



राष्ट्रीय होम्योपैथी आयोग
National Commission for Homoeopathy

JawaharLal Nehru BhartiyaChikitsaAvum Homocopathy
AnusandhanBhavan
No.61-65, Institutional Area, Opp. 'D' Block, Janakpuri, New Delhi-110 058

Phone: (Direct) 011-28522906
Email: nchindia21@gmail.com
Website: www.nch.org.in



File No. 30-06/2022/NCH Regulation/8791-8801

Date:01.11.2022

To,

1. The Principal Secretary/Secretary, (Department of AYUSH / ISM&M / Medical Education/ Health & FW – All State U.T.
2. The Commissioner/Director of AYUSH / ISM&H- All State & U.T.
3. The Registrar of University (Including Deemed Universities) having affiliated/Constituent Homoeopathic Medical Colleges – All State & U.T.
4. The Registrar, Homoeopathic Board/ Council – All State & U.T.
5. The Principal of all the Homoeopathic Medical Colleges and Hospital (including Director, N.I.H. Kolkata & NEIAH, Shillong).
6. All Homoeopathic Associations and Federations/Society.
7. All other Stake Holders/General Public.

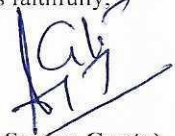
Sub : Comments/ Suggestions over the draft regulations namely 'National Commission for Homocopathy (General), Regulations- 2022'- Reg.

Madam/Sir,

I am directed by the Competent Authority to circulate the draft Regulation 'National Commission for Homocopathy (General), Regulations- 2022' regarding conduct of business of Commission, through website of the commission (www.nch.org.in) for seeking comments/suggestions over the draft regulation within period of 30 days w.e.f. 01.11.2022 as per the Rule 23 sub-section (d) of G.S.R. 772 (E) Ministry of Ayush notification dated 18.12.2020.

The comments/suggestions be sent on email: nchindia21@gmail.com.


Yours faithfully,


(Prof. Dr. Sanjay Gupta)
Secretary

Enclosed as above.

Copy to:-

1. The Secretary, Ministry of Ayush, B Block, GPO Complex, INA, New Delhi-110023.
2. Chairperson, National Commission for Homocopathy, 61-65, Institutional Area, Janakpuri, New Delhi-110058.
3. IT Consultant with the direction to upload on website.
4. Guard File.


(Prof. Dr. Sanjay Gupta)
Secretary

NATIONAL COMMISSION FOR HOMOEOPATHY

NOTIFICATION

No. _____ In exercise of the powers conferred under section 55 (1) of The National Commission for Homoeopathy Act, 2020 (15th of 2020), the National Commission for Homoeopathy hereby makes the following regulations, namely:-

1. **Short title and commencement**— (1) These regulations may be called the National Commission for Homoeopathy (General) Regulations, 2022.

(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 Homoeopathy (NCH) Act, 2020 (15 of 2020);
 - (b) 'Commission' means the National Commission for Homoeopathy constituted under section 3 of the National Commission for Homoeopathy Act, 2020;
 - (c) 'Chairperson' means Chairperson of the National Commission for Homoeopathy appointed under section 5 of the NCH Act;
 - (d) "BERH" means the Board of Ethics and Registration for Homoeopathy constituted under section 18;
 - (e) "IEEB" means the Homoeopathy Education Board constituted for Homoeopathy education under section 18;
 - (f) "MARBH" means the Medical Assessment and Rating Board for Homoeopathy constituted under section 18;
 - (g) 'Advisory Council' means Advisory Council for Homoeopathy constituted under section 11 of the Act;
 - (h) 'President' means President of the Autonomous Board appointed under section 20 of NCH Act;
 - (i) 'Secretary' means Secretary of the Commission appointed under section 8 of the National Commission for Homoeopathy Act, 2020;
 - (j) 'Employees' means officers and other employees of the Commission appointed under section 8 (5) of the Act.

(2) The words and expressions used herein and not defined but defined in the Act shall have the respective meanings assigned to them in the Act and Rules notified by the Central Government.
3. **Office of Commission.** - The office of the Commission shall be situated in Delhi.
4. **Meetings of the Commission.** -(1) The Commission shall meet at least once in every quarter at such time and place as may be decided by the Chairperson. Meetings of the Commission shall ordinarily be held at Delhi or at such other places and on such dates and time as decided by the Chairperson. The mode of the meeting can be online/virtual or physical as decided by the Chairperson.

(2) The Chairperson may call a special meeting at any time within a three days' notice along with agenda papers, to deal with such specific matter, requiring the attention of the Commission urgently as proposed by concerned autonomous board or secretariate, in online/virtual or physical mode.

(3) In the special meetings as referred in sub-regulation (2) above, the subject for which the meeting has been called, shall only be discussed.

(4) The Chairperson shall preside the meeting of the Commission and if, for any reason, the Chairperson is unable to attend the meeting of the Commission, he shall nominate the President of such Autonomous Board to preside the meeting against which no agenda related to appeal is being considered in the meeting.

(5) One-half of the total number of Members of the Commission as prescribed under the Act including the Chairperson, shall constitute the quorum. 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 (5), shall have the casting vote.

5. Notice of Meetings. - Notice of every meeting of Commission, shall be issued by the Secretary and shall be sent by email or speed post to each member of the Commission. Meetings notice other than special meeting shall be issued not less than seven days before the date of the meeting. Non receipt of notice by any member, shall not however invalidate the proceedings of any meeting.

6. Special Invitee. - The Chairperson may invite subject expert(s) as special invitee(s) to attend discussions on any specific subject agenda or to attend the whole meeting of the Commission. The invited expert shall be free to participate in the discussions but shall not have the right to vote. He shall be eligible for admissible TA/DA and sitting fee.

7. Agenda papers. - (1)(i) The Secretary shall issue with the notice of the meeting, a preliminary agenda paper showing the business as approved by chairperson to be brought before the Commission, followed by detailed agenda so as to reach at least three days in advance to the members.

(2) A member who wishes to move any agenda not included in the preliminary agenda paper or an amendment to any agenda item so included in the preliminary agenda paper, shall communicate to the Chairperson for approval to be noted in the agenda by not less than 05 clear days before the date fixed for the meeting.

(3) Chairperson may allow supplementary agenda during the meeting of the Commission considering essentiality/urgency or if referred by the Central Government/Autonomous Boards/Secretariat.

8. Adjournment of meetings. - (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 to a future date, the Secretary shall, if possible, send notice of the adjournment to every member.

(3) It shall be the sole 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.

(4) 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

9. Decision on points of order. -(1) The Chairperson shall decide all points of order which may arise, and his decision shall be final.

(2) If any question arises with reference to procedure in respect of a matter for which these regulations make no provision, the Chairperson shall decide the same and his decision shall be final.

(3) The Chairperson shall direct any business, which may be necessary for the Commission to discuss and decide due to urgency, to be transacted by circulation among the members of the Commission and decision taken up shall be ratified in the subsequent meeting of commission.

10. Agenda and decisions to be in printed form. -The agenda and decisions adopted in the meetings of the Commission shall be preserved in the form of printed minutes with signature of secretary.

11. Minutes to be attested by Chairperson. - The Secretary shall attend the meeting and take notes of the proceedings and prepare the minutes of meeting. A copy of the minutes of each meeting of the Commission shall be submitted to the Chairperson within five days of the meeting and attested by him and shall then be conveyed to each member.

12. Objections regarding minutes. - If any objection/observation regarding the correctness of the minutes is received within ten days of the dispatch of the minutes by the Secretary, such objection/observation together with the minutes as recorded and attested shall be put before the Commission in the subsequent meeting or circulated again to the members, for confirmation. Action on the point shall be taken up as per the decision mentioned in the minutes.

Provided that if no objection regarding a decision taken by the Commission at a meeting is received within ten days of the dispatch by the Secretary on the minutes of that particular meeting, such decision shall be put into effect:

Provided further that the Chairperson may direct that action be taken on a decision of the Commission considering the urgency of the matter, before the expiry of the period of ten days as mentioned above.

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

14. Joint meeting of three Commissions. -(1) There shall be a joint sitting of the three Commissions namely National Commission for Homoeopathy (NCH), National Commission for Indian System of Medicine (NCISM) and the National Medical Commission (NMC), at least once in a year, at such time and place as the Chairpersons of these Commissions mutually decide, to enhance the interface between Homoeopathy, Indian System of Medicine and Modern System of Medicine.

(2) The agenda for the joint sitting may be proposed by the Chairpersons of the Commissions concerned.

(3) The joint sitting may, by an affirmative vote of all members present and voting, decide on approving specific educational and medical modules or programs that could be introduced in the undergraduate and postgraduate courses across medical systems, and promote medical pluralism.

(4) The minutes shall be prepared by the concerned Secretary of the Commission chairing the meeting and a copy shall be provided to other two Commissions for required actions.

15. Powers and duties of the Chairperson. - (1) The general superintendence, direction and control of the administration and accounts of the Commission shall vest in the Chairperson through the Secretary. He shall exercise such powers and perform duties as are provided in the Act, rules and the regulations made there under or as delegated by the Commission, from time to time.

(2) He shall do such other acts as he considers necessary in furtherance of the objects for which the Commission is established unless otherwise vested with any Autonomous Board.

(3) He shall have the authority to sanction an amount as per financial powers delegated under Delegation of Financial Power Rules (DFPR) or equivalent to an officer in same level.

(4) The Chairperson shall be the authority to sanction leave to President and every other Member of the Commission including its Secretary. Central Government shall be the authority competent to sanction leave to the Chairperson.

(5) Chairperson or his nominee shall be the spokesperson of the Commission for the Media and shall send press note for the matter requiring public attention, in the interest of the profession.

(6) The authority to sanction tour programme of the President of the Boards, Secretary and members of the Commission shall be vested with the Chairperson.

(7) There shall be centralized control of Administration and Accounts of the Commission including of the autonomous boards under the Chairperson through the Secretary.

(8) Chairperson shall be his own controlling officer in respect of his bills relating to travelling allowances and daily allowances.

16. Resignation from Commission. -Chairperson or President or any member or the Secretary who desires to resign from the Commission or Board or from Advisory Council, shall address his resignation in writing to the Secretary, Ministry of AYUSH, Govt. of India under intimation to the Commission.

17. Procedure for meetings of Autonomous Boards. -(1) The meetings of each Autonomous



Boards (BERH, HEB and MARBH) constituted under the Act, shall be conducted atleast once in every month to discharge the functions as assigned under the NCH Act, 2020 or by the Commission or Central Government. The meeting shall be presided by the respective President or in his absence, by any member of the respective Board to be nominated by the President.

(2) President shall nominate any officer of the respective Autonomous Board to act as Convener for conducting the meeting, preparation of agenda and drafting the minutes.

(3) The meetings of the Autonomous Boards shall be governed as per the Regulations applicable to the meeting of the Commission to an extent as applicable.

(4) The Commission shall be the appellate authority for the decisions taken by the Autonomous Board, where provision of appeal is implied.

18. Power of the President of Autonomous Board. -(1) President of respective Autonomous Board shall have financial powers as per DFPR or as decided with the approval of competent authority.

(2) He shall allocate the work within the functions of the Board, to other members of the Board and to the employees posted in the Board for smooth functioning.

(3) President shall be the authority to approve the tour programme of the members of the respective Board and and Secretary shall approved the tour programme of the employees posted in the Board.

(4) The President in consultation with the Chairperson, shall allocate work to each member of the Board to make him fully responsible and accountable for that assigned work.

(5) The President of the respective Autonomous Board shall be the authority to sanction leave of the members of such Board and Secretary shall sanction the leave of the employees posted in the Board.

(6) The President of the Autonomous Boards shall be his own controlling officer in respect of his bills relating to travelling allowances and daily allowances and shall be as per their entitlement as per Govt. of India rules.

19. Meeting of Advisory Council. -(1) The meeting of the Advisory Council for Homoeopathy shall be held at least twice in a year and shall take place at a time and place as decided by Chairperson of the Commission who is the ex-officio Chairperson of the Advisory Council. 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.

(2) The regulations prescribed to conduct the meeting of the Commission including quorum, shall be applicable for conducting the meeting of the Advisory Council.

(3) All the members of the Commission shall be the ex-officio members of the Advisory Council.

(4) The Advisory Council shall be the primary platform through which the States and Union territories may put forth their views and concerns before the Commission and help in shaping the overall agenda, policy and action relating to medical education, training, research and development of Homoeopathy.

(5) The Advisory Council shall advise the Commission on measures to determine and maintain, and to coordinate maintenance of the minimum standards in all matters relating to medical education, training, research and development.

(6) The Advisory Council shall advise the Commission on measures to enhance equitable access to medical education.

(7) Secretary shall attend the meeting and take notes of the proceedings and draft the minutes of meeting in the manner as specified in regulation 11,12,13 of this regulation.

20. Powers and duties of Secretary. –(1) The Secretary shall be the Head Office of Secretariat for the Commission and for the Autonomous Boards as Chief Executive Officer of the Commission.

(2) He shall have financial powers as defined in the DFPR and approved by competent authority.

(3) He shall be the authority to approve the tour programme and leaves of the employees of the Commission's Secretariat including Autonomous Board.

(5) All decisions of the Commission shall be communicated to other persons/agencies/organizations, under his signatures.

(6) The Secretary shall appoint staff as sanctioned for boards/secretariate office as approved by competent authority.

(7) Deployment /shifting / transfer of employees from one Board to other Board / Commission's Secretariat, shall be done by the Secretary in consultation with Chairperson / respective President.

(8) He shall perform such other duties as have been assigned under the Act and the regulations made there under and also as assigned by the Chairperson/Commission or by the Central Government from time to time. He shall also be responsible for the safety of the property of the Commission, the control and management of the office and for the accounts and correspondence.

21. Declaration of Assets and Liabilities. - (1) The Chairperson, President and each member of autonomous board and the Secretary of the Commission shall file return of assets and liabilities in the Form A of the Schedule annexed to the Rules notified by Ministry of AYUSH in the Gazette of India on 18.12.2020.

(2) The Chairperson, President and each member of autonomous board and the Secretary of the Commission shall declare their professional and commercial engagement or involvement on their first appointment and at the time of demitting office in Form B of the schedule annexed to the Rules notified by Ministry of AYUSH on 18.12.2020.

22. Duties and responsibilities of the employees. – (1) The duties and responsibilities of the staff shall be such as may be assigned from time to time by the Commission's Secretariat or/and by the autonomous Board where they are posted.

(2) The experts, professionals, officers and other employees appointed under section 8 of the Act, shall be made available to the Autonomous Boards by the Commission on the basis of workload after due consultation with the President of the respective Board.

(3) All the Presidents/Members/Secretary and Employees of the Commission/autonomous boards shall be governed by the Central Civil Rules of the Government of India under this regulation.

(4) Secretary shall be the disciplinary authority for the employees posted in the Commission or in the autonomous boards and the Chairperson shall be the appellate authority.

23. Appointments – Appointments and promotion to all posts in the National Commission for

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Homocopathy shall be made in accordance to the Recruitment Rules on the recommendations of the Selection Committees/Departmental Promotion Committees as prescribed in the RRs., duly approved from Central Government.

24. Property of the Commission. –(1)As prescribed under section 59 of the Act, the Commission shall be the successor in interest to the erstwhile Central Council of Homocopathy and all the assets and liabilities of the erstwhile Central Council of Homocopathy shall be deemed to have been transferred to the Commission.

(2) The Commission shall have full power and authority to do all such acts and deeds in respect of the property of the Commission which may be necessary or expedient for the purpose of the said Commission and expend money there from.

(3)The Commission shall have the authority to receive, for the purpose of its expenses, benefactions and contributions from private persons and bodies and the proceeds of the sale of reports and other publications.

25. Budget and Grant for Commission. - Budget Estimates of the Commission shall be furnished to the Central Government from time to time and as may be directed.

26. Incurring of expenditure by Commission. –(1)Every officer of the Commission incurring or authorizing expenditure from the NCH Fund, shall be guided by the standards of financial propriety and the General Financial Rules, 2017, as amended from time to time.

27. Banker of the Commission. –(1) There shall be constituted a fund to be called “The National Commission Fund for Homocopathy” which shall be maintained with any nationalised bank in Delhi and shall be credited thereto—

(a) all Government grants, fees, penalties and charges received by the Commission and the Autonomous Boards;

(b) all sums received by the Commission from such other source as may be decided.

(2) The fund/Bank accounts shall be operated jointly by the Chairperson and the Secretary/nominee and apply for making payment towards—

(a) The salaries and allowances payable to the Chairperson and Members of the Commission, Presidents and Members of the Autonomous Boards and administrative expenses including the salaries and allowances payable to the officers and other employees of the Commission and the Autonomous Boards and other liabilities of the Commission and liabilities of erstwhile Central Council of Homocopathy;

(b) the expenses incurred or to be incurred in carrying out the provisions of this Act including in connection with the discharge of the functions of the Commission and the Autonomous Boards.

28. Investment of Surplus funds. –(1)The funds of the Commission surplus to current requirements may, on recommendation of the Secretary and with the sanction of the Chairperson, be invested in the name of the Commission, in a manner as decided by the competent authority or -

(i) in promissory notes, stock or other securities of the Government of India or any State Government;

(ii) in stock or debentures of or shares in companies, the interest whereon shall have been



guaranteed by the Government of India;

(iii) in debentures or other securities for money issued under the authorities, of an Act of a legislature, established in India, by or on behalf of any Municipal Body, Port Trust etc.

(2) All fixed deposit receipts, cheque books and shall be in the custody of the Secretary or with the officer authorized by the Secretary.

29. Books of Accounts, Balance sheet and Audit of Accounts. -(1)The Commission shall maintain its accounts and prepare annual financial statements in accordance with the instructions and accounting principles issued by the Comptroller and Auditor-General of India from time to time in this regard.

(2) At the end of a period of twelve month ending with the 31st March of every year, the Commission shall prepare the following annual financial statements, along with necessary schedules, notes on accounts and significant accounting policies in accordance with the notes and instructions for compilation of financial statements prescribed by the Central Government in the Ministry of Finance, Controller-General of Accounts, as modified and annexed to rules in Form A as notified by Ministry of AYUSH:

- (i) Balance Sheet;
- (ii) Income and Expenditure Account;
- (iii) Receipts and Payments Account.

(3) The Commission shall prepare once in every year an Annual Report in respect of the matters specified in Form B of the Schedule annexed to the rules notified by Ministry of AYUSH on 02.03.2021 and shall submit Annual Report to the Central Government by the 30th September of every year in a portable document format (PDF) by electronic mode and forward two hard copies of the same to the Joint Secretary to the Government of India in-charge of the affairs of the National Commission for Homoeopathy, the Ministry AYUSH, Government of India, for placing before each House of Parliament.

30. General Administration-

(1) Chairperson shall be overall authority officer of establishment, general administration accounts, Examination and all other matter pertaining to Commission as per power vested on him as accordance to the Act.

(2) The Commission shall be appellate authority for the all decision of autonomous boards.

(3) To grant permission for engagement of staff i.e. Consultant on contract basis would be done by Chairperson through Secretary of the Commission by following due procedure.

(4) The Secretary shall maintain discipline in the office, and absolute confidentiality.

(5) The Secretary being head of office shall deal with matters related to establishment, administration finance and accounts.

(6) The Secretary in consultation with Chairperson will act to deal the matter pertaining to policy, regulation, parliamentary affair like question from Lok Sabha, Rajya Sabha, Hindi matter, Legal, IT/Media related matters.

(7) The Secretary shall also function to such matters as directed by the Chairperson of the Commission.

31. De-Facto Permanent And Temporary Status Of Commission Employees –



(1) The employees of the Commission with three years of continuous service or more will, for the purpose of drawal of increment, fixation of pay, grant of personal advances, etc., be treated in the same manner and shall be subject to the same rules as are applicable to permanent Government servants and to the staff with less than three years service rules as for temporary Government servants shall apply.

32. Conduct, Discipline And Penalties –

(1) The Central Civil Services (Conduct) Rules and also Central Civil Services (Classification Control and Appeal) Rules of the Government of India will *mutatis mutandis* apply to the employees of the Commission.

i) If the charge sheet is against the Head of the Commission, the charge sheet will be signed by the Secretary “for and on behalf of the Commission.

ii) If the charge sheet is against officers other than Chairperson of the Commission, the charge sheet will be signed by the Chairperson of the Commission (whether regular or officiating).

Appeals from orders imposing any of the penalties specified in the CCS (CCA) Rules shall be made to the authority mentioned in Govt. of India rules. The decision of such authority shall be final.

33. Other Conditions Of Service –

(1) In respect of matters not provided for in these regulations the rules as applicable to Central Government servants regarding the general conditions of service, pay, allowances, and daily allowances, foreign service terms, deputation in India and abroad, etc. and orders and decisions issued in this regard by the Central Government from time to time shall apply *mutatis mutandis* to the employees of the Commission.

34. Manner of considering appeals submitted to Commission:-

1. Appeal procedure- An appeal to the Commission shall contain the following information, namely :-

- (i) name and address of the appellant;
- (ii) name of the President of the Autonomous Board against the decision of whom the appeal is preferred;
- (iii) particulars of the order including number, if any, against which the appeal is preferred;
- (iv) brief facts leading to the appeal
- (v) if the appeal is preferred against deemed refusal, the particulars of the application, including number and date and name of the President of the Autonomous Board to whom the application was made;
- (vi) appeal/prayer or relief sought;
- (vii) grounds for the appeal/prayer or relief;
- (viii) verification by the appellant; and
- (ix) any other information which the Commission may deem necessary for deciding the appeal.

2. Documents to accompany appeal- Every appeal made to the Commission shall be accompanied by the following documents, namely :-

- (i) self-attested copies of the Orders or documents against which the appeal is being preferred;
- (ii) copies of documents relied upon by the appellant and referred to in the appeal; and
- (iii) an index of the documents referred to in the appeal.

3. Procedure in deciding appeal- In deciding the appeal the Commission may,-

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- (i) hear oral or written evidence on oath or on affidavit from concerned or interested person as per act;
- (ii) peruse or inspect documents, public records or copies thereof;
- (iii) inquire through authorised officers further details or facts;
- (iv) hear President of Autonomous Board or his representative through Senior Officer, for the board who took decision, or such person against whom the complaint is made, as the case may be;
- (v) hear third party; and
- (vi) receive evidence from President of Autonomous Board or his representative, such Senior Officer who decided the first appeal or such person against whom the appeal lies.

4. Service of notice by Commission.- Notice to be issued by the Commission may be served in any of the following modes, namely :-

- (i) service by the party itself;
- (ii) by hand delivery (dasti) through Process Server;
- (iii) by registered post with acknowledgement due;
- (iv) through registered/designated e-mail
- (iv) through the Head of office or Department.

5. Personal presence of the appellant or complainant.-

- (1) The appellant or the complainant, as the case may be and found necessary, shall be informed of the date of hearing at least three days before that date.
- (2) The appellant or the complainant, as the case may be, may at his discretion at the time of hearing of the appeal or complaint by the Commission be present in person or authorized college representative or may opt not to be present.
- (3) Where the Commission is satisfied that the circumstances exist due to which the appellant or the complainant, as the case may be, is being prevented from attending the hearing of the Commission, then, the Commission may afford the appellant or the complainant, as the case may be, another opportunity of being heard before a final decision is taken or take any other appropriate action as it may deem fit.
- (4) The appellant or the complainant, as the case may be, may seek the assistance of any person in the process of the appeal while presenting his points and the person representing him may not be a legal practitioner.

6. Order of the Commission.- Order of the Commission shall be pronounced in open proceedings and be in writing duly authenticated by the Secretary or any other officer authorised by the Commission for this purpose.

(Dr. Sanjay Gupta)
Secretary, NCH
F.No. _____

