

SIKKIM MEDICAL COUNCIL FOR INDIAN SYSTEM OF MEDICINE
Bill, 2026
(Bill No. 4 of 2026)

A

Bill

to establish and to regulate the qualifications providing registration for practitioners of Indian System of Medicine (AYUSH – Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa and Homeopathy) and for matters connected therewith or incidental thereto.

BE it enacted by Legislature of Sikkim in the Seventy-seventh Year of the Republic of India as follows:

PART I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Sikkim Medical Council for Indian System Of Medicine Act, 2026.
- (2) It shall extend to the whole of Sikkim.
- (3) It shall come into force on such date, as the State Government may by notification, in the Official Gazette, appoint.

Definitions.

2. (1) In this Act, unless the context otherwise requires,-
 - (a) “Act” means the Sikkim Medical Council for Indian System of Medicine Act, 2026;
 - (b) “Bachelor of Ayurveda Medicine and Surgery (BAMS)” means an under graduate degree course in the field of Ayurveda and allied medical sciences;
 - (c) “Bachelor of Homeopathy Medicine and Surgery (BHMS)” means an undergraduate degree course in the field of Homeopathy practitioners;
 - (d) “Bachelor of Naturopathy and Yogic Science (BNYS)” means an undergraduate degree course in the field of Naturopathy and Yoga;
 - (e) “Bachelor of Sowa Rigpa Medicine and Surgery (BSRMS)” means an undergraduate degree course in the field of Sowa-Rigpa;
 - (f) “Bachelor of Siddha Medicine and Surgery (BSMS)” means an

- undergraduate course in the field of Siddha System of Medicine;
- (g) “Bachelor of Unani Medicine and Surgery (BUMS)” is an undergraduate degree course in the field of Unani Medicine and Surgery;
- (h) “Council” means the Sikkim Medical Council for Indian System of Medicine (Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa, and Homoeopathy) established and constituted under section 3;
- (I) “Commission” means the National Commission for Indian System of Medicine constituted under section 3 of the National Commission for Indian System of Medicine Act, 2020;
- (j) “Fund” means the fund of the State Government or the Council established under section 22;
- (k) “Government” means the Government of Sikkim;
- (l) “Inspector” means an Inspector appointed by the Council under section 38;
- (m) “Indian System of Medicine” means Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa, and Homeopathy;
- (n) “Institution” means institution recognised by the State Government under recommendation of the Council under Sub-Section 1 (a) of Section 20 of this Act;
- (o) “Member” means a member, of the Sikkim Medical Council for Indian System of Medicine (AYUSH - Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa and Homeopathy);
- (p) “notification” means notification published in the Official Gazette;
- (q) “prescribed” means prescribed by the rules or regulations made under this Act;
- (r) “President” means the President of the Council as elected or nominated under section 3;
- (s) “Prior examination” means any examination conducted by an institution before the final qualifying examination, including yearly or semester examinations, internal examinations, and pre-final examinations;
- (t) “Qualifying Examination” means the examination held for the purpose of granting a degree, licence or certificate conferring the right of registration under this Act;
- (u) “Register” means the Register of practitioners maintained under section 15;
- (v) “Registrar” means the Registrar appointed under section 14;
- (w) “Registered Practitioner” means a practitioner whose name is for the time being entered in the Register;
- (x) “Rules” means Rules made under section 41;
- (y) “Regulations” means Regulations made under section 42;
- (z) “Schedule” means the Schedule appended to this Act;
- (aa) “State” means the State of Sikkim;

(2) Words and expressions used herein and not defined but defined under the National Commission for the Indian System of Medicine Act, 2020 and other relevant Acts and rules shall have the meanings as respectively assigned to them in the relevant Act and rules.

PART II

SIKKIM MEDICAL COUNCIL FOR AYUSH

Establishment, Constitution and incorporation of the Council.

3. (1) The State Government shall, by notification in the Official Gazette, constitute a Council to be called the Sikkim Medical Council for Indian System of Medicine for the purposes of this Act. The Council shall be a body corporate, having perpetual succession and a common seal, with power to acquire/hold and dispose of property, both movable and immovable, and shall by the said name, sue and be sued.

(2). The head office of the Council shall be at Gangtok District, Sikkim.

(3). The Council shall consist of 11 (eleven) elected Members residing in Sikkim of whom, -

(a). all 11 (eleven) elected Members shall be the registered practitioners holding a recognized medical degree in Bachelor of Ayurveda Medicine and Surgery (BAMS), Bachelor of Homeopathy Medicine and Surgery (BHMS), Bachelor of Naturopathy and Yogic Science (BNYS), Bachelor of Sowa Rigpa Medicine and Surgery (BSRMS), Bachelor of Siddha Medicine and Surgery (BSMS), Bachelor of Unani Medicine and Surgery (BUMS).

(b) the President of the Council shall be elected by the members from amongst themselves:

Provided that for the first term of the Council after the commencement of the Sikkim Medical Council for Indian System of Medicine Act, 2026, the President shall be a person nominated by the Government from amongst the members, and shall hold the office until such time as the President is elected by the council.

Powers and functions of the Council.

4. Subject to other provisions of the Act, the Council shall exercise the following powers and functions namely: -

(1) registration of Indian System of Medicine (ISM) practitioners and issuing registration certificate.

(2) renewal of registration.

(3) cancellation of registration and providing No Objection Certificate (NOC).

(4) issue Life Certificate.

(5) award stipends, scholarship, medal, prizes and other rewards.

(6) registration of additional Medical Qualification.

(7) prepare, recommend prescribe text books and to publish statement of prescribed courses of study.

(8) establish and maintain library.

(9) recommend schemes for post-graduate training and research in the Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa, and

Homeopathy System.

(10) appoint any Committee or Council of studies as may be necessary and lay down its constitution, duties and functions.

(11) exercise such other powers and perform such other functions as may be specified in this Act, or in the rules or regulation made hereunder as appropriate to the subject matter or as the Government may by notification direct for carrying out the purposes of this Act.

Election of members.

5. (1) The election of practitioners entitled to be members of the Council under sub-section (3) of section 3, shall be held at such time and place and in such manner as may be prescribed by rules.

(2) If, at any election, the electors fail to elect the requisite member or members of the Council, the State Government may nominate such registered practitioners as it deems fit to fill the vacancies which remain unfilled after the election and the practitioners so nominated shall be deemed to have been duly elected under Section 3 of this Act.

Term of Office.

6. (1) Save as otherwise provided, the term of office of elected and nominated members shall be for a period of 5 (five) years commencing from the date on which the first meeting of the Council is held after the members are elected or nominated under sub-section (3) of section 3:

Provided that the first meeting of the Council after the members are elected under sub-section (3) of section 3 shall be held within a reasonable time, but not later than 3 (three) months from the date of such elections:

Provided further that where the term of office of the council has expired and a new Council has not been constituted, the Government may, by order, appoint an Administrator, not below the rank of Secretary or Joint Secretary to the Government of Sikkim, for such reasonable period as may be specified in the order, who shall exercise all the powers and discharge all functions conferred upon the Council by or under this Act or any other law for the time being in force.

(2) An outgoing member shall continue in office, until the election or nomination of his successor or for a period of 3 (three) months, whichever is earlier.

(3) The outgoing member shall be eligible for re-nomination or re-election.

Vacancies.

7. If any vacancy occurs due to the death, resignation, removal or disability of a member of the Council, prior to the expiry of the period of his office, such vacancy shall be filled in the manner prescribed by the rules. Any person nominated or elected to fill such vacancy shall, notwithstanding anything contained in section 6, hold office so long as the member in whose place he is nominated and elected would have held office if the vacancy had not occurred.

Resignation of a Member.

8. Any Member of the Council may, at any time, resign from his office by letter addressed to the President. Such resignation shall take effect from the date on which the resignation is accepted by the Council.

Disabilities for continuing as a member

9. If any member, during the period for which he has been nominated or elected, -
(a) absents himself from 3 (three) consecutive ordinary meetings of the Council without sufficient reasons in the opinion of the Council;
(b) obtains any employment under the Council;
(c) acquires, without prior sanction of the Government directly or indirectly, by himself or through a partner, any share or interest in any contract made with, or on behalf of the Council; or
(d) becomes subject to any of the disqualifications mentioned in section 10 shall declare his office to be vacant and shall be disabled from continuing as a member.

Disqualification.

10. No person shall be eligible to be nominated or elected as a member of the Council, if he,-
(a) is an un-discharged insolvent; or
(b) has been adjudicated by a competent court to be of unsound mind; or
(c) has been removed from the Register maintained under this Act; or
(d) has been convicted of an offence involving moral turpitude which, in the opinion of the Government, renders him unfit to be member of the Council.

Validity of proceedings.

11. No disqualification or defect in the election or nomination of any person acting as a member of the Council or as the President or Presiding Authority of meeting shall be deemed to vitiate any act or proceedings of the Council, in which such person has taken part.

Time and place of meeting of the Council.

12. The Council shall meet at such time and place, and every meeting of the Council shall be summoned in such manner as may be prescribed by regulations:

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Council at such time and place as he may deem expedient by a letter addressed to each member.

Procedure of meetings of the Council.

13. (1) The president shall preside at every meeting of the Council. In the absence of the President, the members present shall elect 1(one) of them to preside.

(2) All questions at a meeting of the Council shall be decided by the votes of the majority of the members present and voting at the meeting.

(3) 7 (seven) members shall form a quorum:

Provided that when a meeting is adjourned for want of a quorum to a subsequent date, no quorum shall be required for the meeting held on such date.

(4) At every meeting of the Council, the President, for the time being, shall, in addition to his vote as a member of the Council, have a second or casting vote in case of equality of votes.

Registrar, officers and other employees of the Council.

14. (1) The Council shall, with the prior approval of the Government, appoint a Registrar on regular basis who shall be qualified medical graduate as prescribed in Schedule and shall hold a rank not below that of a Deputy Director in the Government. The Registrar shall receive such salary and allowances and be subject to such conditions of service as may be prescribed by the rules. The Council may, from time to time, grant leave to the Registrar and 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 the purpose of this Act;

Provided that for the first 4 (four) years from the first constitution of the Council after the commencement of the Act, the Registrar shall be a person appointed by Government and shall hold office during the pleasure of the Government.

(2) Any order of the Council appointing, punishing or removing a Registrar from office shall not be passed without the prior approval of the Government.

(3) The Council may appoint such other officers and employees as may be necessary for carrying out the purposes of this Act:

Provided that the number and designation of such officers and employees, their condition of service, salaries and allowances shall be such as may be prescribed and subject to the prior approval of the Government.

Duties of the Registrar.

15. (1) Subject to the provisions of this Act, and the rules made hereunder and subject to any general or special orders of the Council, it shall be the duty of the Registrar to keep and maintain a state Register.

(2) The state Register shall be in such form as may be prescribed by the rules and shall contain the name, address and qualification of every registered practitioner, together with the dates on which such qualifications were acquired. The Register shall be divided into 7 (seven) parts containing the names of: -

- (i) Practitioners qualified to practise the Ayurveda System;
- (ii) Practitioners qualified to practise the Unani System;
- (iii) Practitioners whose name is removed under sub-section (2) of section 16;
- (iv) Practitioners qualified to practise the Siddha; and
- (v) Sowa Rigpa practitioners institutionally qualified to practise the Sowa Rigpa System of Medicine;
- (vi) Homeopathy Practitioners institutionally qualified to practice the Homeopathy System of Medicine;
- (vii) Yoga and Naturopathy practitioners institutionally qualified to

practice the Yoga and Naturopathy System of Medicine.

(3) The Registrar shall, maintain and regularly update State Register and may, from time to time, enter therein any material alteration in the address or qualifications of the practitioners. The names of the registered practitioners who die, or whose names are directed to be removed from the Register under sub-section (2) of section 16, shall be removed from the Register.

(4) For the purpose of this section, the Registrar may write by registered post to any registered practitioner at the address which is entered in the Register to enquire whether he has ceased to practise or has changed his residence and, if no response is received to the said letter within 6 (six) months, the Registrar may remove the name of the said practitioner from the Register:

Provided that the Council may, if it is satisfied that the said practitioner has not ceased to practise, on the application of the said practitioner, direct that his name be re-entered in the Register.

Registration.

16. (1) Every person who has a recognized qualification under Indian System of Medicine, or who are listed under the National Commission for Indian System of Medicine (NCISM) Act, 2020, possessing the qualification mentioned in the Schedule, shall, subject to the provisions contained in this Act and on payment of fees as may be notified in this behalf, be entitled to have his name and qualifications entered in the State Register, subject to such conditions as the Council may prescribe:

Provided that an application for entry in the Register made by a person, whose case is not clearly governed by the provisions of this Act or by the rules and regulations made hereunder, shall be referred to the Council for such decision as it may deem fit.

(2) The Council may direct that the name of any practitioner who has been convicted of a cognizable offence as defined under section 2(g) of the Bhartiya Nagarik Suraksha Sanhita (BNSS) 2023 (Act No. 46 of 2023) which involves moral turpitude or who has been found, after due inquiry, guilty of misconduct which, in opinion of the Council, renders him unfit to practice his profession, shall be removed from the Register.

(3) The Council may, on sufficient cause being shown, direct the name of the practitioner so removed, to be re-entered in the Register.

(4) Every registration made under this section shall remain valid for a period of 3 (three) years and subject to the provisions of sub-section (5), be renewed for a further period of 3 (three) years.

(5) Every application for renewal of registration shall be made on payment of such fee and in such manner as may be prescribed.

(6) The Government may, by notification in the official Gazette amend the Schedule as and when required.

*Appeal to Council from
decision of Registrar.*

17. (1) Any person aggrieved by the decision of the Registrar regarding registration of any registered practitioner or any entry made in the State Register may prefer an appeal to the Council.

(2) Such appeals shall be filed and shall be heard and decided by the Council in such manner as may be prescribed.

(3) The Council may, either on its own motion or on the application of any person, after due and proper inquiries and after giving an opportunity of being heard to the registered practitioners, cancel or alter any entry in the Register, if in the opinion of the Council, such entry was fraudulently or incorrectly made.

(4) A registered medical practitioner aggrieved by the decision of the Council, may prefer an appeal to the National Commission for Indian System of Medicine, constituted under section 3 of the National Commission for the Indian System of Medicine Act, 2020 (No. 14 of 2020), within 60 (sixty) days from the date of such communication.

*Certificates issued by
qualified practitioners.*

18. Notwithstanding anything contained in any other law for the time being in force in the state, -

(1) The expressions "qualified medical practitioner" or "duly qualified medical practitioner" wherever they occur in any such law shall include a registered practitioner, whose name is found to be entered in the State Register.

(2) A certificate of illness or any certificate required by any law from any medical practitioner or medical officer shall be valid, if such certificate has been signed by a registered practitioner whose name is found in the Register.

(3) The registered practitioner shall be eligible to hold any appointment as a Medical Officer in any Indian Systems of Medicine dispensary or hospital supported by or receiving grant from the Government and treating patients according to the Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa, and Homeopathy system of Medicine or treatment, as the case may be, or in any public establishment, body or institutions dealing with such system of medicine or treatment.

*Examination before
registration.*

19. Notwithstanding anything contained in sub-section (2) of section 16, on and after the expiry of 1(one) year from the date from which this Act comes into force, no person's name shall be entered in the Register as a registered practitioner unless he holds the qualification mentioned in sub-section (1) of section 16.

Power to recommend the state Government to recognize institutions, qualifying examinations and prescribe course of training.

20. (1) The Council shall, -
(a) recommend the State Government to recognize institutions;
(b) by a notification, specify the institutions which are authorized to hold qualifying examinations and grant certificates, diploma or degree, prescribe the course of training and qualifying examination to be conduct in the specified languages in which for the purposes of this Act.

(2) A qualifying examination shall be an examination in the Indian System of Medicine i.e., Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa, and Homeopathy held for the purpose of granting degree or certificate conferring the right of registration under this part, by any of the institutions which on the recommendations of the Council, may be notified by the Government in the Official Gazette as being authorized to hold a qualifying examination.

(3) It shall be the duty of the Council to secure the maintenance of adequate standard of proficiency for the practice of the Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa and Homeopathy. For the purposes of securing such a standard, the Council shall have authority to call on the governing body or authorities of any institution giving instructions in the Indian System of Medicine authorized under subsection (2) for the following purposes: -

(a) to furnish such particulars as the Council shall require of any course of study prescribed by regulations or examination held by such body or authority or such school or college with reference to the grant of any qualifications;

(b) to permit Inspectors appointed by the Council under section 38 to inspect, attend and be present at every examination held by such institutions.

(4) The Inspectors shall not interfere with the conduct of any examination but shall report to the Council his opinion as to the sufficiency or insufficiency of every examination which he attended and any other matters in relation to such examinations on which the Council may require them to report.

(5) Every qualifying examination and every prior examination held by the bodies or institutions authorised under this section shall be inspected by the Inspectors at least once in 3 (three) years or more frequently as determined by the Council.

(6) The Council shall forward a copy of every such report to the body or institution which held the examination in respect of which the said report was made and shall also forward a copy of such report, together with any observations thereon made by the said body, to the Government.

Fees payable to members of the Council.

21. There shall be paid such fees and allowances to the members of the Council for attendance from time to time as may be prescribed by the regulations.

Fund and Income of the Council.

22. (1) The Council shall establish a fund to be called "the fund of the council".

(2) The following shall be credited to the fund of the Council:-

(a) all contributions or grants made by the Central Government or the State Government;

(b) all income of the Council from fees, fines and other sources;

(c) all trust, donations, endowments and other grants, if any;

(d) all other sums received by the Council under this Act.

Application of Fund.

23. The fund of the Council shall be applied to the following purposes namely :-

(a) the repayment of debts incurred by the Council for the purpose of this Act and the rules and regulations made thereunder;

(b) the expenses of any suit or legal proceedings to which the Council is a party;

(c) the payment of salaries and allowances to the officers and servants of the Council;

(d) the payment of allowances to the office bearers of the Council;

(e) the payment of any expenses incurred by the Council in carrying out the provisions of this Act and the rules and regulations made thereunder; and

(f) any other expenses incurred for the promotion and development of education, research and training, declared by the Council to be in the general interest of Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa and Homeopathy professions.

Accounts and Audit.

24. (1) The Council shall maintain proper accounts and other records of the Council and the statements of accounts of the Council shall be prepared before such date and at such intervals, and in such manner, as may be prescribed by regulations.

(2) The accounts of the Council shall be audited by the registered Chartered Accountant. The audit fee of the Chartered Accountant shall be such, as may be fixed by the Council, by regulations.

(3) As soon as the accounts of the Council are audited, the Council shall forward a copy thereof to the State Government in such manner, as may be prescribed by regulations.

Budget.

25.(1) The Registrar shall cause to be prepared in such form as may be prescribed by regulations, a budget for the financial year, showing the estimated receipts and expenditure and shall cause it to be laid before the Council at such time and in such manner as may be prescribed by regulations.

(2) Within 15 (fifteen) days from the date of the meeting in which the budget is passed, it shall be forwarded to the State Government.

(3) If the State government is of the opinion that provisions of the budget so forwarded are not adequate for carrying out the purposes of this Act, it shall return the budget to the Council for such modification as it may suggest.

(4) The Council shall be competent to re-appropriate such amounts as may be necessary from one head to another head and minor heads.

(5) The Council, may as and when required, pass a supplementary budget in such form as may be prescribed by regulations and the provisions of sub-sections (2), (3) and (4) shall apply to such supplementary budget.

False assumption of certificate to be an offence.

26. Whosoever falsely pretends to be a registered practitioner, whether any person is actually deceived by such pretence or not or voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate, granted by any authority shall be deemed to have committed an offence under this Act and shall on conviction be punishable with a fine which may extend to Rs.20, 000/- (twenty thousand rupees).

Power to dissolve Council.

27. If at any time it appears to the Government, on the report of the State Ayush Department or otherwise that the Council has failed or neglected to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act, the Government shall notify the particulars thereof to the Council, and if the Council fails to remedy such default, excess or abuse, within such time as the Government may fix in this behalf, the Government may by notification in the official Gazette, dissolve the Council and cause all or any of the powers and duties of the Council to be exercised and performed by such person, in such manner and for such period not exceeding 2 (two) years as it may specify in this behalf.

Reconstitution of the Council.

28 (1) Upon expiry of the period specified in Section 27, the Government shall reconstitute the Council in accordance with Section 3.

(2) where the Government is satisfied that the reconstitution of the Council cannot be completed within the period specified in section 27, it may, for reasons to be recorded in writing, extend such period by a further term not exceeding 6(six) months.

(3) The Government shall, within 30 (thirty) days of reconstitution of the Council, issue a notification in the Official Gazette of the reconstituted council.

Cognizance of offences.

29. No court shall take cognizance of any offence under this Act, except on a complaint in writing by an officer empowered by the Government in this behalf.

PART III

POWERS OF THE GOVERNMENT

Powers of the Government to enforces the provisions of Part III.

30. The Government may, at any time after the expiry of 1 (one) year from the date on which this Act comes into force, by notification, apply the provisions of this part or any portion thereof to the whole or any part of the State from such date as specified therein:

Provided that the Government shall give wide publicity to such notification in such manner as it deems proper.

List of Practitioners.

31. (1) After the publication of notification under section 30, the Registrar shall prepare and maintain a list of persons in practice belonging to the Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa and Homeopathy System of Medicine in the state as on date as specified therein.

(2) Every person who is qualified and entitled to have his name registered under this Act, and who, within a period of 1 (one) year from the date on which this Part comes into force, proves to the satisfaction of the Registrar that he has been in regular practice of the Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa or the Homeopathy System of Medicine in the State, on the date mentioned in the notification under sub-section (1), shall be entitled to have his or her name entered in the State Register on payment of such fee and subject to such conditions as may be prescribed.

(3) The Registrar shall in every year, on or before a date to be fixed by the Council, cause to be printed and published in the Official Gazette, a correct list of the names and qualifications of the practitioners for the time being entered in the State Register and the dates when such qualifications were acquired.

(4) In any proceeding it shall be presumed that every person entered in such list is a registered practitioners and that any person not so entered is not a registered practitioner.

Prohibition to practice of persons not listed.

32. Notwithstanding anything contained in any Law for the time being in force, no person other than a practitioner registered under Part II of this Act or a medical practitioner whose name is entered in the list mentioned in section 31 shall practice, whether directly or by implication, the Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa and Homeopathy Systems of Medicine:

Provided that the Government may, by notification in the Official Gazette, direct that the provisions of this section shall not apply to any class of persons or to any area, as may be specified in such notification.

Penalty for act in contravention of provisions of section 32.

33. Whoever acts in contravention of the provisions of section 32 shall be punished with imprisonment for a term which may extend to 1 (one) year or with fine which may extend to Rs.5, 00,000 (Rupees five lakh) or with both.

Examination before registration.

34. Notwithstanding anything contained in any section of this Act, on and after the expiry of 1 (one) year from the date from which Part III comes into force, a person shall not be entered in the Register as a registered practitioner unless he has passed a qualifying examination recognized by the Commission.

Saving.

35. Nothing in sections 33 and 34 shall apply to any person, -
(a) who is a dentist registered under the Sikkim Dental Council;
(b) who, being a nurse or midwife, is registered under the Sikkim Nursing Council; or
(c) who is registered under the Sikkim Medical Council established under the Sikkim Medical Registration Act, 2005.

Conferring, granting or issuing diploma licence, etc., by unauthorized person or institution.

36. (1) No person other than an association or institution recognized or authorized by the Government under this Act shall confer, grant or issue any diploma, licence, certificate or other documents stating or implying that the holder, grantee, or recipient is qualified to practise the Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Riga and Homeopathy system of medicine.

(2) Whoever contravenes the provisions of this section shall, on conviction, be punishable with fine, which may extend to Rs.5, 00,000 (rupees five lakh only) and if the person so contravening is an association, every member of such association who, knowingly and wilfully authorizes or permits the contravention shall, on conviction, be punishable with fine which may extend to Rs.2, 00,000 (rupees two lakh only).

Establishment of Medical Colleges for Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa and Homeopathy Medical Practitioners.

37. (1) Notwithstanding anything contained in any law for the time being in force, no person shall establish any Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa, and Homeopathy Medical College, or start any course or increase seats, except with the prior permission of the Medical Assessment and Rating Board (MARB) constituted under section 28 and 29 of the National Commission for Indian System of Medicine (NCISM) Act, 2020.

(2) Every application of approval under sub-section (1) shall be made in such form, on payment of such fees and in such manner as may be provided by the rules.

Explanation: - For the purpose of this section, 'person' includes any university or a trust but does not include the Government.

Appointment of Inspectors.

38. (1) The Council may appoint such number of Inspectors from amongst the registered practitioners to inspect the institutions, on such salary as the Council, may with the previous sanction of the Government, determine.

(2) The Inspectors shall, in accordance with any general or special directions of the Council given from time to time, inspect the institutions affiliated or established and report to the Council with regard to the courses of study pursued, the training imparted or any other matter which the Council may require a report.

De-recognition and removal of Institution.

39.(1) If it appears to the Government on the report of the Council , that in the Indian Systems of Medicine, the courses of study and examinations prescribed by any of the institutions do not conform to the standard of Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa and Homeopathy, it shall be lawful for the Government to recommend the Central Government and the Medical Assessment and Rating Board for appropriate action under National Commission for Indian System of Medicine Act, 2020.

(2) Pending the decision of the Central Government or the Medical Assessment and Rating Board (MARB), the Government may prohibit the Institution from conducting any qualifying examination for such period as may be specified.

Notice of death.

40. Every Registrar of Deaths on receiving notice of the death of a registered practitioner shall forthwith transmit by post to the Registrar, a certificate under his own hand of such death with the particulars of time and place.

Power to make Rules.

41. (1) The State Government may, after previous publication, make rules to carry out all or any of the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules for any of the following matters, namely: -

- (a) Council shall exercise such powers and function under this Act under section 4;
- (b) The time, place and manner in which election shall be held under section 5;
- (c) The manner in which vacancies shall be filled under section 7;
- (d) The manner in which the meetings of the Council shall be convened and held;
- (e) The salary, allowances and other conditions of service of the Registrar under section 14;
- (f) The form of the Register and the particulars to be entered therein under section 15.

Power to make Regulations.

42. (1) Subject to the provisions of this Act and the rules made under Section 41, the Council may, with the previous sanction of the Government make regulations, not inconsistent with this part or the rules, for any of the following matters, namely: -

- (a) Council shall exercise such powers and function under this Act under section 4;
- (b) The time and place at which the Council shall hold its meetings under section 12;
- (c) The salary, allowances and other conditions of service of officers and other employees of the Council other than the Registrar under section 14;
- (d) Budget and supplementary budget under section 25;
- (e) all other matters which may be necessary for the purposes of carrying out the objects of this Act.

(2) The State Government by notification in the Official Gazette shall publish all the regulations made by the Council.

(3) The Government may, by notification in the Official Gazette cancel or alter any regulations:

Provided that in submitting regulations under clauses (c) to (e) for the sanction of the Government, the Council shall send a copy of its proceedings relating to the passing of such regulations and shall specify the details of the members of Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa, and Homeopathy who have voted for or against such regulations or not voted in respect of such regulations:

Provided further that in sanctioning the said regulations due consideration shall be given to the opinion of the members of either system of medicine as expressed in the said proceedings.

Power to remove difficulties.

43. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, published in the Official Gazette, make such provisions not inconsistent with the provisions of the Act, as may appear to be necessary or expedient for removing the difficulty:

Provided that no order under sub-section (1) shall be made after the expiration of a period of 2 (two) years from the date of commencement of this Act.

SCHEDULE

[see Section 16 (1)]

The following qualifications shall be recognized for registration as a practitioner under the state register of Indian system of medicine;

1. "Bachelor of Ayurveda Medicine and Surgery (BAMS)".
2. "Bachelor of Homeopathy Medicine and Surgery (BHMS)".
3. "Bachelor of Naturopathy and Yogic Science (BNYS)".
4. "Bachelor of Sowa Rigpa Medicine and Surgery (BSRMS)".
5. "Bachelor of Siddha Medicine and Surgery (BSMS)".
6. "Bachelor of Unani Medicine and Surgery (BUMS)".

STATEMENT OF OBJECTS AND REASONS

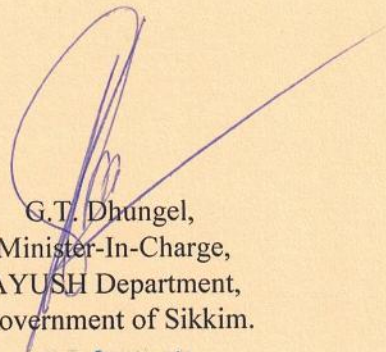
The Sikkim Medical Council for Indian System of Medicine Bill, 2026 proposes to provide for the establishment of the State Council for the Indian System of Medicines and to streamline the Indian System of Medicine into Healthcare system of Medicine Act, 2020.

The Indian System of Medicine (ISM), comprising Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa and Homeopathy, is an integral part of the Indian healthcare system. In the State of Sikkim, there is currently no statutory mechanism to regulate the registration, professional conduct and practice of practitioners of these systems.

Keeping in view the importance and utility of Ayurveda, Yoga and Naturopathy, Unani, Siddha, Sowa Rigpa and Homeopathy, there is an inevitable requirement for establishment of Sikkim Medical Council for Indian System of Medicine in the State.

The Bill provides for the registration of qualified practitioners, grant and renewed registration for regulating professional standards and ethics, and take disciplinary action where required and for recognition and inspection of Institutions, ensure maintenance of standards in education and qualifying examinations, and regulate medical colleges in accordance with the provisions of the National Commission for Indian System of Medicine Act, 2020.

The Bill seeks to achieve the above objectives.



G.T. Dhungel,
Minister-In-Charge,
AYUSH Department,
Government of Sikkim.

G.T. DHUNGEL
MINISTER
Health & FW Deptt., Ayush Deptt.
and Culture Deptt.
Govt. of Sikkim

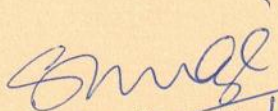
FINANCIAL MEMORANDUM

1. The Bill seeks to enact the Sikkim Medical Council for the Indian System of Medicine Bill, 2026.
2. Clause 3 of the Bill seeks to provide for the establishment of a Council, for the purposes of this Bill to be called the Sikkim Medical Council for Indian System of Medicine.
3. Clause 22 of the Bill provides that the Central Government or the State Government may, after due appropriation, provides grants as required by the Sikkim Medical Council for Indian System of Medicine, to discharge its functions under this Bill.
4. The expenditure to be incurred towards the said body would be met from budgetary allocation after such allocation by the department of Finance, as and when the body will be constituted. This expenditure is not quantifiable at this stage as the structure, posts, number of officers and other aspects cannot be ascertain at this stage.
5. The Bill, if enacted, will not involve any other expenditure, either recurring or non-recurring nature from the consolidated fund of the State.


Suchitra Rasaily, SCS, 16/06/26
Secretary,
Department of AYUSH.

MEMORANDUM REGARDING DELEGATED LEGISLATION

1. Sub-Clause (1) of Clause 3 of the Bill empowers the State Government to constitute a Council.
2. Clause 14 of the Bill empowers Council to appoint the Registrar with the approval of the Government.
3. Clause 16 (6) of the Bill empowers the State Government to amend the Schedule.
4. Clause 17 of the Bill empowers persons to appeal to the Council from the decision of Registrar.
5. Clause 20 of the Bill empowers the Council to recommend the State Government to recognize Institutions.
6. Clause 22 and 23 of the Bill empowers the Council to establish a fund and to regulate its application.
7. Clause 27 of the Bill empowers the Government to dissolve Council.
8. Clause 32 of the Bill empowers prohibition to practice of persons not listed in the State register.
9. Clause 33 of the Bill empowers penalty for act in contravention of the provision of clause 32.
10. Clause 38 of the Bill empowers the appointment of inspectors and also their power and functions.
11. Clause 39 of the Bill empowers the State Government on the report of the Council for de-recognition and removal of Institution.
12. Clause 41 of the Bill empowers the State Government to make rules.
13. Clause 42 of the Bill empowers the Government to make regulations to carry out the purposes of the Bill.
14. Clause 43 of the Bill empowers the State Government to remove difficulties which may arise in giving effect to the provisions of Act.
15. The matters in respect of which the rules and regulations may be made are matters of procedure and administrative detail and it is not practicable to provide for them in the Bill itself. The delegation of legislative power is, therefore, of a normal character.


Suchitra Rasaily, SCS, 16/06/26
Secretary,
Department of AYUSH.