Date : / /2012.

**To,**

1. **The Secretary**

Ayush Department

Govt. of India, New Delhi.

1. **The President**

CCIM, New Delhi.

**Sub:- Withdrawal of Minimum Standard Regulations notified by CCIM for Ayurveda Colleges in the interest of providing maintaining qualitative standards of Medical (Ayurveda) Education**.

**Sir,**

With regard to the subject mentioned above this Representation is .submitted for your kind consideration as under:-

**The Indian Medicine Central Council (Minimum Standard Requirements of Ayurveda Colleges and Attachment Hospitals) Regulations, 2012 (hereinafter referred to as the Regulations of 2012) notified by the CCIM is contrary to the provisions of the IMCC Act 1970 as it suffers from the following legal and other infirmities:-**

1. **(i)** The Regulations of 2012 have been made in contravention to the mandatory procedure prescribed under section 22 of the IMCCAct 1970.

Earlier the Draft Regulations prescribing Minimum Standard were prepared by the Ayurveda Committee duly constituted under section 9 of the IMCC Act 1970 which provided Minimum Standards for Ayurveda Colleges and the same were ratified by the general body of CCIM. Thereafter as provided under section 22 (2) of the Act, copies of the Draft Regulations were sent to all State Government for their comments to be received from them within a period 3 months. After expiry of the said period these draft Minimum Standards were sent to the Central Govt. by the CCIM under section 22 of 1MCCAct for approval.

**The Central Govt. changed the contents of the Draft Regulations to the extent of more than 50 % without the consent of the CCIM and sent the same back to the CCIM for issuance of Notification**.

Minimum Standard is a basic document prescribed for achieving the adequacy of the standard of education including staff, equipment, accommodation, training and other facilities prescribed for giving education in Indian Medicine and is the basic document for regulating / controlling the Standards of professional education imparted in the Ayurveda Colleges so far as teaching and practical training is concerned in these colleges. This is a matter which has to be kept purely within the dom.ain of academic and expert bodies consisting of persons having the requisite expertise. The parliament has entrusted the same to the CCIM constituted under IMCC Act 1970. **The Central Govt. has no right to change the Draft Regulations without the consent of the Apex Technical Body. The Central Govt. has the power either to approve or disapprove the same. If the Govt. felt that any addition / deletion are required in the Regulations, it could have referred the same back to CCIM for reconsideration**. The CCIM is the only body constituted from amongst members, having requisite expertise from all over India competent to prescribe and regulate the Standards for quality education and to see as to whether the colleges properly adhere to these standards or not. This activity cannot be transferred to the Govt.

**(ii)** The President / Chairman of CCIM without having any power under the Act to issue the present Draft Minimum Standard Regulations for notification had done so. These regulations received by Govt. of India were placed before the Executive Committee of CCIM for discussion and decided that the same be referred back to the Ayurveda Committee constituted under Section 9 of the IMCC Act 1970. **President without having any power as per IMCC Act and Regulations (Except in emergency condition) issued this Draft Standard Regulation for notification for publication in the official gazette as per Section: 8 of General Regulations 1976 against the decision of the Executive Committee and without the consent of the General Body of CCIM.**

**(iii)** Section 22 (2) of IMCC Act provides for sending the same to all State Governments for getting consent within a period of 90 days. Previous Draft Regulations prepared by CCIM were sent to all the State Government’s for consent as per Section 22 of the Act but the **revised Regulations were not sent to the State Govt. for obtaining their consent though the Central Govt. has changed the original Draft Regulations by more than 50% which certainly required the consent of the State Government’s thus the present Regulations have been issued in violation of the Act an trust reposed in the State Governments’ by the IMCC Act 1970. This is a violation of IMCC Act.**

1. The Central Council of Indian Medicine is vested with the power to frame Regulations **under Section 36 the IMCC Act 1970 to carry out the purposes of the Act, The CCIM can make Regulations to give effect to the provisions of the Act.** These Regulations necessarily have to be subordinate to the provisions the Act and in no case can override /derogate those provisions. Regulations No. 3(2) of Regulations 2012 tends to derogate the powers of visitors to report to the President on the adequacy of the standards of education including stair, equipment, accommodation, training and other facilities prescribed for giving education in Indian medicine or on the sufficiency of every examination which they attend. To ensure the continued maintenance of required Standards of professional Education, **Regulatory process has to be an ongoing process and cannot be restricted to the interval of 5 years** which is sought to be done by the present regulations as the same tends to curtail the powers and authority of the visitors provided under Section 20 of the IMCC Act 1970 as the same provides that Ayurveda colleges cannot be visited after approval for 5 years, this is against the provisions of the Act as stated above. **And Govt. of India without provision of IMCC Act take the visitation power which against the said regulation under section 3(2).**
2. **(i)** Regulations of 2012 provides for reduction in the faculty of colleges i.e. the numbers of teachers/ lecturers have been reduced to 30 in place of 43 presently required for imparting education to 60 students. This would not only adversely affect the quality of education to be imparted by them to the students pursuing professional course of Indian medicine by over burdening the teaching staffs in the colleges but would render the existing staff surplus. At present there are **near about 235 colleges In India and as per the reduction in the number of teachers by the regulations nearly about 3000 teachers/lecturers would be rendered jobless. In the event of such a large number of teachers becoming jobless the colleges would have an upper hand advantage of bargaining with the existing teaching staffs with regard to their emoluments *I* salary etc.**

**(ii) The same would also result in the loss of promotional avenues of the teachers who would ult ultimately have to end their carrier on the post of Reader and would have to wait in vain for promotion on the post of Professor.**

**(iii) The reduction in the numbers of teachers by the Regulations of 2012 would adversely affect the quality of professional/technical education imparted by the colleges** and the exposure of the students to acquire skills for diagnosis and treatment of patients would be curtailed on account of heavy work load. **Without quality education Ayurveda cannot flourish and be promoted globally which would defeat the aims and-objects of the Act.**

**(iv)** **The reduction in the existing bed strength** in the Hospitals attached to the Ayurvedic colleges would curtail the exposure of the professional students required to equip themselves to acquire the techniques and skills of treatment and would adversely affect their confidence in this regard**. Without adequate clinical material how can the passing graduate be trained to practice medicine and without the required level of confidence in them they would neither be useful to themselves nor the society and Indian system of medicine. Thus reducing the number of beds without the advice and consent of technical body (CCIM) would render the efforts of improving Ayurveda education futile.**

**(v) Presently the requirement of biometric machine in the colleges is compulsory to curtail / prevent the duplicacy of teachers on paper but the requirement of biometric machine in the colleges have been made optional/desirable by the Regulations of 2012. In such situation how can the duplicacy of the teachers on paper can be checked / stopped.**

1. **The Regulations of 2012 provides that the colleges should fulfill the minimum required standards as per the regulations by 31st of Dec. 2014. This is again contrary to the provision of Section l3A and 13C of the Act of 1970. Section 13C** was amended and inserted by the Indian Medicine Central Council (Amendment) Act 2002 and came into force on 28/1/2003 which provided a grace period of 3 years to colleges established on or before the commencement of the amendment Act 2002 to upgrade the required facilities and seek permission of the Central Government in accordance with the provisions of Section 13A of the Act, failing which the provisions of Section 13B would come into effect and the medical qualifications of such colleges shall not be deemed to be a recognized qualification. Extension of this statutory period by way of making provisions in the regulations is not permissible under the law as the same would render the provisions of section 13C of the Act 1970 nugatory. The present regulations tend to do so, would only promote the growth of mushroom colleges and management and are not beneficial and effective to promote qualitative education in the field of Indian medicine.

**Sir, if our goal is to get universal recognition for Ayurveda and to restore the same to its glorious past their cannot be** any **room for compromise in the** quality **of education to be imparted to the professional who intends to practice this system** of **medicine.** These regulations undermine the authority of CCIM as established by the IMCC Act 1970 for prescribing / regulating the standards of medical education. The regulations of 2012 tend to precisely do so by relaxing the norms. **Thus it would be in the interest of Ayurveda and the society at large that the aforesaid Regulations/ notification be withdrawn.**

**Yours sincerely,**

 President General Secretary Treasurer

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