



# THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্বৰ দ্বাৰা প্ৰকাশিত

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GOVERNMENT OF ASSAM

ORDERS BY THE GOVERNOR

ASSAM LEGISLATIVE ASSEMBLY SECRETARIAT

NOTIFICATION

The 15th February, 2018

**No. LLE 11/2018/430.-** The following Bills introduced before the House **on 15<sup>th</sup> February, 2018** together with the Statement of Objects and Reasons are to be published under Rule 71 of the Rules of Procedure and Conduct of Business in Assam Legislative Assembly for General information.

## THE ASSAM YOGA COUNCIL BILL, 2018

### A

### BILL

*to provide for the development of the Yoga and to regulate the teaching and practice thereof in the State of Assam and the matters connected therewith or incidental thereto .*

**Preamble**

Whereas, it is expedient, in the public interest, to provide for the development of the Yoga Council and to regulate the teaching and practice thereof and to deal with certain other matters connected therewith or incidental thereto; It is hereby enacted in the Sixty-ninth Year of the Republic of India, by the Legislature of Assam, as follows:-

**Short title, extent and commencement:**

1. (1) This Act may be called the **Assam YOGA COUNCIL ACT, 2018**.
- (2) It extends to the whole of Assam.
- (3) It shall come in to force on such date as the State Government may, by notification in the Official Gazette, appoint.

**Definitions:**

2. In this Act, unless the context otherwise requires,-
  - (a) "Accreditation" means the recognition granted to educational institutions and hospitals to signify the attainment of an acceptable level of professional expertise, academic quality and integrity;
  - (b) "competent authority" means the Assam Yoga Council, which shall grant registration and accreditation under this Act and the rules made hereunder and shall have the authority to conduct inspections and evaluation visits for the purpose;
  - (c) "Council" means the Assam Yoga Council constituted under section 3;
  - (d) "Hospital" means a Yoga and Naturopathy Hospital with minimum of ten in-patient beds and an out-patient department;
  - (e) "Institution" means--
    - (i) Medical college conducting the Bachelor of Naturopathy and Yogic Sciences (BNYS) Course and Post-graduate Courses;
    - (ii) Yoga based treatment institution; and
    - (iii) Research institute on yoga;

**(iv) Universities conducting Bachelor Degree, Master degree and Research in Yogic science and Naturopathy.**

- (f) "Member" means a member of the Council;
- (g) "Practitioner" means a person who practices Yoga as his principal occupation;
- (h) "Prescribed" means prescribed by rules made under this Act;
- (i) "President" means the President of the Council;
- (j) "Register" mean the Register of Yoga practitioners maintained under this Act;
- (k) "Registered Yoga Practitioner" means a Yoga Practitioner registered under the provisions of this Act and the rules made there under;
- (l) "Registrar" means the Registrar of the Council and shall be deemed to be the Registrar for all purposes of this Act;
- (m) "Registration" means the registration of Yoga Practitioners under this Act;
- (n) "Regulations" means the regulations made by the Council under this Act;
- (o) "Rules" means the rules made by the State Government under this Act;
- (p) "Teacher" means any person appointed to hold a teaching post by a Yoga institution affiliated to, or recognized by the Council;
- (q) "Vice-President" means the Vice-President of the Council;
- (r) "Yoga " means a set of physical, mental and spiritual practices for holistic enhancement of health, generally based on the principles as prescribed in *Yoga Sutra* by Patanjali.

**Constitution  
of the Council**

3. As soon as may be after the commencement of this Act, the State Government shall, by notification in the *Official Gazette*, establish a body corporate with perpetual succession and a common seal named the Assam Yoga Council. The Council shall be entitled, to acquire and hold movable and immovable property, to transfer such property, to enter into contract and to do all things necessary for the purposes of this Act and shall by its name sue and be sued.

**Composition  
of the Council**

4. (1) The Council shall consist of the following members:
  - (a) A President nominated by the State Government;

- (b) A Vice-President nominated by the State Government;
- (c) Three members nominated by the State Government of whom two shall be registered Yoga Practitioners;
- (d) One member nominated by the Vice-Chancellor of the Srimanta Sankaradeva University of Health Sciences, Assam;
- (e) The Principal of the State Yoga College, *ex-officio*, when such college is established;
- (f) The head of the Yoga Research Institute *ex-officio*, when such Institute is established

*(Provided that until the institutions referred to in clauses (e) and (f) are established, the Principals or head of existing similar institutions or other suitable persons may be nominated by the State Government ;)*

(g) Three members who are citizens of India, elected from such constituencies and in such manner as may be prescribed, by the registered Yoga Practitioners from among themselves.

(2) Notwithstanding anything contained in this Act, on the first constitution of the Council after its establishment, all the members of the Council shall be nominated by the State Government, and the State Government shall also nominate the President and the Vice-President.

Power of State Government to nominate members in certain circumstances

5. If the nominating authority referred to in clause (d) of sub-section (1) of section 4, or the electoral body referred to in clause (g) of the said sub-section, fails by the prescribed date, to nominate or elect the requisite number of member or members which such authority or body is entitled to nominate or elect, the State Government shall fill up the office of such member or members by nomination of a person or persons qualified to be nominated or elected by such authority or body. Any person so nominated by the State Government shall be deemed to have been duly nominated or elected as a member by such authority or body.

Disqualification for nomination or election

6. A person shall be disqualified for being nominated or elected as a member of the Council, if:

- (a) He has been convicted of any offence involving moral turpitude;
- (b) He is an un-discharged insolvent;

- (c) He has been adjudged by a competent court to be of unsound mind;
- (d) He is an employee of the Council;
- (e) He has directly or indirectly any share or interest in any contract with, by or on behalf of the Council;
- (f) He has been dismissed from the service of the Central Government or a State Government or a local authority on a charge of gross misconduct for an offence involving moral turpitude;
- (g) He is a person under the age of 25 years.
- Publication of names of members:**
7. The name of every member nominated or elected under section 4 or section 5 shall be published by the State Government in the Official Gazette
- Cessation of membership**
8. A person shall cease to be a member of the Council
- (a) If, without obtaining the permission of the Council, he is absent from three consecutive meetings of the Council; or
- (b) If, having been nominated or elected as a registered Yoga practitioner, he ceases to be such a registered practitioner; or
- (c) If he becomes subject to any of the disqualifications referred to in section 6.
- Filling of casual vacancies**
9. (1) If any member dies or resigns his office or ceases to be a member for any other reason, the vacancy shall be filled up within six months by a fresh nomination or election under section 4 or section 5, as the case may be, and the member so nominated or elected shall hold office for the unexpired period of the term of office of the member whose place he fills.
- (2) If any member referred to in clauses (b) to (f) of sub-section (1) of section 4 is nominated as President or Vice-President, as the case may be, there shall be a vacancy in that membership which shall be filled up under sub-section (1) of this section.
- Term of office of Members**
10. (1) Subject to the provisions of section 9, the term of office of the members nominated or elected under section 4 or section 5 shall be for five years commencing from the date of the first meeting of the Council after its first constitution or any subsequent periodical reconstitution, as the case may be.
- (2) The term of five years referred to in sub-section (1) shall be held to include any period which may elapse between the expiry of the said period of five years and the date of the first meeting of the Council following its reconstitution at which a quorum is present.

- Resignation**
11. The President, the Vice-President or a member may resign his office by writing under his hand addressed to the State Government, of which he shall send a copy to the Council.
- The President**
12. (1) The President shall hold office for the period mentioned in section 10 or until his successor is nominated, whichever is later.  
(2) If the President dies or resigns his office or ceases to hold office, the State Government shall nominate another person as President and such President shall hold office for the unexpired period of the term of office of the former President in whose place he is so nominated.  
(3) In the event of occurrence of any vacancy in the office of the President under sub-section (2), the Vice-President shall discharge the functions of the President until a new President is nominated.  
(4) When the President is unable to discharge the duties of his office owing to absence, illness or any other cause, the Vice-President shall discharge the functions of the President until the date on which the President resumes his duties.
- The Vice President**
13. (1) The Vice-President shall hold office for the period mentioned in section 10.  
(2) If the Vice-President dies or resigns his office or ceases to hold office, the State Government shall nominate another Vice-President in such manner as may be prescribed, and such Vice-President shall hold office for the unexpired period of the term of office of the former Vice-President whose office he fills.
- Executive Committee**
14. (1) The members of the Council shall constitute from amongst themselves an Executive Committee to perform such functions, discharge such duties and exercise such powers as may be delegated to it by the Council.  
(2) The Executive Committee shall consist of the President, the Vice-President, and five other members elected by the members of the Council in the prescribed manner from among themselves.  
(3) The President and the Vice-President of the council shall be the President and the Vice-President, respectively, of the Executive Committee.  
(4) The term of office of an elected member of the Executive Committee shall be two years from the date of his election, but, subject to his being a member of the Council, and he shall also be eligible for re-election to the Executive Committee.

- (5) No business shall be transacted at any meeting of the Executive committee unless a quorum of three members is present,
- (6) The Council may, subject to the approval of the State Government, appoint one or more committees consisting of members of the Council or outsiders or both, on such terms as may be approved by the State Government, for the purpose of advising it on such matters as it deems necessary, and may appoint, for any such committee, a convener who shall convene the meeting of the said committee and one of the members of the committee shall preside over the meetings of such committee.
- (7) The Council may make regulations for conduct of the business of the Executive Committee and also of the other committee appointed by it.
- Meetings**
15. (1) The Council shall hold its meetings at such intervals and at such places as may be provided by regulations.
- (2) No business shall be transacted at any meeting of the Council unless a quorum of five members is present.
- (3) Save as provided in sub-section (2) of section 23, all questions arising at any meeting shall be decided by votes of the majority of the members present and voting, and, in the case of an equality of votes, by the casting vote of the President or, in his absence of the Vice-President and in case both are absent, of the member presiding at the meeting.
- Expenses to be paid to members and other persons**
16. The Council shall pay to its President, Vice-President and members and other persons appointed by it to any committee referred to in section 14, such expenses for attending meetings of the Council, Executive Committee of the Council and of such committee, including such travelling expenses for journeys undertaken in performance of the duties as may be prescribed.
- Powers of Council**
17. The Council shall have the following powers:-
- (1) To grant affiliation and accreditation to institutions teaching the Yoga Council or to withdraw such affiliation and accreditation after giving the authorities of institution an opportunity to show cause against the action proposed to be taken, and to call on the authority of any such institution or of an institution applying for affiliation and accreditation to furnish within such period as may be specified, such reports, returns or other information as the Council may require to judge the efficiency of the institution; Provided that such affiliation and accreditation will be granted or

withdrawn by the Council with the consent of the State Government;

(2) To establish standard and accredited Yoga Institution for development and expansion of this system of medicine throughout the State;

(3) To confer registration on the institutionally qualified professional practitioners under this Act;

(4) To confer registration to other Yoga Practitioners fulfilling the terms and conditions as laid down in this Act;

(5) To provide by regulations, courses of study for different classes of registrations of Yoga Practitioners;

(6) To exercise general supervision over the residential and disciplinary arrangements made by the institutions affiliated and accredited with the Council and arrangements for promoting the health and general welfare of the students of such institutions;

(7) To acknowledge the University about the grant of affiliation to all institution and hospital, teaching students and treating patients under the Yoga Council or the withdrawal or suspension of affiliation and accreditation of such an institution;

(8) To appoint, on such terms as the Council may, with the previous sanction of the State Government, determine, such number of inspectors for the inspection of institutions teaching the Yoga Council as the Council may deem fit;

(9) To advise the State Government and the University in the matter of research in Yoga Council;

(10) To confer honorary degree on Yoga Practitioners of extraordinary merit;

(11) To receive grants, donations, gifts and endowments;

(12) To frame and implement a coordinated scheme of public health of the State, based on the Yoga Council, with or without the addition of modern technique;

(13) To incur such expenditure, to adopt such measures and to do such acts as may be necessary for the furtherance of the objectives mentioned in this section;

(14) To perform such other functions as the State Government may direct or the Council may decide for carrying out the provisions of this Act.

**Registrar and staff**

18. (1) The Council shall, with the previous approval of the State Government, normally appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed. The Council may grant him leave and may appoint a person to act in



his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all purposes of this Act.

(2) The Council shall have power to suspend, punish, remove or dismiss the Registrar from office on such grounds as may be prescribed and subject to compliance of the natural justice; Provided that any such order of the Council shall be subject to appeal to the State Government.

(3) In case of any dispute or any exigency, the State Government may appoint a Registrar of the Council, who shall be treated by the Council as the Registrar for all purposes of this Act.

(4) The Council may appoint the officers and staff of the Council as per organizational structure of the Council approved by State Government. With prior approval of Finance (SIU) Department through the administrative department. The salaries and allowances of the officers and staff of the Council shall be as determined by the State Government.

(5) The Registrar shall be the Secretary of the Council and of its Executive Committee and other committees.

(6) The Registrar, either appointed by the Council or by the State Government, all officers and staff appointed by the Council shall work under the direct control and supervision of the President, or in his absence, of the Vice-President.

Register of registered  
Yoga Practitioners

19. (1) The Council shall maintain a register of Yoga Practitioners in such form as may be prescribed.

(2) The Registrar shall from time to time make necessary entries in the register in respect of the persons whose names are to be registered, their qualifications and their addresses and may also make such alterations or modifications therein as may be required in consequence of any order passed by the Council.

(3) The Council shall take appropriate actions on all adverse audit observations made by the AG (Audit) and shall submit annual report to Govt. on the action taken on such audit observations. Council shall also manage its financial affairs with highest level of financial propriety.

Persons entitled to be  
registered

20. (1) Every person who possesses a 5 years or 5  $\frac{1}{2}$  years Degree in Naturopathy and Yogic Sciences (BNYS) or **Master Degree in Yoga and Naturopathy** from any University set up by a statute shall, subject to the provisions of this Act and on payment of such fee as may be prescribed, be entitled to have his name entered in the register for **Class 'A' registration**.

(2) Every institutionally qualified professional practitioner possessing a Bachelor degree in Yogic Sciences (BYSc.) in Yoga or **Post Graduate Diploma in Yogic Science (PGDYSc.)** awarded by any Government or Government recognized institution, subject to the provisions of this Act and on payment of such fee as may be prescribed, be entitled to have his name entered in the register for **Class 'A' registration**.

(3) In exceptional cases, **Class 'A' registration** may also be given as a onetime measure to self-educated Yoga Practitioners who are Post-graduates in any subject and who have at least 25 years of working experience in a reputed and established Yoga Hospital or College and who are not less than 45 years of age, on payment of prescribed fee and subject to the provisions of this Act.

(4) In recognition of the fact that there is a significant number of self-educated Yoga Practitioners, **"Class B" registration** may also be given as a onetime measure to self-educated full time Yoga Practitioners who are not institutionally qualified, and are not less than 35 years of age and who have a minimum of 15 years of full time proven clinical experience and who have passed Class XII or 10 + 2 from a State Board, the Central Board of Secondary Education or the Council for the Indian School Certificate Examinations subject to the provisions of this Act and on payment of prescribed fee.

(5) Every person who has been registered under any Statutory State Councilor Board of Yoga and Naturopathy shall, subject to the provisions of this Act and on payment of prescribed fee, be granted registration in the same category as granted to him by that State Councilor Board.

(6) Notwithstanding anything contained in sub-sections (3) and (4), every person who, within a period of two years from the date of commencement of this Act, produces proof that he has been in regular practice for the prescribed period preceding such date and has attained the minimum age-limit on the date of application for registration, shall be entitled to have his name entered in the register on payment of prescribed fee.

(7) The registrations under this section shall be done in accordance with the provisions of this Act and the rules framed there under and on payment of prescribed fee in every case.

21. (1) The institutions including educational institution and hospitals of Yoga shall be granted accreditation to signify the attainment of acceptable level of professional expertise, academic quality and integrity.

(2) The objectives of the accreditation of institutions are:

- (i) To ensure that Yoga institutions offer safe, reliable and quality medical and health care;
- (ii) To ensure that institutions offering Yoga related Education are of acceptable academic quality relevant to the health care requirements of the country.

(3) Institutions desirous of being accredited should apply to the competent authority in the pro forma prescribed with an application fees as per norms of this Act and rules made there under.

(4) The competent authority will grant accreditation after conducting inspections and evaluation visits of the institution on the basis of this Act and rules made there under and on payment of prescribed fee.

Information of applicant required for registration

22. (1) Every person who desires to have his name registered in the register shall submit to the Registrar an application in the prescribed form stating:

- (i) Particulars of his qualification;
- (ii) The period for which he has been in practice;
- (iii) His date of birth to verify the attainment at minimum age-limit; and

(iv) His address which is to be his registered address.

(2) Every application under sub-section (1) shall be accompanied with the prescribed fee; such proof as may be necessary in support of the qualification stated in the application and proof of age wherever the minimum age-limit is prescribed.

Power of the Council to refuse registration or to remove name from register in certain cases

23. (1) The Council may, on being satisfied that a person possesses requisite qualification, has paid the prescribed fee and has attained the minimum age-limit prescribed wherever necessary, direct the registration of his name and the Registrar shall thereupon make necessary entries in the register and grant him a certificate of registration.

(2) The Council may refuse to permit the registration of, or direct the removal from the register, the name of any person on the following grounds:

- (a) Who has been convicted of any offence involving moral turpitude; or,
- (b) Who has been convicted in any cognizable criminal offence; or,

- (c) Who has been after due enquiry by the Council found guilty of any 'misconduct' by a majority of at least two-thirds of the members of the Council; Provided that the Council may direct the name of the Practitioner
- (i) To be removed from the register for such period as may be specified in the direction, or
  - (ii) To be removed from the register without specifying the period of such removal.
- Renewal**
24. (1) Every person whose name is entered in the register shall, for the retention of his name in the register, pay to the Council for every 5 years such renewal fee and at such time as may be prescribed.
- (2) Where the renewal fee is not paid by the due date, the Registrar shall remove the name of the defaulter from register.
- (3) On payment of the renewal fee, the Registrar shall, in the prescribed manner, endorse the certificate of registration.
- Entry of additional qualification**
25. If any person whose name is entered in the register obtains any qualification mentioned in the Schedule appended to this Act other than the qualification in respect of which he has been registered, he shall, on payment of such fee as may be prescribed, be entitled to have such qualification entered against his name in the register either in substitution for or in addition to any entry previously made and the Registrar shall add to or amend the entry accordingly.
- Appeal to the Council against decision of the Registrar**
26. If any person is dissatisfied with any decision of the Registrar refusing to enter his qualification under section 25 in the register, he may, at any time, within ninety days from the date of such decision, appeal to the Council in the prescribed manner and decision of the Council shall be final.
- Cancellation of fraudulent and incorrect entries**
27. Any entry in the register, which is proved to the satisfaction of the Council to have been fraudulently or incorrectly made, may be cancelled under an order in writing of the Council.
- Appeal to the State Government against the decision of the Council**
28. An appeal shall lie to the State Government against any order of the Council refusing to enter the name of a person in the register or removing his name from the register, if filed within ninety days of the date of order, and the decision of the State Government thereon shall be final; Provided that the State Government shall dispose of the appeal within a period of six months from the date of filing it.
- Notice of death and removal of name from register**
29. The Council may, on receipt of reliable information regarding the death of a person whose name is entered in the register, and on making such enquiry as it may think fit, direct the removal of his

- name from the register and thereupon the Registrar shall cancel the entry relating to such person.
- Penalty on unregistered person representing that he is registered**
30. If any person, whose name is not entered in the register, falsely pretends that it is so entered or uses, in connection with his name, any words or letters representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable, on conviction by a Metropolitan Magistrate or a Magistrate of the First Class having jurisdiction, with imprisonment which may extend to six months or with fine which may extend to three thousand rupees or both.
- Penalty for failure to surrender certificate of registration**
31. (1) If any person, whose name has been removed from the register under subsection (2) of section 23, fails, without sufficient cause, forthwith to surrender his certificate of registration, he shall be punishable with fine which may extend to three thousand rupees.
- (2) No cognizance of an offence punishable under this section shall be taken except upon complaint made by an order of the Council.
- Prohibition of unauthorized conferment of degree, diploma, etc. and penalty for such conferment**
32. (1) Except the Council, no person, association or institution, not recognized by the Council, shall confer, grant or issue, or hold himself or itself or shall be entitled to confer, grant or issue, any degree, diploma, license, certificate or any other document stating or implying that the holder, grantee or recipient thereof is qualified to practice the Yoga and Naturopathy System of Medicine.
- (2) Any contravention of the provisions of sub-section (1) shall be punishable with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both; and if any association or institution is guilty of such contravention, every member thereof, who knowingly or willfully authorizes or permits the contravention, shall be punishable with imprisonment which may extend to two years or with fine which may extend to five thousand rupees or with both.
- Penalty for improper assumption of Yoga qualifications**
33. (1) No person shall use any letters or figures after his name or implying that he possesses any degree, diploma, license, or certificate as an Yoga practitioner unless such degree, diploma, license or certificate has been conferred by a recognized or affiliated institution of the Council, or is recognized by it with the approval of the State Government.
- (2) Whosoever contravenes the provisions of sub-section (1) shall be punishable, on first conviction, with fine which may extend to

Publication and use of  
registration list

one thousand rupees, and on any subsequent conviction, with fine which may extend to two thousand rupees.

34. (1) The Registrar shall, from time to time, as occasion may require, on or before the date to be fixed in this behalf by the Council, cause to be printed and published (provided that at least twelve months shall have elapsed from the date of the last publication) a correct list of the names for the time being entered in the register and setting forth therein-

- a) Names of all registered Yoga Practitioners arranged in alphabetical order according to surname;
- b) The registered address of each such person;
- c) The registered qualifications of each such person and the date on which each qualification was obtained; and
- d) The date of birth of each such person.

(2) The Registrar shall, from time to time, as occasion arises, cause to be printed and published a list supplementary there to, containing additions and alterations in the register since the publication of the list under sub-section (1).

(3) Every court shall presume that any person whose name is entered in the latest list printed and published under sub-section (1), read with the latest list supplementary thereto, if any, printed and published under sub-section (2) is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act; Provided that in the case of any person whose name does not appear in the latest list printed and published under sub-section (1) read with the latest supplementary thereto, if any, printed and published under sub-section (2), a certified copy of the entry of the name of such person in the register, signed by the Registrar, shall be the evidence that such a person is registered under this Act.

Yoga Practitioners,  
other than those  
registered under this  
Act, not eligible for  
certain appointments

35. Except with the special sanction of the State Government, no Yoga practitioner, other than a registered Yoga practitioner whose name is entered in the register, shall be competent to hold any appointment as a Medical Officer or Teacher in any Yoga Institution, asylum, infirmary, dispensary set up under any law for the time being in force or in any Yoga educational institution which is recognized by the Council.

Control of  
manufacture, storage  
and sale of Yoga  
related Instruments

36. Subject to the provisions of any law for the time being in force relating to instruments, the State Government shall have the power to regulate and control manufacture, storage and sale of Yoga instruments and its modern advances by the grant of

- licenses to manufactures, stockists and sellers on such conditions as may be prescribed.
- Bar of suit or other legal proceeding** 37. No suit, prosecution or other legal proceedings shall lie in respect of any act or thing done or omitted to be done in the exercise or purported to be exercised of any power conferred by or under this Act, on the State Government or the Council or the Executive Committee or any committee appointed by the Council or on the Registrar.
- Validation** 38. No act or thing done by the Council, the Executive Committee or a committee appointed by the Council shall be invalid merely on the ground of any vacancy in or defect in the composition of, the Council, the Executive Committee or such other committee.
- Finance and audit** 39. (1) All fees payable under this Act shall be paid to the Council.  
(2) An account of all assets and liabilities of the Council and of all fees, sums, grants, donations, gifts and endowments received by it and of all expenses and disbursements incurred or made by it shall be maintained in the prescribed manner.  
(3) The account of the Council shall be entrusted to the AG (Audit), Assam by the Health & FW Department and the Audit report shall be submitted to the State Government and to the Council for further appropriate actions.
- Power to amend Schedule** 40. The State Government may, by notification published in the *Official Gazette*, amend the Schedule appended to this Act.
- Power to make rules** 41. (1) The State Government may, by notification published in the *Official Gazette*, and with prior approval of Finance Department, make rules for carrying out the purposes of the Act.  
(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely,
- (a) The election of members of the Council and members of the Executive Committee;
  - (b) The functions to be performed by the President and the Vice-President;
  - (c) The declaration of offences including moral turpitude and misconduct;
  - (d) The fees payable under this Act;
  - (e) The expenses to be made under section 16;
  - (f) The salaries and allowances to be paid to the Registrar, the officers and staff;
  - (g) The procedure for applying for different classes of registrations and granting registrations thereof;

- (h) The procedure for affiliation and accreditation to the Yoga Colleges and Institutions;
- (i) The course prescribed for Bachelor of Naturopathy and Yogic Sciences Degree;
- (j) The manner in which the account referred to in sub-section (2) of section 39 shall be maintained;
- (k) The procedure to be followed by the Council in:
  - (i) Conducting an enquiry under clause (c) of sub-section (2) of section 23;
  - (ii) Disposing of appeals from the decision of the Registrar preferred under section 26;
- (l) the procedure for disposal of appeal made to the State Government under section 26;
- (m) Any other matter which may be or is required to be, prescribed under this Act.

(3) Every rule made under this section shall be laid, as soon as may be after it is made, before the State Legislature, while it is in session as may be after it is made, before the State Legislature, while it is in session, for a total period of fourteen days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the State Legislature agrees in making any modification in the rule or the State Legislature agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Power to make regulations

42. (1) The Council may, with the previous approval of the State Government, by notification published in the *Official Gazette*, make regulations, not inconsistent with the provisions of this Act and the rules made there under for discharging its functions under this Act.
- (2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters:
- (a) The conduct of business of the Executive Committee and of Committee appointed by the Council;
  - (b) The time and place at which each meeting of the Council or Executive Committee shall be held;
  - (c) The issue of notices convening such meeting;



- (d) The conduct of business thereat;
- (e) Any matter for which power to make regulations is conferred expressly or by implication on the Council by this Act.

**Control on Council by  
State Government**

43. If, at any time, it appears to the State Government that the Council has failed to exercise or abused a power conferred upon it by or under this Act or has failed to perform a duty imposed upon it by this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character, after giving the Council an opportunity of being heard, notify the particulars thereof to the Council, and if the Council fails to remedy such failure, excess or abuse within such time as may be fixed by the State Government in this behalf, the State Government may dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such other agency and for such period as it may think fit.

**THE SCHEDULE (See section 25)**

Qualifications enabling a person to have his name entered in the Register

**PART A**

<b>Sl. no</b>	<b>Description of the Qualifications.</b>	<b>Name of the managing body or authority granting or conferring</b>
1.	BNYS (Bachelor of Naturopathy and Yogic Sciences) 5 years or 5+1 years course	From any University set up by a statute in India.
2.	MNYS (Master of Naturopathy and Yogic Sciences)-3 years course the qualifications and its location.	Awarded by any Government Recognized University in India
3	<b>Bachelor in Yoga Sciences (BYSc) and Master degree in Yoga and naturopathy.</b>	Awarded by any Government Recognized University in India

**PART B**

*Every person possessing any qualification not mentioned in Part A on the basis of which his name has been registered in the Yoga Board or Council established by any State Government within the Indian Union.*

## STATEMENT OF OBJECTS AND REASONS

The Yoga and Naturopathic systems of Medicine have originated in India about 5000 years ago and have been followed in different parts of the country with local variations and adaptations.

In today's world, because of the changes in lifestyles particularly with regard to work, communication, business, travel etc. life has become more complex, competitive and stressful. The incidence of lifestyle diseases has been increasing. In such a backdrop, the relevance of a system like yoga, designed to enhance man's total health and wellbeing, cannot be over emphasised. Yoga is today recognized globally as a holistic system of medicine, healthcare and wellness.

The Ministry of AYUSH, Government of India has already asked State Governments to enact comprehensive legislation for the regulation of naturopathy covering registration of practitioners, medical education and all matters related to naturopathy.

There exists a few number of Yoga Training institutes in the State of Assam. However, there are many Yoga centres in the private sector as well which are providing training to the interested students and also to the public as a treatment modality. But there is no Council for registering such institutions and individuals at present in the state of Assam. In rural as well as in urban areas, many yoga trainers are providing training for yoga to common public. However, there is no system/ mechanism of regulating the academic and professional aspects of Yoga in the State at present.

At present there is no standardized protocol for Yoga professionals to regulate their qualification and practices in our State.

It is time the State of Assam also establishes a Yoga Council for setting up of a proper mechanism necessary for regulating Yoga and Naturopathy sector for the **reasons given below:**

- a. in order to assure quality of service and to avoid misinterpretation and misuse of the system,
- b. in order to ensure that Yoga institutions offer safe, reliable and quality medical and health care,
- c. in order to ensure that the institutions offering Yoga related Education are of acceptable academic quality relevant to the health care requirements of the country.

With the establishment of a Yoga Council, the recognition of eligible practitioners is proposed to be made according to the criteria prescribed in the Act and they may be registered so as to ensure that no unqualified person practices or provides treatment in these systems of medicines.

### **The salient features of the Draft Bill are as below:**

- I. To grant affiliation and accreditation to institutions teaching Yoga or to withdraw such affiliation and accreditation.
- II. To confer registration on the institutionally qualified professional practitioners.
- III. To confer registration to other Yoga Practitioners fulfilling the terms and conditions as laid down in the draft Bill.
- IV. To regulate various course curriculum of studies for registration by Yoga Practitioners.

V. . To advise the State Government and academic institutions in the matter of research in Yoga.

In this backdrop, after wide consultation with concerned Departments, it is proposed to frame Assam Yoga Council Bill, 2018 to regulate Yoga and Naturopathic system of Medicines in Assam.

**HIMANTA BISWA SARMA,**  
Minister,  
Health & Family Welfare Department, Assam.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.

### **FINANCIAL MEMORANDUM**

There is no financial involvement in the proposed Assam Yoga Council Bill, 2018.

### **MEMORANDUM OF DELEGATED LEGISLATION**

There is no delegation of legislative powers to the executive in the proposed Assam Yoga Council Bill, 2018.

**M. K. DEKA,**  
Principal Secretary,  
Assam Legislative Assembly.