ashtang Ayurveda, Siddha and Unani systems of
medicines, as governed by the Indian Medicine Central
Council Act, 1970.
- (iii) Homeopathic system of medicines, as governed by the
Homeopathy Central Council Act, 1973.
- (iv) Yoga & Naturopathy, under the Act/Rules as applicable.
- (v) Any other alternative system of medicine, recognized
under section 5 of this Act.

5. (a) The claim of any new system of medicine shall be examined thoroughly by the Central Committee before grant of recognition is considered by the Government.

(b) The Central Committee shall examine as to whether

(i) the new system has its own distinct fundamental principles of health & disease, differing from the concepts from those of the recognized systems of medicine.

(ii) there is substantial scientifically validated literature on the concepts, aetiology, diagnosis and management of diseases, text books including pharmacopoeia and formularies,

(iii) there are standardized methods of preparation of drugs/devices used in the therapy, and quality control from the point of view of safety and efficacy,

(iv) in case the new system is claimed to have originated in any foreign country, there is authentic information about the practice having official recognition as a system of medicine in the country of origin and/or in any other country where it is currently practiced.

(v) It can be recognized by the Government as a system of medicine/therapy,

(vi) It can be taught as a system of medicine to train doctors and practitioners in that system.

(c) The recommendation of the Central Committee shall be submitted to the Government for a final decision.

(d) Any such system if approved by the Government, shall be notified in the Official Gazette.

- (e) The decision of the Government in this regard shall be final.
6. Once a new system of medicine is recognized under section 5 of the Act, the Ministry of Health & Family Welfare, Government of India may further draft Act/Rules to regulate medical education of that system in a manner as laid down under the similar Acts such as the Indian Medical Council Act 1956 or the Indian Medicine Central Council Act 1970.
7. No person shall do or facilitate others in doing medical practice in any unrecognized system of medicines.
8. Whoever contravenes Section 7 of the Act shall be punishable:
- (a) on first conviction, with fine which may extend to Rs. one lakh , or with imprisonment which may extend to three months, or with both;
 - (b) on any subsequent conviction, with fine which may extend to Rs. two lakhs , or with imprisonment which may extend to six months, or with both.
9. No institution or individual shall run, or facilitate running of, any course in any manner, whether through classroom teaching or correspondence, for grant of degrees, diplomas or licenses in an unrecognized system of medicines and or any education/training course claiming to equip the student with skills for rendering medical treatment to patients.
10. Whoever contravenes Section 9 of the Act shall be punishable:
- (a) on first conviction, with imprisonment for a term, which may extend to one year, or with fine, which may extend to two lakh rupees, or with both,
 - (b) on any subsequent conviction, with imprisonment for a term which may extend to two years, or with fine which may extend to five lakh rupees, or with both.

11. Enforcement of the provisions of this Act will be done by the law and order administration of the State Government/Union Territory concerned.
- 12.(i) Subject to the provisions of any rules made in this behalf, any Gazetted Officer authorized by the Government of State/Union Territory may, within the local limits of the area for which he is so authorized -
- (a) enter and search at all reasonable times, with such assistance, if any, as he considers necessary, any place in which he has reason to believe that an offence under this Act has been or is being committed;
 - (b) seize any documents or material which he has reason to believe has been or is being used for committing such an offence;
 - (c) examine any record, register, document or any other material found in any place mentioned in clause (a) and seize the same if he has reason to believe that it may furnish evidence of the commission of an offence punishable under this Act.
- (ii) The provisions of search and seizure as given under the Code of Criminal Procedure, 1973 shall, so far as may be, apply to any search or seizure under this Act.
13. No Court shall take cognizance of an offence under this Act except on a report made by the District Magistrate/Deputy Commissioner/Collector/Deputy Commissioner of Police of the District.
14. The Government may by notification make rules for carrying out the purposes of this Act.
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