

National Commission for Indian System of Medicine (General) Regulations, 2023

UNION OF INDIA

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In exercise of the powers conferred by sub-section (1) and clauses (a), (b), (c), (g), (p) and (q) of sub-section (2) of section 55 of the National Commission for Indian System of Medicine Act, 2020 (14 of 2020), the National Commission for Indian System of Medicine hereby makes the following regulations, namely: -

1. Short title and commencement.

(1) These regulations may be called the National Commission for Indian System of Medicine (General) Regulations, 2023.(2) They shall come into force on the date of their publication in the Official Gazette.

2. Definitions.

(1) In these regulations, unless the context otherwise requires, -(a) "*Act*" means the National Commission for Indian System of Medicine Act, 2020 (14 of 2020);(b) "*secretary*" means the Secretary of the National Commission for Indian System of Medicine appointed under sub-section (1) of section 8 of the Act;(c) "*employees*" means officers and other employees of the Commission appointed under sub-section (5) of section 8 of the Act.(2) The words and expressions used herein and not defined in these regulations, but defined in the Act, shall have the same meanings respectively, as assigned to them in the Act.

3. Office of the Commission.

The office of the Commission shall be at New Delhi.

4. Meeting of the Commission.

(1) The Commission shall meet at least once in every quarter at such time and place as may be appointed by the Chairperson.(2) The meetings of the Commission shall ordinarily be held at its head office situated at New Delhi:Provided that the Commission may also hold meetings at any other place in India, if required.(3) The Chairperson shall preside at the meeting of the Commission and if, for any reason, the Chairperson is unable to attend a meeting of the Commission, any Member being the President of the Autonomous Board, nominated by the Chairperson, shall preside at the meeting.

5. The Commission may conduct the following types of meetings, namely.

(i) ordinary meetings relating to a statutory inquiry or investigation, or other proceedings, subject to the provisions of the Act, or the rules or regulations made thereunder;(ii) special meeting relating to all other functions not covered by the ordinary meeting;(iii) emergency meeting in case of emergent issue to be decided by circulation.

6. Procedure for ordinary meetings.

(1) The Chairperson shall decide date, time and place and the agenda for each meeting of the Commission:Provided that an item not included in the agenda of an ordinary meeting may be taken up for consideration, on grounds of urgency shown by an applicant in writing, with the approval of the Chairperson.(2) The meeting hours of an ordinary meeting shall normally be office hours.(3) The Secretary of the Commission, being authority to authenticate orders and decisions of the Commission, shall organise meetings of the Commission and remained present during the meeting to take notes and ascertain logistic supports to the Members of the Commission:Provided that the Secretary shall not express his views on any issue being discussed or intervene in the meeting agendas except when Commission asked to do so to the Secretary.(4) The duration of each ordinary meeting shall be as decided by the Chairperson. Each party or person to the proceeding may be granted such opportunity to present their case as deemed appropriate by the Commission.(5) The Commission may direct any party or person to file written submissions, which shall be considered along with replies thereto of the other party or person of the proceeding.(6) The Chairperson may invite subject experts on requirement basis as special invitee to attend discussions on any specific subject agenda or to attend the whole meeting of the Commission.(7) The invited expert shall be free to participate in the discussions. The expert shall have no right to vote.(8) The expert, so invited shall be eligible for admissible travelling allowance, hotel expenses and sitting fee as specified by the Commission.

7. Quorum of the meeting.

(1) One-half of the total number of Members of the Commission including the Chairperson shall constitute the quorum.(2) Any Member unable to be present in a meeting for any reason, may if feasible, choose to participate in the said meeting through video conferencing and it shall be

considered as attendance of the Member for the purpose of casting vote during the meeting.(3) The proceedings of each ordinary meeting of the Commission shall be recorded under the superintendence and guidance of the Secretary or by any other officer authorised by the Chairperson.(4) The minutes of each matter taken up during an ordinary meeting shall be given continuous serial number for a particular financial year.(5) All decisions of the Commission shall be taken by a majority of the Members, present and voting and in the event of equality of votes, the Chairperson or in his absence, the President of the Autonomous Board nominated under sub-section (2) of section 9 of the Act, shall have the casting vote.

8. Procedure for special meeting.

(1) The Chairperson may call a special meeting at any time by giving five days' prior notice with agenda papers to deal with any urgent matter requiring the attention of the Commission or on a requisition signed by not less than fifty per cent of the total numbers of Members of the Commission for a purpose, which is within the scope of the Commission's functions.(2) The special meeting of the Commission shall be attended by the Secretary and such other officer authorised by the Chairperson.(3) The Secretary shall notify the date, time, place and the agenda for special meeting of the Commission to the Members and other concerned officers, in advance.(4) In the case of special meeting the agenda for which the meeting has been called for, shall only be discussed.

9. Emergency meeting.

(1) The Chairperson may call an emergency meeting at any time by giving one day notice only in case of emergent issue or item specifying the cause for the emergency meeting.(2) Any matter to be considered in a meeting other than those requiring statutory approval of the Commission, may with the prior approval of the Chairperson to be decided on file by circulation.

10. Proceedings of the ordinary meeting.

(1) The Secretary or any other officer authorised by the Chairperson shall attend the meeting and take note of details of discussion and observations of the proceeding and prepare the minutes of the meeting.(2) The minutes of each ordinary meeting of the Commission shall be submitted to the Chairperson within seven working days for attestation.(3) The Secretary shall circulate attested minutes to each Member of the Commission.

11. Proceedings of the special meeting or emergency meeting.

(1) The Secretary, for all special meetings or emergency meetings shall arrange to prepare and record the minutes of every meeting of the Commission and after obtaining the approval of the Chairperson circulate it amongst the Members and the senior officers. The minutes of such meetings shall be given a continuous serial number for a particular financial year.(2) The Secretary shall communicate the decisions taken on each item of the agenda to all concerned for compliance of the orders and report for action taken in the next meeting.

12. Notice of meeting.

The notice of every meeting, other than a special meeting shall be dispatched by the Secretary by e-mail or by speed-post to each Member of the Commission in advance and not less than fifteen days before from the date of the meeting.

13. Agenda papers.

(1) All agenda items shall be approved by the Chairperson before submitting it in the meeting of the Commission. The secretary shall issue notice of the meeting, a preliminary agenda paper showing the business to be brought before the meeting, the terms of all motions to be moved of which notice in writing has previously reached with him and the names of the movers.(2) A Member who wishes to move any motion shall give notice to the Secretary not less than ten days before the date fixed for the ordinary meeting.(3) The Secretary shall not less than seven days before the date fixed for the ordinary meeting and in the case of a special meeting with the five days notice of the meeting, issue a complete agenda to Members of the Commission, paper showing the business to be brought before the meeting.(4) Supplementary agenda papers may be placed by the Secretary during the meeting of the Commission for consideration with the permission of the Chairperson.

14. Adjournment of meeting.

(1) The Chairperson may, if he deems necessary due to exigencies, at any time, adjourn the meeting to any future day or to any hour of the same day and state the reasons thereof.(2) Whenever a meeting is adjourned for future day, the Secretary shall, if possible, send notice of the adjournment to every Member including those who were not present at such meeting.(3) When a meeting is adjourned to a future day, any motion standing over from the previous day shall, unless the Chairperson otherwise directs, take precedence over other matters on the agenda.(4) It shall be the prerogative of the Chairperson to change in the order of business on the agenda either at the beginning of the meeting or after the conclusion of the debate on a particular item during the meeting.(5) The matter which had not been on the agenda of the original meeting shall also be discussed at an adjourned meeting, after completion of agenda of the original meeting, and if time permits, with permission of the Chairperson and according to availability of Members.(6) The quorum shall be the same for an adjourned meeting as applicable for an ordinary meeting.

15. Decision on points of orders.

(1) The Chairperson shall decide all points of order which may arise during the meeting and his decision shall be final.(2) If any question arises with reference to procedure in respect of a matter for which these regulations have no provision, the Chairperson shall decide the same and his decision shall be final subject to the provisions of the Act.(3) The Chairperson shall direct any business, which it may be necessary for the Commission to discuss and decided due to urgency, to be transacted by circulation among the Members of the said Commission:Provided that if five or more Members of the Commission desire that any particular subject shall be decided at a meeting instead

of by circulation, it shall be placed before the meeting of the Commission.(4) Any resolution or business which is circulated as provided under sub-regulation (3) and approved by a majority of the Members signing and confirming, shall be binding as a resolution adopted.

16. Dissent or objection on minutes of the meeting.

(1) The minutes of the meeting shall be circulated among all the Members within fifteen days after the scheduled meeting for their perusal and objection, if any. If any objection or dissent with respect to the correctness of the minutes is received within ten days from the date of dispatch of the minutes, such objection or dissent together with the minutes as recorded and attested shall be put before the next meeting of the Commission or circulated to the Members in case of the urgent matter, for confirmation: Provided that if no objection with respect to the correctness of the minutes of the meeting is received within ten days from the date of dispatch of the minutes of that particular meeting, such decision shall come into effect: Provided further that in exceptional situation the Chairperson may direct the concerned authorities that action be taken on a decision of the Commission before the expiry of the period of ten days and action taken shall be got ratified in the next meeting of the Commission.(2) No fresh issue shall be raised except as to the correctness of the minutes of that meeting.

17. Agenda or decisions to be in printed form.

The motions or decisions or minutes adopted in the meeting of the Commission shall be preserved in the printed form, which shall be authenticated by the Chairperson.

18. Volumes of minutes.

The minutes of the meetings shall as soon as practicable after their confirmation, be made up in sheets and consecutively paged for insertion in a volume, which shall be permanently preserved for records purpose.

19. Power to regulate procedure in certain circumstances.

In a situation not provided for in these regulations, the Commission may, for reasons to be recorded in writing, determine the procedure in a particular case as per the provisions of the Act.

20. Effect of any irregularity of procedure.

No action or proceedings of the Commission shall be invalid merely by reason of any irregularity in the proceeding of the Commission as provided under clauses (a) and (b) of sub-section 5 of section 9 of the Act.

21. Removal of difficulty. In the matter of implementation of these regulations, if any doubt or difficulty arises, the same shall be placed before the Commission and the decision of the Commission shall be final.

22. Joint sitting of Commissions.

(1) There shall be a joint sitting of the Commission, the National Commission for Homeopathy and the National Medical Commission, at least once a year, at such time and place as they mutually appoint, to enhance the interface between Indian System of Medicine, Homoeopathy and Modern System of Medicine. (2) The Agenda for the joint sitting may be placed with mutual agreement by the Chairpersons of the Commissions concerned. (3) Notice of meeting for joint sitting of the three Commissions shall be dispatched by the concerned Secretary with the consent of the Chairperson by the respective Commission on a mutually convenient date and time. (4) The joint sitting may, by an affirmative vote of all Members present and voting, decide on approving specific educational and medical modules or programmes that could be introduced in the under-graduate and postgraduate courses across medical systems, and promote medical pluralism. (5) The Secretary of that particular Commission shall make available logistic support, attend the meeting and records the minutes of the meeting. After soliciting the approval of the Chairperson, the Secretary shall communicate in writing the decision of joint meeting to other two Commissions on each item of agenda for compliance. (6) The Secretary shall maintain the record of volume of minutes by giving continuous serial numbers for a particular financial year. (7) If any objection regarding correctness of the minutes of the meeting is received, such objection shall be brought to the notice of the particular Chairperson and put before the next joint meeting of the Commission.

23. Meeting of Advisory Council.

(1) The meeting of the Advisory Council for the Indian System of Medicine shall be held at least twice in a year at such time and place as may be decided by the Chairperson. (2) The Chairperson shall preside at the meeting of the Council, and if for any reason, the Chairperson is unable to attend a meeting of the Advisory Council, such other member as nominated by the Chairperson shall preside over the meeting. (3) All acts of the Advisory Council shall be decided by a majority of the members present and voting. (4) The Secretary of the Commission or any person authorised by the Chairperson shall arrange to prepare and record the minutes of the Advisory Council meeting. The minutes of such meeting shall be circulated to all the members of the Advisory Council.

24. Procedure for meetings of Advisory Council.

(1) The Chairperson shall decide date, time, place and the agenda for each meeting of the Council: Provided that an item not included in the agenda of the meeting may be taken up for consideration, on the grounds of urgency expressed by the concerned member in writing, for the approval of the Chairperson. (2) The Secretary of the Commission, being authority to authenticate orders and decisions of the National Commission for Indian System of Medicine, shall make available logistic support and remain present during the meeting to take notes: Provided that the

Secretary shall not express his views on any issue being discussed or intervene in the meeting agendas except when the Advisory Council asked to do so to the Secretary.(3) The Chairperson may invite subject experts on requirement basis as a special invitee to attend discussions on any specific subject Agenda or to attend the whole meeting of the Council.(4) The invited expert shall be free to participate in the discussions. The expert shall have no right to vote.(5) The expert, so invited shall be eligible for admissible travelling allowance, hotel expenses and sitting fee as prescribed by the Commission.

25. Quorum of the meeting.

(1) One-half of the members of the Council including the Chairperson shall form the quorum.(2) Any member unable to be present in a meeting for any reason, may if feasible, choose to participate in the said meeting, through video conferencing and this shall be considered as attendance by the member for the purpose of casting vote during the meeting.(3) The proceedings of each meeting of the Council shall be recorded under the superintendence and guidance of the Secretary or by any other officer authorised by the Chairperson.(4) The Secretary shall communicate the decision taken on each agenda to all concerned for compliance. The Secretary shall keep the volume of minutes, compliance report and the like for a particular financial year and shall submit an action taken report in the next meeting.

26. Procedure for meeting of Autonomous Boards.

(1) Every Autonomous Board shall meet at least once a month at such time and place as may be determined.(2) The meeting shall be presided by the respective President or in his absence, any Member of the respective Board nominated by the President shall preside over the meeting.(3) The President shall nominate any officer of the respective Autonomous Board to act as convener for conducting the meeting, preparation of agenda and drafting of the minutes.(4) The officer, so nominated as convener of the Autonomous Board shall send notice of meeting to all Members of the Autonomous Board at least three days before the date fixed for meeting.(5) The President of the Board may call a special or emergency meeting of the respective Board at any time to discuss a particular matter by giving three hours notice to the Member of the Autonomous Board through the convener.(6) The President of the Autonomous Board shall invite subject experts or any other Member to participate in the meeting and shall have no right to vote.(7) All decisions of the Autonomous Boards shall be made by consensus, and if consensus is not possible, decision shall be made by majority of votes of the President and Members.(8) The minutes shall be prepared by the convener and authenticated by the President of the Board and signed by each Member of the Board.(9) In case of disagreement by any Member, note of dissent shall be recorded in the minutes under his signatures.(10) In case of tie, the decision of the President of the Board shall be final.(11) The proceedings of the meeting conducted by the Autonomous Board shall be communicated through the Secretary of the Commission to the Chairperson for his approval.

27. Powers and duties of Secretary.

(1) The power and duties of the Secretary shall be the following, namely: (a) the Secretary shall have the custody of records of the Commission and shall exercise such other functions as may be assigned to him by the Commission; (b) the Secretary shall circulate to all concerned, the date, time and place of each meeting, as per the directions of the Chairperson; (c) making or receiving all statutory communications; (d) entering into any formal relationships, including signing of any Memorandum or arrangement with the National Commission for Indian System of Medicine or any agency of any foreign country, with the prior approval of the Commission and the Central Government; (e) the Commission may sue or to be sued in the name of the Secretary and the Commission shall be represented in the name of the Secretary in all legal proceedings, including appeals before the Court; (f) the Secretary shall assist the Committee of Members constituted for preparation and approval of the annual budget of the Commission; (g) the Secretary shall keep in custody the official seal of the Commission. The official seal of the Commission shall be affixed to any document including the certified copies of the orders of the Commission, only with the approval in writing by the Secretary. (2) subject to sub-regulation (1), to ensure timely and efficient disposal of the matters brought before the Commission and for achieving the objectives of the Act, the Secretary shall have the following powers and functions, namely: (a) to receive, endorse and categories all the information, references, applications or documents including miscellaneous applications and other documents for transfer of proceedings and application for adjournment, and the like. (b) to check the amount of fee received where applicable and to ensure the timely deposit of the same in the bank account of the Commission; (c) to scrutinise all information, references, applications or documents so received to find out whether they are in conformity with the rules and regulations; (d) to allow inspection of records of the Commission by the Comptroller and Auditor General of India and any other person appointed by him; (e) to return the documents filed by any party or authority on orders of the Commission; (f) to compile and preserve record of any proceeding during an ordinary meeting including the chronology of events, the initiating document, the notice of the meeting, opinion of expert, if any, all documentary evidence filed, the final order or decision of the Commission; (g) to ensure confidentiality of documents or evidences or statements or any analysis as provided under these regulations, by keeping them in safe custody; (h) to undertake maintenance of records including weeding out of records in accordance with retention schedule in force and in accordance with directions of the Chairperson issued from time to time; (i) all orders and decisions of the Commission shall be authenticated by signature of the Secretary as provided under sub-section (2) of section 10 of the Act; (j) the Commission shall appoint the Secretary as Drawing and Disbursing Officer and the Head of the Office of the Commission and for the Autonomous Boards and discharge all such powers as delegated under the Act; (k) the Secretary of the National Commission of Indian System of Medicine shall function as the Head of the Department to the extent powers assigned by the Commission; (l) the Secretary shall be the disciplinary authority to initiate disciplinary action or enquiry against any of the officer and other employees posted in the Secretariat of the Commission with the prior approval of the Chairperson; (m) the Secretary in consultation with the Chairperson shall take disciplinary action against employees and officers attached with Autonomous Boards on the recommendations of the respective Board's President or by a Member of the Board in the absence of President; (n) the Secretary is the competent authority with the consent and sanction of the Chairperson to approve payment of all kinds of rates, rents, taxes, salaries, remuneration,

allowances, leave travel concession, travelling allowance, Central Government Health Scheme contribution or other dues;(o) the Secretary shall be responsible for preparation of budget estimates, appropriation or re-appropriation within the grant, ensure optimum use of budgetary provisions, appropriate and adequate accounting of all receipts and payments in the books of accounts as per the directions of the Chairperson;(p) the Secretary shall ensure maintenance of all accounts books as per Uniform Format of Accounting System as prescribed by the Comptroller and Auditor General of India;(q) the Secretary in consultation with Chairperson of the Commission shall be responsible for preparation of demands for grants in aid and ensure utilisation of grants in aid within the defined area and established parameters;(r) the Secretary shall be the procuring authority and shall be the primary buyer for the purpose of procurement through Government-e-Market. He shall also be empowered to sanction expenditure on miscellaneous and contingent expenditure in nature;(s) all Departments of the Commission such as establishment and general administration Department, Accounts Section, Legal Section, Information Technology, Right to Information and Grievance, National Examination Cell, Help desk, Hindi Section, Library, Social Media and other units providing logistic support, shall be the part of the Secretariat headed by the Secretary as provided under sub-section (1) of section 8 of the Act.(t) the Secretariat shall provide all kinds of logistic support to all Autonomous Boards;(u) the Secretary shall be leave sanctioning authority for the officers and other employees working in the Secretariat of the Commission;(v) the Secretary shall be Controlling Officer in respect of all other officers and other employees irrespective of their attachment of respective Autonomous Boards;(w) with the prior sanction of the Commission, the Secretary shall get that specific work beyond the scope and specialisation of the regular employees, done from an agency selected through open competition under the provisions of rule 177 to rule 196 of the General Financial Rules, 2017 or by engaging experts on contract basis for specific period with fixed remuneration which shall not exceed the rate approved by the Commission.(x) the Secretary shall perform such other duties as have been assigned under the Act and these regulations and also perform such other duties as assigned to him by the Commission.

28. Number and manner of appointments of experts, professionals, officers and other employees of the Commission.

(1) The manpower to different Autonomous Boards shall be provided by the Commission after discussion in the Commission keeping in view of the workload of each Autonomous Board and also due consultation with President of each Autonomous Board.(2) The Chairperson shall discuss the matter with the President of the respective Board and the Secretary of the Commission, and calculate the strength of posts as per the requirement of each Autonomous Board.(3) Each Board shall consult and discuss the requirement of professionals or experts with the Chairperson of the Commission and with his approval, committee of experts may be formed for smooth accomplishment of assigned work of respective Autonomous Boards.(4) In addition to regular and contractual employees, the President of the Autonomous Boards shall also be provided manpower on outsource basis as per the requirements with the approval of the Commission.(5) The Chairperson shall through the Secretary after due deliberation with Presidents of Autonomous Boards to intra-transfer of officers and other employees as per functional requirement of the different Autonomous Boards.

29. Interpretation.

The power to interpret any of these regulations to settle any dispute shall lie with the Commission, whose decision shall be final and binding with respect to consultant or outsource employee or contract employee or any other person directly affected by these regulations.