

The Gujarat Medical Practitioners' Act, 1963

Act 6 of 1964

Keyword(s):

Ayurvedic System of Medicine, Faculty, Homoeopathy, Recognised Institution, Recognised Qualification, Doctor

Amendment appended: 19 of 1966

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filed as a separate compilation

PART IV

Acts of the Gujarat Legislature and Ordinances promulgated
and Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the
President on the 26th February 1964, is hereby published for general information.

AKBAR S. SARELA,
Secretary to Government,
Legal Department.

GUJARAT ACT NO. 6 OF 1964.

[First published, after having received the assent of the President in the
Gujarat Government Gazette on the 26th February 1964].

An Act to consolidate and amend the law regulating the qualifications, and
providing for registration, of practitioners of the Ayurvedic and
Unāni systems of medicine and making certain provi-
sions relating to medical practitioners generally, in
the State of Gujarat.

It is hereby enacted in the Fourteenth Year of the Republic of India as
follows:—

CHAPTER I

PRELIMINARY

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Gujarat Medical Practitioners' Act, 1963.
- (2) It extends to the whole of the State of Gujarat.
- (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) "appointed day" means the date on which this Act comes into force;
- (b) "Ayurvedic system of medicine" or "Ayurvedic system" means the Ashtang Ayurvedic system of medicine, whether supplemented or not by such modern advances as are consistent with the fundamental principles of Ayurveda and as the Faculty may from time to time have determined;
- (c) "Board" means the Gujarat Board of Ayurvedic and Unani Systems of Medicine established and constituted under this Act;
- (d) "by-law" means by-law made under section 38;
- (e) "Chairman" means the Chairman of the Faculty;
- (f) "enlisted practitioner" means a practitioner whose name is for the time being entered in the list;
- (g) "Faculty" means the Faculty established and constituted under this Act;
- (h) "Homocopathy" means the system of medicine founded by Dr. Samuel Hahnemann which includes the Bio-chemic therapy as propounded by Dr. Schussler and the expression "Homoeopathic" shall be construed accordingly;
- (i) "Inspector" means an Inspector appointed by the Faculty;
- (j) "list", except in the expression "periodical list", means the list of practitioners prepared and maintained under section 18;
- (k) "member" means a member of the Board or the Faculty, as the case may be;
- (l) "prescribed" means prescribed by rules made under this Act;
- (m) "President" means the President of the Board;
- (n) "recognised institution" means any institution recognised under section 27;
- (o) "recognised qualification" means any of the qualifications specified in the Schedule;
- (p) "register", means the register of practitioners prepared and maintained under section 17;

(g) "registered practitioner" means a practitioner whose name is for the time being entered in the register;

(h) "Registrar" means the Registrar appointed under section 16;

(i) "rules" means rules made under section 37;

(j) "Schedule" means the Schedule appended to this Act;

(k) "State" means the State of Gujarat;

(l) "Unani system of medicine" or "Upāni system" means the Unani system of medicine, whether supplemented or not by such modern advances as the Faculty may from time to time have determined;

(m) "visitor" means a visitor appointed by the Faculty.

(2) The expression "to practise any system of medicine" with all its grammatical variations and cognate expressions means to hold oneself out as being able to diagnose, treat, operate or prescribe medicine or any other remedy or to give medicine for any ailment, disease, injury, pain, deformity or physical condition or by any advertisement, demonstration, exhibition or teaching to offer or undertake by any means or method whatsoever to diagnose, treat, operate or prescribe medicine or any other remedy or to give medicine for any ailment, disease, injury, pain, deformity or physical condition:

Provided that, a person who,

(i) mechanically fits or sells lenses, artificial eyes, limbs or other apparatus or appliances; or

(ii) is engaged in the mechanical examination of eyes for the purpose of constructing or adjusting spectacles, eye-glasses or lenses; or

(iii) practises physio-therapy or electro-therapy or chiropody or naturopathy or hydropathy or yogic healing; or

(iv) without personal gain furnishes medical treatment or does domestic administration of family remedies; or

XVI of 1948. (v) being registered under the Dentists Act, 1948, limits his practice to the part of dentistry; or

Bom. XIV of 1954. (vi) being a nurse, midwife or health visitor registered or enlisted under the Bombay Nurses, Midwives and Health Visitors Act, 1954, or any other corresponding law for the time being in force in the State, or a *Dai*, attends on a case of labour,

shall not be deemed on that account only to practise any system of medicine.

Explanation.—In this sub-section—

(i) “advertisement” includes any word, letter, notice, circular, picture, illustration, model, sign, placard, board or other document and any announcement made orally or by any means of producing or transmitting light, sound, smoke, or other audible or visible representation; and

(ii) “physio-therapy” means treatment of any ailment, disease, injury, pain, deformity or physical condition by massage or other physical means, but does not include bone-setting.

CHAPTER II.

CONSTITUTION, FUNCTIONS AND POWERS OF THE BOARD AND THE FACULTY.

Constitu-
tion and
incorpora-
tion of
Board.

3. (1) With effect from such date as the State Government may, by notification in the *Official Gazette*, notify, there shall be established for the purposes of this Act, a Board to be called “The Gujarat Board of Ayurvedic and Unani Systems of Medicine”. The Board shall be a body corporate and have perpetual succession and a common seal, and may by the said name sue and be sued, and shall be competent to acquire and hold property, both moveable and immovable, and to contract and do all things necessary for the purposes of this Act.

(2) The Board shall consist of eleven members including the President, and shall be constituted in the following manner, namely:—

(a) four members shall be nominated by the State Government, out of whom at least three shall be registered practitioners;

(b) seven members shall be elected by the registered practitioners as follows, that is to say,—

(i) three members shall be elected by registered practitioners who hold any of the recognised qualifications, from amongst themselves, and

(ii) four members shall be elected by the remaining registered practitioners, from amongst themselves:

Provided that, at the end of the expiration of every five years from the date of commencement of this Act, the State Government may, by order, so divide the number of members to be elected under paragraphs (i) and (ii) amongst the registered practitioners who hold any of the recognised qualifications, and the remaining registered practitioners, as to be as near as possible in proportion to their numbers on the register at that time, so however that the total number of members elected under paragraphs (i) and (ii) shall remain seven:

Provided further that, any such order shall not affect the constitution of the Board which may be functioning at such time but shall apply to the Board to be constituted next thereafter.

(3) If at any election, the electors fail to elect the requisite number of members to the Board, the State Government shall 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 sub-section (2).

(4) The President of the Board shall be elected by the members from amongst themselves.

(5) The election of members of the Board under this section shall be held at such time, and at such place, and in such manner as may be prescribed.

(6) Notwithstanding anything contained in the foregoing provisions of this section,—

(i) in respect of the constitution of the Board for the first time under this Act, the President and members thereof shall be nominated by the State Government;

(ii) the President and other members so nominated shall hold office for such period not exceeding three years in the aggregate as the State Government may, by notification in the *Official Gazette*, specify.

4. (1) The State Government may, by notification in the *Official Gazette*, constitute a Faculty of Ayurvedic and Unani Systems of Medicine to be called "The Gujarat Faculty of Ayurvedic and Unani Systems of Medicine". The Faculty shall be a body corporate and have perpetual succession and a common seal, and may by the said name sue and be sued and shall be competent to acquire and hold property, both moveable and immovable, and to contract and do all things necessary for the purposes of this Act.

(2) The Faculty shall consist of eleven members, including the Chairman, and shall be constituted in the following manner, namely:—

(a) three members shall be nominated by the State Government, out of whom at least one shall be a person, practising or entitled to practise under this Act the Unani system of medicine;

(b) three members shall be elected from amongst themselves by the principals or heads of recognised institutions giving instructions in the Ayurvedic and the Unani systems of medicine and holding any of the recognised qualifications;

(c) three members shall be elected from amongst themselves, by persons (other than principals or heads of recognised institutions) who have been for at least two years engaged in teaching in recognised institutions giving instructions in the Ayurvedic and the Unani systems of medicine, and who are registered practitioners;

(d) two members elected by the Board, who shall be persons other than those appointed under any of the preceding clauses.

Explanation.—If any question arises whether a particular person is practising or is entitled to practise the Unani system or not, the matter shall be referred to the State Government whose decision shall be final.

(3) If at any election the electors fail to elect the requisite number of members of the Faculty, the State Government shall, as far as possible, nominate as members such persons as would have been qualified to be elected to the vacant seats, and such persons shall for the purpose of this Act be deemed to have been duly elected under the relevant clause of sub-section (2).

(4) The Chairman of the Faculty shall be elected by the members from amongst themselves.

(5) The election of the members of the Faculty under this section shall be held at such time, and at such place and in such manner, as may be prescribed.

(6) Notwithstanding anything contained in the foregoing provisions of this section,—

(i) in respect of the constitution of the Faculty for the first time under this Act, the Chairman and other members thereof shall be nominated by the State Government;

(ii) the Chairman and other members so nominated shall hold office for such period not exceeding three years in the aggregate as the State Government may, by notification in the *Official Gazette*, specify; and

(iii) the Faculty as aforesaid shall be constituted on the day on which the Board is established under sub-section (1) of section 3.

Term of
office.

5. (1) The State Government shall, as soon as possible after the election held under sections 3 and 4, by notification in the *Official Gazette*, publish the names of the President, the Chairman, and the members of the Board and of the Faculty.

(2) Except in the case of the constitution of the Board and the Faculty for the first time, the President and the Chairman shall hold office for such period as the State Government may specify in the notification published under sub-section (1), provided that, such period shall not exceed the term of office of such

President or Chairman as a member under sub-section (3). The term shall commence from the date of the notification published under sub-section (1).

(3) Except in the case of the constitution of the Board and the Faculty for the first time—

(a) the term of office of a member of the Board, whether elected or nominated, shall be a period of five years commencing from the date of the notification published under sub-section (1);

(b) the term of office of a member of the Faculty, whether elected or nominated, shall commence from the date of the notification published under sub-section (1) and expire on the day on which the term of the members of the Board expires under this section.

(4) Notwithstanding anything contained in sub-section (3), the State Government may, by notification in the *Official Gazette*, extend from time to time the term of office of the members of the Board for a further period not exceeding two years in the aggregate.

(5) The term of an outgoing President, Chairman or member shall, notwithstanding anything contained in sub-section (6) of section 3, sub-section (6) of section 4 and sub-sections (2) and (3) of this section be deemed to extend to, and expire with, the day immediately preceding the day on which the name of the successor of such President, Chairman, or member is published under sub-section (1).

(6) An outgoing member shall be eligible for re-election or re-nomination.

6. (1) Any casual vacancy, previous to the expiry of the term in the office of the President or the Chairman or a member nominated by the State Government due to his death, resignation, removal, disability or disqualification or any other reason, shall be filled by nomination by the State Government. Casual vacancies.

(2) Any such vacancy in the office of a member of the Board elected by registered practitioners, shall be filled by the State Government by nomination of a person from a panel of three registered practitioners recommended by the Board :

Provided that if the Board fails to make a recommendation under this sub-section, within such time as the State Government may fix, the State Government may appoint any registered practitioner to fill the vacancy.

(3) Any such vacancy in the office of an elected member of the Faculty shall be filled by election.

(4) Any person nominated under sub-section (1) or (2) or elected under sub-section (3) to fill a vacancy shall, notwithstanding anything contained in section 5, hold office only so long as the person in whose place he is nominated or elected would have held office, had the vacancy not occurred.

Resignation. 7. (1) An elected member may at any time resign his office by notice in writing to the President or the Chairman, as the case may be. A nominated member may at any time resign his office by a notice in writing to the State Government. Such resignation shall take effect from the date on which the resignation is accepted by the President or the Chairman or the State Government, as the case may be.

(2) The President or the Chairman may at any time resign his office by a notice in writing to the State Government. The resignation shall take effect from the date on which such resignation is accepted by the State Government.

**Disqualifi-
cation, dis-
ability and
removal
from office.**

8. (1) No person—

(a) who is an undischarged insolvent;

(b) who has been adjudged to be of unsound mind by a competent court;

(c) whose name has been removed from the register; or

(d) who is a full time officer or servant of the Board or the Faculty,

shall be eligible to be elected or nominated or to continue as a member.

(2) If any member—

(a) absents himself from three consecutive meetings of the Board or the Faculty, as the case may be, without such reasons as may, in the opinion of the State Government, in the case of the President and the Chairman, and in the opinion of the Board or the Faculty, as the case may be, in the case of any other member thereof, be sufficient; or

(b) becomes, or is found to be, subject to any of the disqualifications specified in sub-section (1),

the State Government shall declare his office to be vacant.

(3) The State Government may, on the recommendation of the Board or the Faculty, as the case may be, supported by at least two-thirds of the total number of members of the Board or Faculty, as the case may be, remove from office as a member any member elected or nominated under this Act, if such member has been guilty of misconduct in the discharge of his duties as a member, or of any disgraceful conduct, or has become incapable of performing his duties as a member :

Provided that no resolution recommending the removal of any member shall be passed by the Board or the Faculty, as the case may be, unless the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

(4) The State Government may remove from office the President or the Chairman if he has been guilty of misconduct in the discharge of his duties under this Act, or of any disgraceful conduct, or has become incapable of performing his duties as the President or the Chairman, as the case may be :

Provided that, no such action shall be taken unless the President or, as the case may be, the Chairman is given a reasonable opportunity of showing cause why he should not be removed from office.

9. (1) The meetings of the Board and the Faculty shall be convened, held and conducted in the prescribed manner. Meetings of Board and Faculty.

(2) The President shall preside at meetings of the Board and the Chairman at meetings of the Faculty. If the President or Chairman, as the case may be, be absent, the members present at the meeting shall elect from amongst themselves one member to preside at the meeting.

(3) All questions at a meeting of the Board or the Faculty shall be decided by a majority of the votes of the members present and voting at the meeting.

(4) The presiding authority at a meeting shall have and exercise a second or a casting vote in the case of an equality of votes.

(5) Five members of the Board including the President, and five members of the Faculty including the Chairman, as the case may be, shall form a quorum. When a quorum is required but not present, the presiding authority shall, after waiting for not less than twenty minutes for such quorum, adjourn the meeting to such hour on some future day as he may notify on the notice board at the office of the Board or the Faculty, as the case may be; and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting, and may be disposed of at such meeting or any subsequent adjournment thereof, whether there be a quorum present or not.

10. (1) The proceedings of the discussion of every meeting of the Board and the Faculty shall be treated as confidential and no person shall, without the previous permission of the Board or Faculty, as the case may be, disclose any portion thereof : Proceedings of meetings and validity of acts.

Provided that nothing in this section shall be deemed to prohibit any person from disclosing or publishing the text of any resolution adopted by the Board or, as the case may be, Faculty, unless the Board or, as the case may be, the Faculty directs such resolution also to be treated as confidential.

(2) No disqualification of, or defect in the election, nomination or appointment of, any person as a member, or as the President, or as the Chairman, or as a presiding authority of a meeting, shall of itself be deemed to vitiate any act or proceeding of the Board, or as the case may be, the Faculty, in which

such person has taken part, whenever the majority of persons party to such act or proceedings were entitled to vote.

(3) During any vacancy in the Board or the Faculty, the continuing members may act, as if no vacancy had occurred, unless the number of vacancies exceeds four in number.

Fees and allowances to President, Chairman and members.

11. There shall be paid to the President, the Chairman and other members such fees and allowances for attendance at meetings, and such reasonable travelling allowances as shall from time to time be prescribed.

Income and expenditure of Board.

12. (1) The income of the Board shall consist of—

- (a) fees received from practitioners;
- (b) grants received from the State Government, if any; and
- (c) any other sums received by the Board.

(2) It shall be competent for the Board to incur expenditure for the following purposes, namely :—

- (a) salaries and allowances of the Registrar and the other staff maintained by the Board;
- (b) fees and allowances paid to the members of the Board;
- (c) such other expenses as are necessary for performing its duties and functions under this Act.

Income and expenditure of Faculty.

13. (1) The income of the Faculty shall consist of—

- (a) fees received from examinees;
- (b) any other fees collected by the Faculty;
- (c) grants received from the State Government, if any; and
- (d) donations and other sums received by the Faculty.

(2) It shall be competent for the Faculty to incur expenditure for the following purposes, namely :—

- (a) salaries and allowances of the staff, including inspectors, maintained by the Faculty;
- (b) fees and allowances paid to the members of the Faculty;
- (c) remuneration paid to paper-setters, examiners, moderators and other persons appointed by it for the conduct of examinations;

(d) other expenses for the conduct of examinations; and

(e) such other expenses as are necessary for performing its duties and functions under this Act.

14. Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers and functions of the Board shall be—

Powers,
duties
and functions
of Board.

(a) to maintain the register, the list and to provide for the registration and enlistment of practitioners;

(b) to hear and decide appeals from any decision of the Registrar;

(c) to prescribe a code of ethics for regulating the professional conduct of registered and enlisted practitioners;

(d) to reprimand a registered or an enlisted practitioner, to suspend or remove him from the register or the list, as the case may be, or to take such other disciplinary action against him as may, in the opinion of the Board, be necessary or expedient;

(e) to exercise such other powers and perform such other duties and functions, as are laid down in this Act, or may be prescribed.

15. Subject to such conditions as may be prescribed by or under the provisions of this Act, and such other directions as the State Government may from time to time give in this behalf, the powers, duties and functions of the Faculty shall be—

Powers, duties
and functions
of Faculty.

(a) to hold examinations and to make all the necessary arrangements for such examinations;

(b) to prescribe the courses of training for the examinations held by the Faculty, and to charge fees for such examinations;

(c) to provide for post-graduate training, and to prescribe courses for post-graduate teaching and examinations;

(d) to grant degrees, diplomas and marks of honour;

(e) to award stipends, scholarships, medals, prizes and other rewards;

(f) to recommend recognition of institutions for the purpose of training students for the examinations held by the Faculty, or to recommend the cancellation of such recognition;

(g) to recommend the inclusion of any degree, diploma, certificate or award in the Schedule or to recommend the removal of any degree, diploma, certificate or award from the Schedule;

(h) to prepare, publish and prescribe text books and to publish statements of courses of study, as laid down by or under this Act;

(i) to provide for the maintenance of an adequate standard of proficiency for the practice of the Ayurvedic or the Unani system of medicine;

(j) to provide for research in the Ayurvedic and Unani systems of medicine;

(k) to provide for the inspection of recognised institutions, and to require such institutions to furnish such information as may be necessary;

(l) to provide for the inspection of any other institutions imparting instructions or training for any of the recognised qualifications;

(m) to appoint boards of studies and committees consisting of persons registered under this Act and to lay down the constitution, duties and functions of such boards and committees;

(n) subject to the approval of the State Government, to receive donations and to determine the conditions of acceptance of donations;

(o) to exercise such other powers and such other duties and functions as are laid down in this Act, or as may be prescribed.

Registrar and other employees of Board and Faculty. 16. (1) The Board shall, with the previous approval of the State Government, appoint a Registrar. The Registrar shall be paid the prescribed salary and allowances. The Board may from time to time grant him leave and may appoint a person to act in his place and shall forthwith report any appointment so made to the State Government. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all the purposes of this Act :

Provided that where the period of leave to be granted to the Registrar does not exceed one month the President may grant such leave.

(2) The Registrar shall be the Secretary and the executive officer of the Board and of the Faculty and he shall attend all meetings of the Board and of the Faculty.

(3) No order suspending, dismissing or removing the Registrar from office or imposing any other penalty upon him shall be passed by the Board without the previous approval of the State Government.

(4) The Board and the Faculty may, from time to time, appoint such other officers and servants as may be deemed necessary for carrying out their duties and performing their functions under this Act :

Provided that the number and designation of such officers and servants, and their salaries and allowances shall be subject to the previous approval of the State Government.

XLV (5) The Registrar and any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code

CHAPTER III.

REGISTRATION AND ENLISTMENT.

17. (1) As soon as may be after the appointed day, the Registrar shall prepare and maintain thereafter a register of Ayurvedic and Unani practitioners for the State, in accordance with the provisions of this Act. ^{Preparation of register.}

(2) The register shall be in the prescribed form and there shall be one register consisting of two parts. Part I shall include the names of registered practitioners possessing any of the recognised qualifications and Part II shall include the names of registered practitioners other than those included in Part I.

(3) Every person who possesses any of the qualifications specified in the Schedule shall, at any time on an application made in the prescribed form to the Registrar and on payment of a fee of ten rupees, be entitled to have his name entered in the register.

Bom. XXVI of 1938 (4) Notwithstanding anything contained in sub-section (3) the name of every person who on the day immediately preceding the appointed day stood registered in any register kept under the Bombay Medical Practitioners' Act, 1938 in its application to the Bombay area of the State or the said Act as adapted and applied to the Saurashtra area of the State or under any other corresponding law shall be entered in the register prepared under this Act without such person being required to make an application or to pay any fee.

Bom. XXVI of 1938. (5) Any person not being person qualified for registration under sub-section (3) or (4) who proves to the satisfaction of the Committee appointed under sub-section (8) that he had been regularly practising the Ayurvedic or Unani system of medicine in the Bombay area of the State of Gujarat on the 4th November 1941 but his name was not entered in the register maintained under the Bombay Medical Practitioners' Act, 1938 shall, on an application made in the prescribed form within a period of two years from the appointed day and accompanied by a fee of ten rupees and the prescribed documents, be entitled to have his name entered in the register.

(6) Any person not being a person qualified for registration under sub-section (3) or (4) who proves to the satisfaction of the Committee appointed under sub-section (8),—

(a) that he has been regularly practising the Ayurvedic or Unani system of medicine in a merged territory or a merged area from a period of not less than ten years before the 1st May 1956, or

(b) that he has been regularly practising the Ayurvedic or Unani system of medicine in the Kutch area of the State for a period of not less than ten years before the appointed day,

shall, on an application made in the prescribed form within a period of one year from the appointed day and accompanied by a fee of ten rupees and the prescribed documents be entitled to have his name entered in the register.

Explanation :—In this sub-section,

(1) the expression “merged territory” means the area of a merged State as defined in the Bombay Merged States (Laws) Act, 1950 and included in the State of Gujarat from the 1st May 1960, and

Bom.
IV of
1950.

(2) the expression “merged area” means any area included in the then existing province of Bombay by the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1947 or the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1948 or as the case may be the Bombay Enlargement of Area and Alteration of Boundaries (Amendment) Order, 1948 and included in the State of Gujarat from the 1st May 1960.

(7) Any person, not being a person qualified for registration under sub-section (3), (4) or (6) who proves to the satisfaction of the Committee appointed under sub-section (8)—

(a) that he has been regularly practising the Ayurvedic or Unani system of medicine for a period of not less than ten years immediately before the appointed day and that his name continued to be included in the list kept under section 18 of the Bombay Medical Practitioners’ Act, 1938 in its application to the Bombay area of the State or of the said Act as adapted and applied to the Saurashtra area of the State for the period as aforesaid, or

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(b) that he has been regularly practising the Ayurvedic or Unani system of medicine as an enlisted practitioner, and—

(i) that he has been practising that system as such practitioner for not less than ten years, in any part of the State, or

(ii) that the aggregate of the period for which he has been regularly practising that system as such practitioner and the period for which he had been in regular practice of that system immediately before his name was entered in the list prepared under this Act, by virtue of his name having been entered in the list kept under section 18 of the Bombay Medical Practitioners’ Act, 1938 in its application to the Bombay area of the State or of the said Act as adapted and applied to the Saurashtra area of the State, in any part of the State, is not less than ten years,

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shall, on an application made in the prescribed form and accompanied by the prescribed fee and the prescribed documents, be entitled to have his name entered in the register.

(8) All applications for registration under sub-section (5), (6) or (7) shall be considered by a Committee of three members of the Board appointed by the State Government. The Committee shall make inquiry in respect of such applications in the prescribed manner.

(9) Any person aggrieved by a decision of the Committee appointed under sub-section (8) may, within a period of one month from the date on which such decision is communicated to him, on payment of a fee of Rs. 5 appeal to the appellate authority constituted by the State Government in this behalf. The appellate authority shall consist of a Chairman who has for at least seven years held judicial office not lower in rank than that of a District Judge, one member elected by the Board, and the Director of Ayurved, Gujarat State. The decision of the appellate authority shall be final.

Explanation.—In this sub-section the expression “District Judge” shall have the same meaning as is assigned to that expression in article 236 of the Constitution.

(10) The register shall include the following particulars, namely:—

(a) the full name and residential address of the registered practitioner;

(b) the date of his admission to the register maintained under this Act; and if he be a person who was, on the day immediately preceding the appointed day, registered in a register kept under any of the laws referred to in sub-section (4), the date of his admission to that register;

(c) the qualifications specified in the Schedule possessed by him, if any, and the date on which he obtained each qualification and the authority which conferred or granted it; and

(d) such further particulars as may be prescribed.

(11) When the register is prepared in accordance with the foregoing provisions, the Registrar shall publish in the *Official Gazette* and such newspapers as the Board may select a notice stating that the register containing the names of practitioners entered therein up to the date specified in the notice has been prepared.

(12) (a) Every registered practitioner shall be given a certificate of registration in the prescribed form. He shall display the certificate of registration in a conspicuous place in his dispensary, clinic or place of practice.

(b) Such certificate shall be valid only till the name of the registered practitioner is not removed from the register.

Preparation
of list.

18. (1) As soon as may be after the appointed day, the Registrar shall, in accordance with the provisions of this Act, prepare and maintain thereafter a list of persons not entitled to registration under section 17 or under the Bombay Medical Act, 1912 or the said Act as adapted and applied to the Saurashtra area of the State or any corresponding law for the time being in force in any part of the State but who have been practising any system of medicine other than the Homoeopathic system of medicine. Bom. VI of 1912.

(2) The list shall contain—

(a) the name of every person who on the 1st May 1960 continued to be included in the list kept under section 18 of the Bombay Medical Practitioners' Act, 1938 in its application to the Bombay area of the State or the said Act as adapted and applied to the Saurashtra area of the State and whose name is not entered in the register under sub-section (5), (6) or (7) of section 17; Bom. XXVI of 1938

(b) the name of every person whose case is not covered by clause (a) but who makes an application to the Registrar in the prescribed form accompanied by a fee of Rs. 10 and the prescribed documents within a period of one year from the appointed day, and who proves to the satisfaction of the Committee appointed under sub-section (8) of section 17, that he has been practising regularly any system of medicine (other than Homoeopathic system of medicine),

(a) in a merged territory or a merged area from a period of not less than five years before the 1st May 1956, or

(b) in the Kutch area of the State for a period of not less than five years before the appointed day.

Explanation.—For the purpose of paragraph (b) of this sub-section, the expressions “merged territory” and “merged area” shall have the meanings assigned to them in sub-section (6) of section 17.

(3) The provisions of sub-sections (9) to (12) of section 17 shall apply *mutatis mutandis* to the list prepared under this section.

(4) If the application of any person for registration under sub-section (5) or (6) or clause (a) of sub-section (7) of section 17 and the appeal, if any, under sub-section (9) of section 17 are rejected, but the Committee appointed under sub-section (8) of section 17 is satisfied that such person is entitled to have his name included in the list, the Committee shall include the name of such person in the list without such person being required to make a fresh application or to pay any additional fee.

Persons not entitled to registration or enlistment. 19. Notwithstanding anything contained in sections 17 and 18, no person, whose name has been removed, whether before or after the coming into force of this Act, from any register or list kept under—

Bom. XXVI of 1938. (i) the Bombay Medical Practitioners' Act, 1938 as in force in the Bombay area of the State;

Bom. XXVI of 1938. (ii) the Bombay Medical Practitioners' Act, 1938 as adapted and applied to the Saurashtra area of the State; or

(iii) any other law for the time being in force in India or any part thereof regulating the registration of practitioners of medicine,

for infamous conduct in a professional respect shall be entitled to have his name entered in the register or the list, as the case may be, unless the Board, on sufficient cause being shown, directs his name to be entered therein on such conditions and on payment of such fees as may be prescribed.

20. (1) If a registered practitioner has been, after due inquiry held by the Board (or a Committee appointed by the Board for that purpose) in the prescribed manner found guilty of any misconduct by the Board, the Board may—

Removal of names from register or list.

(a) issue a letter of warning to such practitioner; or

(b) direct the name of such practitioner either to be removed from the register for such period as may be specified in the direction, or to be removed from the register permanently.

Explanation.—For the purposes of this section, "misconduct" shall mean—

(i) a cognizable offence by a registered practitioner which involves moral turpitude, and for which he is convicted by a criminal court, or

XLVI of 1950. (ii) a cognizable offence by a registered practitioner subject to military law for which he is convicted under the Army Act, 1950, or

(iii) any conduct which, in the opinion of the Board, is infamous in relation to the medical profession, particularly under any code of ethics, if any, prescribed by the Board.

(2) If the name of any such practitioner is entered in—

Bom. VI of 1912. (a) the register maintained under the Bombay Medical Act, 1912 or any corresponding law for the time being in force in any part of the State; or

(b) the register or list maintained under any law for the time being in force in relation to the qualifications and registration of Homoeopathic practitioners in any part of the State,

it shall be the duty of the Registrar to give intimation of such removal to the authority entitled to maintain the register or, as the case may be, the list.

(3) If the name of a registered practitioner is also entered in the register or the list, as the case may be, maintained under any of the laws referred to in subsection (2) and it is removed from such register or list, the Board shall, if such removal comes to its notice, also remove his name from the register under this Act.

(4) The Board may, on sufficient cause being shown, direct at any subsequent date that the name of a practitioner removed under sub-section (1) shall be re-entered in the register on such conditions and on payment of such fees, as may be prescribed.

(5) The Board may, of its own motion, or on the application of any person, after due and proper enquiry and after giving an opportunity to the person concerned, of being heard, cancel or alter any entry in the register if, in the opinion of the Board, such entry was fraudulently or incorrectly made.

(6) In holding any inquiry under this section, the Board, or a Committee appointed by the Board, shall have the same powers as are vested in Civil Courts under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely :—

- (a) enforcing the attendance of any person, and examining him on oath;
- (b) compelling the production of documents; and
- (c) issuing of commissions for the examination of witnesses.

(7) All inquiries under this section shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of Indian Penal Code.

XLV
of
1880.

(8) (a) For the purpose of advising the Board or a Committee appointed by it, on any question of law arising in any inquiry under this section, there may, in all such inquiries, be an assessor, who on the date of appointment is—

(i) an Advocate enrolled under the Indian Bar Councils Act, 1926, or the Advocates Act, 1961; or

XXX-
VIII
of
1926.
XXV
of
1961.

(ii) an attorney of a High Court,

and has practised as an advocate or attorney for not less than ten years.

(b) In every inquiry under this section, the advice to be tendered by an assessor to the Board or to the Committee, as the case may be, on any question of law, shall be tendered by him in the presence of the registered practitioner whose misconduct is under inquiry or the person representing him at the inquiry, and if the advice is tendered after the Board has begun to deliberate as to its findings, such practitioner or person shall be informed what advice the assessor has tendered. Such practitioner or person shall also be informed if in any case the Board does not accept the advice of the assessor on any such question as aforesaid.

(c) Any assessor under this section may be appointed either generally, or for any particular inquiry or class of inquiries, and shall be paid such remuneration as may be prescribed.

(9) The provisions of sub-sections (1) to (8) shall apply *mutatis mutandis* to the practitioners included in the list.

Maintenance
of register
and list.

21. (1) It shall be the duty of the Registrar to keep and maintain the register or, as the case may be, the list correctly, as far as possible, and from time to time to make and revise the entries therein and to issue the certificates of registration or enlistment and renewal slips, in accordance with the provisions of this Act and the rules, and the orders of the Board.

(2) The names of registered practitioners or enlisted practitioners who die or whose names are directed to be removed from the register or list under sub-section (1) or sub-section (9) of section 20 shall be removed therefrom.

(3) Any person whose name is entered in the register and who subsequent to his registration obtains any additional qualification which is specified in the Schedule, or desires any change in his name to be recorded in the register shall, on an application made in this behalf and on payment of such fee as may be prescribed, be entitled to have such qualification or change entered in the register.

(4) For the purpose of this section, the Registrar may at any time enquire of a registered practitioner or enlisted practitioner by writing to him a registered letter at the address which is entered in the register or list whether he has ceased to practise or has changed his residence, and if no answer is received within six months after the delivery of the letter to him, the Registrar may remove the name of such practitioner from the register or list, as the case may be. Such inquiry shall be made at least once not less than one year before the term of office of the members of the Board is due to expire.

(5) A practitioner whose name is removed from the register or the list under sub-section (4) may apply to the Registrar for re-entry of his name in the register or list stating the circumstances in which the letter addressed to him under sub-section (4) could not be replied by him and if after holding an inquiry the Registrar is satisfied that such practitioner has not ceased to practise he shall re-enter his name in the register or the list on payment by the practitioner of the prescribed fees to the Board.

22. (1) On the expiry of a period of one year from the date of publication of the notice under sub-section (11) of section 17, and every five years thereafter, every registered practitioner shall be liable to apply to the Registrar and to pay to the Board the prescribed renewal fee for the continuance of his name on the register. Renewal fee.

(2) (a) If the renewal fee be paid on or before the due date, the Registrar shall issue to the registered practitioner a renewal slip in the prescribed form specifying the date upto which the validity of the certificate of registration has been extended.

(b) If the renewal fee be not paid by the due date, the Registrar shall remove the name of the defaulting practitioner from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled :

Provided that, the name so removed may be re-entered in the register on payment of the outstanding renewal fees, and such additional fee as may be prescribed. On receipt of such fees the Registrar shall issue a renewal slip as provided in clause (a).

(3) The provisions of sub-sections (1) and (2) shall apply *mutatis mutandis* to the practitioners included in the list.

Publication of
Periodical list
of registered
and enlisted
practitioners.

23. (1) At such time after the publication of the notice under sub-section (1) of section 17 as the Board deems fit, and thereafter at the prescribed intervals, the Registrar shall cause to be printed and published a periodical list of all persons for the time being entered in the register and shall also publish such periodical list in the *Official Gazette*.

(2) Except in a year in which a periodical list is published under sub-section (1), the Registrar shall cause to be printed and published annually on or before the prescribed date an addendum and a corrigendum to the periodical list published under sub-section (1) showing :—

(a) the names of all persons for the time being entered or re-entered in the register, and not included in any subsisting periodical list already printed and published; and

(b) the names of all practitioners included in any subsisting periodical list, whose names have since been removed on account of any reason whatsoever from and not re-entered in the register; and

(c) any other amendments to the subsisting periodical list.

(3) The form of the periodical list published under sub-section (1), the particulars to be included therein, and the manner of its publication, shall be such as may be prescribed.

(4) A copy of the periodical list shall be evidence in all Courts, and in all judicial or quasi-judicial proceedings, that the persons therein specified are registered according to the provisions of this Act and the absence of the name of any person from such copy shall be evidence, until the contrary is proved, that such person is not registered according to the provisions of this Act:

Provided that, in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered under the list prepared and maintained under section 18.

(5) The provisions of sub-sections (1) to (4) shall apply *mutatis mutandis* to the list prepared and maintained under section 18.

No refund of
fees.

24. Fees paid under sections 17, 18, 20, 21, and 22 shall not be refunded.

Rights of
registered
practitioners.

25. Notwithstanding anything contained in any law for the time being in force—

(i) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as a medical practitioner or a member of the medical profession shall, in all Acts of the State Legislature in force in the State, and in all Central Acts (in their application to the State) in so far as such Acts relate to any matters specified in list II or list III in the Seventh Schedule to the Constitution of India, include a practitioner whose name is entered in the register under this Act;

(ii) any certificate, required by or under any Act from any medical practitioner or medical officer shall be valid if such certificate has been signed by a registered practitioner;

(iii) it shall be lawful for every registered or enlisted practitioner, to use in full after his name the words "Registered Medical Practitioner", or "Enlisted Medical Practitioner", as the case may be;

(iv) every registered practitioner shall be exempt, if he so desires, from serving on an inquest;

(v) a registered practitioner shall be eligible to hold any appointment as a physician, surgeon, or other medical officer in any Ayurvedic or Unani dispensary, hospital, infirmary or lying-in-hospital, supported by, or receiving a grant from, the State Government and treating patients according to the Ayurvedic and Unani systems of medicine or in any public establishment, body or institution dealing with such system of medicine.

CHAPTER IV.

EXAMINATIONS HELD BY FACULTY, COURSES OF STUDIES, RECOGNITION OF INSTITUTIONS AND RECOGNITION OF QUALIFICATIONS.

26. The Faculty shall, by by-laws made under section 38, prescribe the examinations to be held by it, the qualifications for admission to such examinations, the courses of studies for such examinations (including the subjects of medicine, surgery, midwifery and gynaecology), the standard of passing, the degree, diploma, certificate or any other like award to be conferred on persons who pass the examinations, and such other matters in respect of such examinations as may be necessary or expedient.

27. (1) Every institution recognised under this section shall, subject to such conditions as may be prescribed by the Faculty, be entitled to train students for the examinations of the Faculty.

(2) Any institution desirous of recognition under this Act shall send an application to the Registrar, giving full information in respect of the following matters, namely:-

- (a) the constitution and personnel of the managing body;
- (b) subjects and courses in which it imparts or proposes to impart instruction or training and the examination for which it seeks recognition;
- (c) accommodation, equipment and the number of students for whom provision has been or is proposed to be made;
- (d) the strength of the staff, their salaries, qualifications, and the research work carried out by them;
- (e) fees levied or proposed to be levied, and the financial provisions made for capital expenditure on buildings and equipment and for continued maintenance and efficient working of the institution;

Provided that, no application shall be entertained by the Registrar unless the institution agrees in writing to provide all reasonable facilities to any inspector or visitor authorised by the Faculty to make an inspection or inquiry, or to attend any examination under sub-sections (3) to (7).

(3) The Registrar shall place the application before the Faculty, and the Faculty may direct the Registrar to call for any further information which it may deem necessary. The Faculty may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.

(4) After recording the report of such local inquiry and after making such further inquiry as may be necessary, the Faculty shall forward the application together with its report to the State Government with its recommendations. The State Government may thereafter grant or refuse recognition, or may grant it subject to such conditions as it deems fit. The State Government shall not grant recognition to any institution which does not provide such facilities for clinical training as may be prescribed under the by-laws. The decision of the State Government shall be final.

(5) It shall be the duty of the Faculty to secure the maintenance of an adequate standard of proficiency in the subjects of medicine, surgery, midwifery and gynaecology and for the practice of the Ayurvedic system of medicine or the Unani system of medicine. For the purpose of securing the maintenance of such standard, the Faculty shall have authority to call on the governing body or authorities of any recognised institution to permit inspectors or visitors appointed by the Faculty in this behalf, who may or may not be members of the Faculty, to inspect the recognised institution and the hospitals attached to it and to attend and be present at all or any of the examinations held by the institution. Every recognised institution shall comply with the directions issued by the Faculty from time to time.

(6) The inspectors and visitors shall not interfere with the conduct of any examination, but it shall be their duty to report to the Faculty their opinion on the sufficiency or insufficiency of every examination which they attend, and any other matters in regard to such institutions on which the Faculty may require them to report.

(7) Every recognised institution and every examination held by such institution shall once in five years, and more frequently if the Faculty so desire, be inspected by the Faculty through its inspectors or visitors.

(8) The Faculty shall forward a copy of every such report to the authorities of the institution in respect of which the report was made, and shall also forward a copy of such report, together with any observations made thereon by the said body, to the State Government.

(9) Inspectors and visitors shall be paid by the Faculty such remuneration as may be prescribed.

28. (1) If it appears to the State Government on the report of the Faculty or otherwise that any recognised institution is not maintaining an adequate standard of training according to the requirements of the Faculty, the State Government may ask the Faculty to direct the institution, to take steps within such reasonable time as it may fix to bring the training up to the required standard.

Withdrawal
of recognition
of institu-
tions.

(2) If the institution fails so to do within the stipulated time, the State Government may at any time withdraw the recognition granted to such institution.

29. (1) If it appears to the State Government on the report of the Faculty or otherwise that the courses of study and examinations prescribed by any university, body or institution conferring any degree, diploma, certificate or any other like award not entered in the Schedule, are such as to secure the possession by its recipient of the requisite knowledge and skill for the efficient practice of the Ayurvedic or Unani system of medicine including surgery, midwifery and gynaecology, the State Government may from time to time by notification in the *Official Gazette* amend the Schedule and include therein such degree, diploma, certificate or, as the case may be, award, subject to any conditions that may be specified in respect thereof.

Amendment
of Schedule

(2) Any university, body or institution desirous of the inclusion in the Schedule of any degree, diploma, certificate or award in the Ayurvedic or Unani system of medicine conferred by it, may apply to the Faculty in the manner provided in sub-section (2) of section 27 and the provisions of that section shall apply *mutatis mutandis* in respect of such application.

(3) If it appears to the State Government on the report of the Faculty or otherwise that the course of study or examinations prescribed by any university, body or institution for any degree, diploma, certificate or award entered in the Schedule under this section are not such as to secure the maintenance of any adequate standard of proficiency for the practice of the Ayurvedic or Unani system of medicine, as the case may be, including the practice of medicine, surgery, midwifery and gynaecology, it shall be lawful for the State Government at any time, by notification in the *Official Gazette*, to remove any such degree, diploma, certificate or, as the case may be, award from the Schedule :

Provided that, no such notification shall be issued without consulting the Faculty :

Provided further that, before making any recommendation to the State Government for removal of any degree, diploma, certificate or award from the Schedule, the Faculty shall require the university, body or institution to take such steps and within such reasonable time as may be directed by the Faculty, to bring the course of study or examinations for such degree, diploma or award to the required standard.

CHAPTER V.

GENERAL PROVISIONS APPLICABLE TO ALL MEDICAL PRACTITIONERS.

Prohibition of medical practice by persons not registered or enlisted.

30. (1) Save as otherwise expressly provided in any special law for the time being in force, no person other than a medical practitioner whose name is entered in—

(i) the register or the list maintained under this Act;

(ii) the register or the list prepared and maintained under any law for the time being in force in relation to the qualifications and registration of Homoeopathic practitioners in any part of the State; or

(iii) the register prepared and maintained under the Bombay Medical Act, Bom. VI of 1912, the said Act as adapted and applied to the Saurashtra area of the State 1912, or any other corresponding law for the time being in force in any part of the State; or

(iv) the Indian Medical Register prepared and maintained under the Indian Medical Council Act, 1956, ^{CII of 1956.}

shall practise any system of medicine in the State:

Provided that, the State Government may, by notification in the *Official Gazette*, direct that, subject to such conditions as it may deem fit to impose and the payment of such fees as may be prescribed, the provisions of this section shall not apply to any class of persons, or to any area, as may be specified in such notification.

(2) Any person who acts in contravention of the provisions of sub-section (1) shall, on conviction, be punished—

(i) for a first offence with fine which may extend to five hundred rupees;

(ii) for a second offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees; and

(iii) for every subsequent offence, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees.

Registered practitioners competent to give valid certificates or expert evidence.

31. (1) Notwithstanding anything contained in any law for the time being in force, a birth or a death certificate, or a medical or fitness certificate, or any other certificate required by any law to be signed or authenticated by a duly qualified practitioner, shall be valid only if it has been signed or authenticated by a practitioner registered under—

(i) this Act;

Bom.
VI of
1912.

(ii) the Bombay Medical Act, 1912, or the said Act as adapted and applied to the Saurashtra area of the State or any other corresponding law for the time being in force in any part of the State :

(iii) any law for the time being in force in relation to the qualifications and registration of Homoeopathic practitioners in any part of the State; or

CII
of
1956.

(iv) the Indian Medical Council, Act, 1956.

I
of
1872.

(2) No person other than a practitioner registered under any of the laws specified in sub-section (1) shall be qualified to give evidence at any inquest or in any Court of law as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating to medicine, surgery or midwifery.

32. (1) Save as otherwise expressly provided in any special law for the time being in force, no person other than—

(a) a university established by law,

(b) the Faculty constituted under this Act,

VII
of
1916.

(c) an authority specified or notified under the Indian Medical Degrees Act, 1916,

(d) an authority authorised under any law for the time being in force in relation to the qualifications and registration of Homoeopathic practitioners in any part of the State, or

(e) an authority empowered or recognised as competent, by the State Government, to confer, grant or issue any degree, diploma, licence, certificate or any other like award,

shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or any other like award,

(i) which states or implies that the holder, grantee or recipient thereof is qualified to practise any system of medicine, or

(ii) which is identical with, or is a colourable imitation of, any degree, diploma, licence, certificate or award granted by a body or institution specified in clause (a), (b), (c), (d) or (e) of this sub-section.

(2) Any person who contravenes the provisions of sub-section (1), and where any such contravention is committed by an association, every member of such association who knowingly or wilfully authorises or permits the contravention, shall, on conviction, be punished—

(i) for a first offence, with fine which may extend to one thousand rupees;

Conferring,
granting
issuing col-
ourable imi-
tations of d-
egrees, dipl-
omas or lic-
ences to
an offen-

(ii) for a subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

33. (1) No person shall add to his name any title, description, letters or abbreviations which imply that he holds a degree, diploma, licence, or certificate or any other like award as his qualification to practise any system of medicine, unless, prohibition against addition of any title, description etc., to name of any person, unless authorised to do so.

(a) he actually holds such degree, diploma, licence or certificate or any other like award, and

(b) such degree, diploma, licence or certificate or any other like award,

(i) is recognised by any law for the time being in force in India or in any part thereof, or

(ii) has been conferred, granted or issued by a body or institution referred to in sub-section (1) of section 32, or

(iii) has been recognised by the Medical Council of India.

(2) Any person who contravenes the provisions of sub-section (1) shall, subject to the provisions of any special law for the time being in force, be punished, on conviction,

(i) for a first offence, with fine which may extend to five hundred rupees;

(ii) for a subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.

34. Notwithstanding anything contained in this Chapter a person may, subject to the payment of such fees as may be prescribed, practise any system of medicine other than Homoeopathy in any rural area— liberty to practise in rural areas.

(a) if he has commenced practice in that system in any village in the said area prior to a date on which a practitioner registered under the Bombay Medical Act, 1912 or under the Bombay Medical Practitioners' Act, 1938 (or any law corresponding thereto) for the time being in force, has commenced, and is in regular practice in, medicine in that village, and Bom. VI of 1912.

(b) so long as he continues to so practise in that village as his principal place of practice. Bom. XXVI of 1938

Explanation 1.—For the purposes of this section “rural area” means any local area, which was not within the limits of a municipal corporation, municipal borough, municipal district, cantonment or notified area :—

(i) on the first day of March, 1939, if such local area forms part of the Bombay area of the State;

(ii) on the first day of March, 1951, if such local area forms part of the Saurashtra area of the State; or

(iii) on the 31st day of July 1949, if such local area forms part of the Kutch area of the State.

Bom.
III of
1901.

Explanation 2.—The term “notified area” in Explanation 1 means a notified area declared under the Bombay District Municipal Act, 1901 or the said Act as adapted and applied to Saurashtra area of the State.

35. All offences under this Act shall be cognizable.

Offences
der Act to
cognizabl

36. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, or under the rules or by-laws made thereunder.

Indemnit-
persons a
ing under
Act.

CHAPTER VI.

MISCELLANEOUS.

37. (1) The State Government may, by notification in the *Official Gazette*, Rules, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may be made :—

(a) for the whole or any part of the State, and

(b) to provide for all or any matters expressly required or allowed by this Act to be prescribed by rules.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid, or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the *Official Gazette* and shall thereupon take effect.

38. (1) The Faculty may, with the previous sanction of the State Government, make by-laws not inconsistent with the provisions of this Act or the rules made thereunder, for the following matters, namely :—

By-laws.

- (a) the examinations to be held by it;
 - (b) the qualifications for admission to, and the courses of studies for, examinations;
 - (c) the standard of passing;
 - (d) the degrees, diplomas, certificates or other like awards to be conferred upon those who pass the examinations, and the manner of conferring them;
 - (e) the language in which the examination shall be conducted;
 - (f) the conditions of appointment of examiners, paper-setters, moderators and other persons appointed in connection with examinations and the fees to be paid to them, the conduct of examinations and the fees to be charged for the conduct of examinations;
 - (g) conditions for the recognition of teachers in recognised institutions;
 - (h) the number of students to be admitted to recognised institutions;
 - (i) the language in which instruction and training shall be imparted in recognised institutions,
 - (j) such other matters as may be necessary for the exercise of the powers and performance of duties and functions by the Faculty under this Act.
- (2) The State Government on receiving the draft by-laws may sanction or refuse to sanction the same, or sanction them subject to such modifications as it may think fit, or return them to the Faculty for further consideration.
- (3) All by-laws, when sanctioned, shall be published in the *Official Gazette* by the State Government.
- (4) The State Government may, by notification in the *Official Gazette*, cancel any *by-laws*.

Control of
State Govern-
ment.

39. (1) If at any time it appears to the State Government that the Board or the Faculty or its President or Chairman, has failed to exercise or has exceeded or abused any of the powers conferred upon it or him by or under this Act, or has otherwise ceased to function, or has become incapable of functioning, the State Government may notify the particulars thereof to the Board or Faculty or the President or the Chairman, as the case may be. If the Board or the Faculty or the President or the Chairman fails to remedy such failure, excess or abuse within such reasonable time as the State Government may fix in this behalf, the State Government may after giving the President, Chairman, Board or Faculty, as the case may be, an opportunity to render an explanation, remove the President or the Chairman, or dissolve the Board or the Faculty, as the case may be, and cause all or any of the powers, duties and functions of the Board or the Faculty to be exercised and performed by such person or persons, and for such period not exceeding one year as it may think fit, and shall take steps to constitute a new Board or new Faculty, as the case may be.

(2) Notwithstanding anything contained in this Act, or in the rules or by-laws, if at any time it appears to the State Government that the Board or the Faculty or any other authority empowered to exercise any of the powers or to perform any of the duties or functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person or persons, in such manner and for such period not exceeding six months and subject to such conditions, as it thinks fit.

CHAPTER VII.

REPEAL AND TRANSITIONAL PROVISIONS.

40. (1) Subject to the provisions of this Chapter, with effect on and from the ^{Repeal} date on which the Board is constituted under this Act, under sub-section (6) of ^{and} section 3 (hereinafter referred to as "the specified date") ^{saving.}—

Bom. XXVI of 1938. (a) the Bombay Medical Practitioners' Act, 1938 in its application to the Bombay area of the State of Gujarat;

Bom. XXVI of 1938. (b) the Bombay Medical Practitioners' Act, 1938 as adapted and applied to the Saurashtra area of the State, and

Bom. XXVI of 1938. (c) the Bombay Medical Practitioners' Act, 1938 in its application to the Kutch area of the State, shall stand repealed.

(2) With effect on and from the specified date—

Bom. XXVI of 1938. (a) the Board of Ayurvedic and Unani Systems of Medicine and the Faculty of Ayurvedic and Unani Systems of Medicine constituted for the Bombay area of the State under sub-section (2) of section 3C of the Bombay Medical Practitioners' Act, 1938, and

Bom. XXVI of 1938. (b) the Board of Indian System of Medicine and the Faculty of Indian System of Medicine constituted under section 3 of the Bombay Medical Practitioners' Act, 1938 as adapted and applied to the Saurashtra area of the State,

shall stand dissolved and all the members thereof shall vacate office.

(3) The register and the list kept or maintained or deemed to be kept and maintained—

Bom. XXVI of 1938. (a) (i) under the Bombay Medical Practitioners' Act, 1938, in its application to the Bombay area of the State of Gujarat; or

Bom. XXVI of 1938. (ii) under the Bombay Medical Practitioners' Act, 1938 as adapted and applied to the Saurashtra area of the State, and

(b) in force immediately before the appointed day, •

shall be deemed to be the register and the list respectively under this Act, until the register and the list are prepared under section 17 or 18, as the case may be.

(4) Any appointment, notification, rule, by-law, regulation, notice, order, form or instrument made, issued or given under any of the Acts repealed under sub-section (1) and subsisting immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the relevant provisions of this Act and continue in force unless and until superseded by any appointment, notification, rule, by-law, regulation, notice, order, form or instrument made, issued or given under this Act.

Provision re-
garding exa-
minations.

41. (1) For a period of two years from the appointed day or such further period as the State Government may direct, the Faculty constituted under this Act shall make arrangement to hold every examination which was being held immediately before the specified date by—

(i) any of the Faculties dissolved under sub-section (2) of section 40; and

(ii) the committee for Shuddha Ayurvedic Course, appointed under Government Resolution, Local Self-Government and Public Health Department, Government of Gujarat, No. SAC-1060/19845-B-III, dated the 28th September 1960,

in accordance with such rules, by-laws, regulations, orders or any other instruments relating to such examinations as were in force immediately before the appointed day, and confer the respective qualifications specified in the Schedule.

(2) The rules, by-laws, regulations, orders or any other instruments referred to in sub-section (1) shall be deemed to be by-laws, framed by the Faculty under section 38 for the purpose of the relevant examinations and be amended or superseded in the manner prescribed in that section.

(3) The Faculty shall, before the expiry of the period referred to in sub-section (1), consider the question of continuing or discontinuing the examinations and shall frame by-laws under section 38 accordingly :

Provided that, if the Faculty decides to discontinue any such examinations it shall arrange to hold such examinations for such period as the State Government may direct to enable the students, already admitted for the training course leading to such examinations to complete the course

Provision re-
garding recog-
nised institu-
tions.

42. (1) Notwithstanding anything contained in sub-sections (1) and (4) of section 27, every institution which immediately before the specified date continued to be recognised or authorised—

(i) under section 21A of the Bombay Medical Practitioners' Act, 1938 in its application to the Bombay area of the State;

Bom.
XXVI
of
1938.

(ii) under section 21A of the Bombay Medical Practitioners' Act, 1938 as adapted and applied to the Saurashtra area of the State;

(iii) under sub-rule (4) of rule 10 of the Shuddha Ayurvedic Course Rules sanctioned under Bombay Government Resolution in the Local Self-Government and Public Health Department, No. ADR-1254 (a), dated the 12th May 1954 or under similar rules followed by the Committee for Shuddha Ayurvedic Course for the Gujarat State in pursuance of paragraph 2 of the Government Resolution, Local Self-Government and Public Health Department, Government of Gujarat, No. SAC-1060/19845-B-III, dated the 28th September 1960,

shall be deemed to be recognised under section 27 for the examinations for which it was recognised or authorised so long as the Faculty continues to hold such examinations.

(2) Nothing in this section shall affect the powers of the State Government under section 28 to withdraw the recognition granted to any such institution.

43. (1) The Registrar appointed—

Provision re-
garding Regi-
strar.

Bom.
XXVI
of
1938.

(a) under section 14 of the Bombay Medical Practitioners' Act, 1938 in its application to the Bombay area of the State; and

Bom.
XXVI
of
1938.

(b) under section 14 of the Bombay Medical Practitioners' Act, 1938 as adapted and applied to the Saurashtra area of the State;

and holding office immediately before the appointed day shall cease to hold office of Registrar on the appointed day.

(2) The State Government may, by an order direct the absorption of any person who ceases to hold office of Registrar under sub-section (1) and who is not appointed as Registrar under section 16, in a suitable post under the Board or the Faculty or may direct the termination of the employment of such person. Until such order is issued by the State Government the person so ceasing to hold office under sub-section (1) shall be paid by the Board such pay and allowances as he was drawing immediately before the appointed day. Any such person whose employment is terminated under this sub-section shall be entitled to receive from the Board such leave, pension, gratuity or other retirement benefits as he would have been entitled to receive on being invalided out of service of the respective Board, and may receive such additional amount by way of compensation as the Board may with the sanction of the State Government determine.

44. Save as otherwise provided by or under this Act and unless there is anything repugnant in the subject or the context—

Vesting of
rights, duties
etc.

(1) all rights of the Boards dissolved under sub-section (2) of section 40 (hereinafter in this section referred to as "the dissolved Boards") shall on the

appointed day vest in the Board constituted under sub-section (6) of section 3 (hereinafter in this section referred to as "the Board");

(2) all the property, movable or immovable, which on the day immediately preceding the appointed day vested in the dissolved Boards shall subject to all limitations and conditions as were in force on that day, vest in the Board;

(3) all sums due to the dissolved Boards on any account shall be recoverable by the Board which shall be competent to take any measure or institute any proceedings which it would have been open to the dissolved Boards to take or institute if this Act had not come into operation;

(4) all debts, liabilities and obligations incurred by or on behalf of the dissolved Boards, immediately before the appointed day and subsisting on the said day, shall be deemed to have been incurred by the Board in exercise of the powers conferred on it by this Act and shall continue in operation accordingly;

(5) all proceedings and matters pending before any authority or officer immediately before the appointed day under any of the Acts repealed under section 40 shall be deemed to be transferred to and continue before the corresponding authority under this Act competent to entertain such proceedings and matters;

(6) all prosecutions instituted by or on behalf of or against any of the dissolved Boards and all suits and other legal proceedings instituted by or against any of the dissolved Boards or any officer of such Boards on behalf of the dissolved Boards, pending on the appointed day, shall be continued by or against the Board;

(7) save as otherwise provided in section 43 in respect of the Registrar, all other officers and servants in the employ of the dissolved Boards immediately before the appointed day, shall be officers and servants employed by the Board and shall, until provision is otherwise made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service or retirement benefits which they were entitled to or subject to on the appointed day :

Provided that—

(i) the service rendered by such officers and servants before the appointed day shall be deemed to be service rendered under the Board,

(ii) if in the opinion of the Board, the services of any officer or servant are not necessary or suitable to the requirements of service under it, it may, with the previous approval of the State Government, discontinue the services

of any such officer or servant and any officer or servant whose services are so discontinued shall be entitled to receive from the Board such leave, pension, gratuity or other benefits as he would have, if this Act had not been passed, been entitled to receive on being invalided out of service of the respective dissolved Boards and may receive such additional amount by way of compensation as the Board may with the sanction of the State Government determine.

(8) The provisions of clauses (1) to (7) shall *mutatis mutandis* apply to the Faculties dissolved under sub-section (2) of section 40 as if, in the said clauses, there had been substituted, for the words "the dissolved Boards" and the words "the Board", the words "the dissolved Faculties" and words "the Faculty of Ayurvedic and Unani Systems of Medicine", respectively in the application of the said clauses to the Faculties dissolved under sub-section (2) of section 40.

THE SCHEDULE.

(See sections 2 (e), 15, 17, 21, 29 and 41)

Qualifications the possession of which entitles a person to registration.

PART A

Qualifications in the Ayurvedic system of medicine, Shuddha Ayurvedic Courses.

Sr. No.	Granting authority	Qualification	Abbreviations for registration and conditions for registration, if any
1	2	3	4
1	The Committee for Shuddha Ayurvedic Course appointed under Bombay Government Resolution in Local Self Government and Public Health Department No. ADR-1253, dated the 17th September 1953.	Ayurved Pravin styled as such under Bombay Government Resolution in L. S. G. and P. H. D. No. BMP 1054-H, dated the 12th July 1956 granted in 1957 and thereafter.	D. S. A. C. (Bom.).
2	The Committee for Shuddha Ayurvedic Course for the Gujarat State constituted under Gujarat Government Resolution, Local Self Government & Public Health Department No. SAC-1060-19845-B-III, dated the 28th September 1960.	Ayurved Pravin styled as such under Gujarat Government Resolution referred to in the preceding column.	D. S. A. C. (Guj.).

Sr. No.	Granting authority	Qualification	Abbreviations for registration and conditions for registration, if any
1	2	3	4
3	Post Graduate Training Centre in Ayurved, Jamnagar, constituted under Gujarat Government Notification, Health & Industries Department No. ADR. 1159/5024-B-III dated the 10th February 1961.	H. P. A. Certificate	H. P. A. (Jam).
4	Rajkiya Sanskrit Maha Vidyalaya, Baroda State.	Ayurved-Visharad	—
5	M. S. University, Baroda.	Ayurved-Visharad	—
6	Board of Indian Medicine, Saurashtra.	Ayurved-Visharad	—

PART B

Qualifications in the Unani system of medicine

Sr. No.	Granting authority	Qualification	Abbreviations for registration and conditions for registration if any
1	2	3	4
1	Board of Indian Medicine, U. P.	Fazil-et-Tib; Bachelor of Medicine and Surgery.	F. M. B. S.
2	Aligarh University, Aligarh	Bachelor of Unani Medicine and Surgery.	B. U. M. S.
3	Faculty of Ayurvedic and Unani systems of medicine constituted under the Bombay Medical Practitioners Act, 1938.	Mahire-Tib-o-Jarahat.	D. U. S. F.
4	Board of Examiners in Unani	Mahire-Tib-o-Jarahat	M. T. J. (Bom) (This qualification shall be a recognised qualification if granted in 1942 or 1943).
5	Ayurvedic and Unani Tabibi College, Delhi.	1. Fazil-e-tib-o Jarahat 2. Kamil-e-tib-o Jarahat.	F. T. J. (Delhi). K. T. J. (Delhi).

PART C

Qualifications in the Ayurvedic system of medicine with a course supplemented by modern advances with:—

- (a) the Inter Science (B-group) examination as qualification for admission, or
- (b) the Matriculation or S. S. C. Examination or its equivalent examination as qualification for admission, provided the course is of a duration of six or more years.

Sr. No.	Granting authority	Qualification	Abbreviations for registration and conditions for registration if any
1	2	3	4
1	Banares Hindu University, Banares.	1 Ayurvedacharya Medicines and Surgery. 2 Ayurvedacharya with Modern medicine & Surgery. 3 Ayurvedacharya with Bachelor of Medicine and Surgery	A. M. S. (Ben). A. M. M. S. (Ben). A. M. B. S. (Ben) (This qualification shall be recognised only when granted in or after 1952).
2	Faculty of Ayurvedic & Unani Systems of Medicine, Bombay, constituted under Bombay Medical Practitioners Act, 1938.	Graduate of the Faculty of Ayurvedic Medicine	G. F. A. M. (Bom.) (This qualification shall be recognised only if granted in and after 1st January 1956).
3	Faculty of Ayurvedic & Unani Systems of Medicine, Gujarat	Graduate of the Faculty of Ayurvedic Medicine	G. F. A. M. (Gujarat)
4	University of Poona	Bachelor of Ayurvedic Medicines and Surgery.	B. A. M. S. (Poona).
5	University of Gujarat	Bachelor of Ayurvedic Medicine and Surgery.	B. A. M. S. (Gujarat)
6	Board of Indian Medicines, U. P.	Ayurvedacharya Bachelor of Medicine & Surgery.	A. M. B. S.
7	Board of Ayurvedic & Unani System of Medicines, Delhi	Ayurvedacharya Dhanvantary	B. I. M. S. (Delhi).

PART D

Qualifications in the Ayurvedic system of medicine with course supplemented by modern advances with the Matriculation or S. S. C. Examination or its equivalent Examination as qualification for admission.

Sr. No.	Granting Authority	Qualification	Abbreviations for registration and conditions for registration, if any.
1	2	3	4
1	Faculty of Ayurvedic & Unani Systems of Medicines, Bombay constituted under the Bombay Medical Practitioners' Act, 1938.	Ayurved Visharad	D. A. S. F. (Bom.).
2	U. P. Ayurved Mahavidyalaya Patan (Baroda State).	Grihit Ayurveda Shashtra	L. A. M. (Patan) (This qualification shall be recognised only when granted before 1942)
3	Gurukul University, Kangri	Ayurvedalankar.	A. L. (Kang) (This qualification shall be recognised only when (a) granted after 1926 but before 1952. (b) granted after 1952 to students admitted by the University before June 1952)
4	Board of Indian Medicine, U. P.	1. Diploma of Indigenous Medicine. 2. Diploma of Indigenous Medicine & Surgery. 3. Bachelor of Indian Medicine and Surgery.	D. I. M. D. I. M. S. B. I. M. S.
5	Board of Ayurvedic & Unani System of Medicine, Delhi.	1. Fellow of Indian Medicine. 2. Bhishagacharya Dhanvantary.	F. I. M. (Delhi). D. I. M. S. (Delhi).
6	Prabhuram Ayurved College, Bombay.	1. Graduate of Prabhuram Ayurved College. 2. Licentiate of Prabhuram Ayurved College.	G. P. A. C. L. P. A. C.



Sr. No.	Granting Authority	Qualification	Abbreviations for registration and conditions for registration, if any
7	Vidarbha Board of Ayurvedic and Unani System of Medicine constituted under the Central Provinces and Berar Ayurvedic and Unani Practitioners Act, 1947 (C. P. and Berar Act IV of 1948)	Bachelor of Ayurvedic Medicine and Surgery	B. A. M. S. (Vid.).
8	Board of Indian Medicine, Hyderabad (Deccan), constituted under the rules made under the Medical Act (Hyd. I of 1312 Fasli)	Ayurved-Visharad of the Government Ayurvedic College Hyderabad.	A. V. B. (Hyd.).

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PART IV

Acts of the Gujarat Legislature and Ordinances promulgated and
Regulations made by the Governor.

The following Act of the Gujarat Legislature, having been assented to by the Governor on the 13th October 1966 is hereby published for general information.

SUMANT M. VIDYARTHI,
Secretary to the Government of Gujarat,
Legal Department.

GUJARAT ACT NO. 19 OF 1966.

(First published after having received the assent of the Governor in the "*Gujarat Government Gazette*" on the 17th October 1966.)

An Act further to amend the Gujarat Medical Practitioners Act, 1963 for certain purposes.

It is hereby enacted in the Seventeenth Year of the Republic of India as follows :—

1. This Act may be called the Gujarat Medical Practitioners (Amendment) Act, 1966. Short title.

2. In the Gujarat Medical Practitioners Act, 1963, in section 17, for sub-section (5), the following shall be substituted, namely :— Amendment of section 17 of Guj. 6 of 1964.

"(5) Any person not being a person qualified for registration under sub-section (3) or (4) who proves to the satisfaction of the Committee appointed under sub-section (8) that he had been regularly practising the Ayurvedic or Unani system of medicine—

(i) in the Bombay area of the State of Gujarat on the 4th November 1941^{Bom. XXVI} but his name was not entered in the register maintained under the Bombay^{of} Medical Practitioners Act, 1938, or 1938.

(ii) in the Saurashtra area of the State of Gujarat on the 1st November^{Bom. XXVI} 1951 but his name was not entered in the register maintained under the Bombay^{of} Medical Practitioners Act, 1938 as adapted and applied to the said^{1938.} area,

shall, on an application made in the prescribed form within a period of four years from the appointed day and accompanied by a fee of ten rupees and the prescribed documents, be entitled to have his name entered in the register."