

**GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA**

UNSTARRED QUESTION NO:3297
ANSWERED ON:01.08.2014
RECOGNITION OF AYUSH COLLEGES
Lokhande Shri Sadashiv Kisan;Nath Shri Chand

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

- (a) the norms and procedure laid down for establishment and recognition/ derecognition of Ayurveda, Yoga and Naturopathy, Unani, Siddha and Homoeopathy (AYUSH) colleges in the country;
- (b) the details of AYUSH colleges recommended by the Central Council of Indian Medicine (CCIM) for recognition and the action taken/proposed by the Government thereon during each of the last three years and the current year, State/ UT-wise;
- (c) the details of AYUSH colleges derecognised indicating the reasons therefor along with the procedure adopted for their derecognition during the said period, State/ UT-wise;
- (d) whether differences have cropped up between CCIM and the Department of AYUSH over the mandate to recognise/ derecognise AYUSH colleges and if so, the details thereof and the reasons therefor along with correct position in this regard; and
- (e) whether the Supreme Court has made any judgement in this regard and if so, the details thereof and the action taken/ proposed by the Government in compliance with the same?

Answer

THE MINISTER OF HEALTH AND FAMILY WELFARE (DR. HARSH VARDHAN)

(a): By virtue of the IMCC (Amendment) Act, 2003, which came into force on 7.11.2003, a new Chapter IIA was inserted in the IMCC Act, 1970 containing three new sections – 13A, 13B and 13C. Section 13A contains provisions for the grant of permission by the Central Government for new Ayurveda, Siddha and Unani (ASU) Medical Colleges, higher courses of study and increase in admission capacity. Section 13B is a kind of penal provision which states that in the absence of prior permission of the Central Government, the Medical qualification granted to a student of such a new medical college or a college which has started a higher course of study or a college which has increased its admission capacity would not be recognized. Section 13C states that (a) all existing medical colleges (b) Colleges which had started higher courses of study and (c) Colleges which had increased admission capacity would have to seek permission from the Central Government within a period of three years from the commencement of the Amendment Act, i.e. by 06.11.2006.

Similarly, The Homoeopathy Central Council Act, 1973 was also amended in the year 2002 which came into force on 28.01.2003 and a new Chapter IIA was inserted containing new sections – 12A and 12B. Section 12A contains provisions for the grant of permission by the Central Government for new Homoeopathy Medical Colleges, higher courses of study and increases in admission capacity. Section 12B is a kind of penal provision which states that in the absence of prior permission of the Central Government, the Medical qualification granted to a student of such a new medical college or a college which has started a higher course of study or a college which has increased its admission capacity would not be recognized.

To give effect to the aforesaid provisions under the IMCC and HCC Acts, the Central Council of Indian Medicine (CCIM) and the Central Council of Homoeopathy (CCH) with the prior permission of the Central Government have laid down the Regulations namely "the Establishment of New Medical College, Opening of New or Higher Course of Study or Training and Increase of Admission Capacity by a Medical College Regulations, 2003" (published in the Gazette of India on 16th March, 2004) with amendment Regulations namely "the Establishment of New Medical College, Opening of New or Higher Course of Study or Training and Increase of Admission Capacity by a Medical College (Amendment) Regulations, 2013" (published in the Gazette of India on 28th March, 2014) and "the Establishment of New Medical College, Opening of New or Higher Course of Study or Training and Increase of Admission Capacity by a Medical College Regulations, 2011" (published in the Gazette of India on 30th September, 2011), respectively.

For withdrawal of recognition under section 21 of the IMCC Act, 1970 and under section 19 of the HCC Act, 1973, there are provisions to derecognise the medical qualification of the students of non-qualifying college(s) which do not conform to the standard prescribed by the Central Council. However, there is no Central Council and Central Act for regulating Yoga and Naturopathy education.

(b): The CCIM deals with the Ayurveda, Siddha and Unani (ASU) colleges. In the case of existing colleges, the CCIM suo moto visits the college for conducting inspection. After verification of the Inspection Report, the CCIM forwards its report and recommendation to the Central Government for denial or grant of permission to the college concerned. On examining the inspection report and recommendation of the CCIM, the Central Govt. grant permission to the colleges which are fulfilling the required eligibility criteria or grant an opportunity of hearing to the colleges which are not fulfilling the requirements. During the course of hearing, if the Hearing

Committee finds that the college concerned fulfills all the requirements, then permission letter is issued otherwise denial of permission is issued. State/UT-wise recommendation of CCIM for grant or denial of permission to the existing ASU colleges and the permission/denial by the Central Government during the last three years and the current year is at Annexure-I.

Similarly, on receipt of the application under section 13A for establishment of new colleges, the Central Government forwards the application to the CCIM for inspection and its recommendation as per the provision of IMCC Act, 1970. Thereafter, the CCIM visits the college for inspection and send its report and recommendation to the Central Government for Issuing of Letter of Intent or rejection of application. On examining the same, the Central Government issue Letter of Intent to the colleges which fulfill the required eligibility criteria or grant an opportunity of hearing to the colleges which are not fulfilling the requirements. During the course of hearing, if the Hearing Committee finds that the college concerned fulfills all the minimum requirements, then Letter of Intent is issued. In the Letter of Intent, the time is provided to the college for removal of remediable deficiencies. Subsequently, the CCIM again visits the college for inspection and send its recommendation for withdrawal of LOI or grant of permission for establishment of new colleges. The Central Government follows the same process as explained above while issuing of LOI for grant or denial of permission for establishment of new colleges. The permission is granted to the colleges which fulfill the requirements, otherwise order of withdrawal of LOI and denial of permission under Section 13A is issued. State/UT-wise recommendation of CCIM for establishment of new colleges and their permission/denial by the Central Government during the last three years and the current year is at Annexure-II.

(c): None of the existing ASU college has been derecognised under the Section 21 of the IMCC Act, 1970 during the last three years and the current year. In case of Homoeopathy colleges, the qualification awarded in respect of the following colleges have been derecognised under the provision of Section 19 of the HCC Act, 1973, since these colleges have not fulfilled the requirements and standards as specified in the relevant regulations made under the Act:

1. Rajeev Gandhi Homoeopathic Medical College and Hospital, Indore, Madhya Pradesh.
2. Purulia Homoeopathic Medical College and Hospital, Purulia, West Bengal.
3. Chandola Homoeopathic Medical College, Rudrapur, Uttarakhand.
4. Raipur Homoeopathic Medical College, Raipur, Chhattisgarh.
5. Maharana Pratap Homoeopathic Medical College, Raipur, Chhattisgarh.

However, as per the judgements of Hon'ble High Court of Uttarakhand and Hon'ble High Court of Chhattisgarh, the derecognition of Chandola Homoeopathic Medical College, Rudrapur, Uttarakhand, Maharana Pratap Homoeopathic Medical College, Raipur, Chhattisgarh and Raipur Homoeopathic Medical College, Raipur, Chhattisgarh stands withdrawn.

(d): No. No differences have cropped up between CCIM and the Department of AYUSH over the mandate to recognise/derecognise AYUSH colleges. Further, regarding the grant of permission under Sections 13A and 13C of the IMCC Act, the Act has defined the role of the Central Government and the CCIM in Sub-sections (4), (5) and (8) of Section 13A. Accordingly, the CCIM makes its recommendations under clause (b) of Sub-section (4) of Section 13A and the Central Government passes order either approving or disapproving the scheme under Sub-section (5) of Section 13A. Before disapproving the scheme(application), an opportunity of hearing is also granted by the Central Government to the applicant/college as per the provisions of the Act. As per the provisions of the Act, the CCIM is only a recommendatory body and Central Government is not abide by the CCIM's recommendations.

(e): The Hon'ble Supreme Court of India has not made any judgement in this regard. However, the Hon'ble Supreme Court of India has passed landmark judgement on the issues of Grant/Denial of permission in its judgement dated 06.03.2013 in the case of Ayurveda Shastra Sewa Mandal & Anothers Versus Union of India & others arising out of SLP No. 31892 of 2012 cited as 2013 (3) SCALE 213 along with other connected matters took into account the various SLPs filed in the subject matter with regard to the refusal of permission by the Central Government. The Supreme Court while dismissing all the SLPs has not granted any relief to the colleges which were denied permission for the academic sessions 2011-12 & 2012-13 and to the students those were admitted pursuant to the interim orders of High Courts. In another case bearing SLP No. 31758 of 2012 filed by the Department of AYUSH, the Supreme Court of India in its order dated 19.11.2013 observed that "...if any student is admitted without removing those deficiencies and getting clearance from statutory authorities, the school or college would not be entitled for regularisation of such course or transfer the students to any other school/college whatsoever. Further clarified that there can be no justification for any college to ask for re-inspection beyond the terms of regulation applicable in its case."