

Bill No. 126 of 2021

**THE NATIONAL COMMISSION FOR HOMOEOPATHY
(AMENDMENT) BILL, 2021**

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further to amend the National Commission for Homoeopathy Act, 2020.

BE it enacted by Parliament in the Seventy-second Year of the Republic of India as follows:—

1. (1) This Act may be called the National Commission for Homoeopathy (Amendment) Act, 2021. Short title and commencement.

5 (2) It shall come into force at once.

15 of 2020. **2.** In section 58 of the National Commission for Homoeopathy Act, 2020, after sub-section (4), the following sub-section shall be inserted, namely:— Amendment of section 58.

59 of 1973.
23 of 2018. 10 "(5) Notwithstanding the expiration of the period for reconstitution of the Central Council under section 3A of the Homoeopathy Central Council Act, 1973, as inserted by the Homoeopathy Central Council (Amendment) Act, 2018, all acts done by the Board of Governors constituted under sub-section (4) of that section and all the powers and functions of the Central Council exercised and performed by it under the repealed Act, as amended by the Homoeopathy Central Council (Amendment) Ordinance, 2021, immediately before the commencement of this Act, shall be deemed to have been done or taken under the provisions of this Act and shall continue in force accordingly unless and until superseded by anything done or by any action taken under this Act."

Ord. 6 of 2021. 15

STATEMENT OF OBJECTS AND REASONS

The Homoeopathy Central Council Act, 1973 (59 of 1973), which was enacted to provide for the constitution of a Central Council of Homoeopathy and the maintenance of a Central Register of Homoeopathy and for matters connected therewith, has been replaced by the National Commission for Homoeopathy Act, 2020 (15 of 2020).

2. Prior to such enactment, and subsequent to the introduction of the National Commission for Homoeopathy Act, 2020 in Parliament, the Central Council of Homoeopathy had failed in its responsibilities and not cooperated willfully with the Central Government in carrying out its duties in the manner required to safeguard the standards of education and practice of Homoeopathy. Therefore, the Homoeopathy Central Council Act, 1973 (repealed Act) was amended *vide* the Homoeopathy Central Council (Amendment) Act, 2018 (23 of 2018) to empower the Central Government to supersede the Central Council of Homoeopathy and to constitute the Board of Governors to exercise the powers and to perform the functions of the Central Council under the repealed Act till the Central Council was reconstituted within a period of one year. However, as the Central Council of Homoeopathy could not be reconstituted within said period, the period was extended from time to time, from one year to two years and from two years to three years by promulgating Ordinances which were subsequently replaced by Acts of Parliament.

3. Though the National Commission for Homoeopathy Act, 2020 was enacted on the 20th September, 2020, the National Commission for Homoeopathy could not be set up immediately under the said Act since the appointment and nomination of Members of said Commission and recruitment of staff for the Secretariat to the Commission was taking some time. Moreover, the Homoeopathy Central Council Act, 1973 had not been repealed. As the Board of Governors was in the process of conducting inspections for the academic year 2021-22 and its tenure was coming to end on 17th May, 2021, there was an immediate need for legislation to further extend the period for reconstitution of the Central Council from three years to four years. Therefore, the Homoeopathy Central Council (Amendment) Ordinance, 2021 (Ord. 6 of 2021) was promulgated on the 16th May, 2021 to achieve this end.

4. The National Commission for Homoeopathy was constituted on the 5th July, 2021 and on the same date, the Homoeopathy Central Council Act, 1973 was repealed and the Central Council of Homoeopathy was superseded. Though a decision was taken that subsequent to the repeal of the said Act, it is not appropriate to move a replacement Bill before Parliament to replace the aforesaid Ordinance, nevertheless, the actions taken by the Board of Governors under the said Ordinance up to the date of repeal of the said Act are required to be saved.

5. Therefore, it is proposed to amend the National Commission for Homoeopathy Act, 2020 to insert a new sub-section (5) in section 58 thereof, to provide that all acts done, and all the powers and functions of the Central Council exercised and performed, by the Board of Governors under the repealed Act, immediately before the commencement of the National Commission for Homoeopathy Act, 2020, shall be deemed to have been done or taken under that Act and shall continue in force unless and until superseded by anything done or any action taken under that Act.

6. The Bill seeks to achieve the above objects.

NEW DELHI;
The 4th August, 2021.

SARBANANDA SONOWAL.

FINANCIAL MEMORANDUM

The provision of the Bill does not involve any expenditure of recurring or non-recurring nature from the Consolidated Fund of India.

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further to amend the National Commission for Homoeopathy Act, 2020.

(Shri Sarbananda Sonowal, Minister for AYUSH)