

The Paschim Banga Ayurvedic System of Medicine Act, 1961

Act 13 of 1961

Keyword(s):

General Council and State Faculty of Ayurvedic Medicine, Member, Parishad, President, Registered Ayurvedic Practitioners, Registrar, Vice-President

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West Bengal Act XIII of 1961¹**THE PASCHIM BANGA AYURVEDIC SYSTEM
OF MEDICINE ACT, 1961.**

AMENDED

West Ben. Act XI of 1967.
West Ben. Act XI of 1979.
West Ben. Act XVIII of 1980.
West Ben. Act XXIV of 1986.

[16th June, 1961.]

An Act to provide for the development of the Ayurvedic system of medicine, to regulate the teaching and practice thereof and to deal with certain other connected matters.

It is hereby enacted in the Twelfth Year of the Republic of India, by the Legislature of West Bengal, as follows:—

1. (1) This Act may be called the Paschim Banga Ayurvedic System of Medicine Act, 1961.
- (2) It extends to the whole of West Bengal.
- (3) It shall come into²force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Short title,
extent and
commence-
ment.

2. In this Act, unless the context otherwise requires,—

Definitions.

- (1) "General Council and State Faculty of Ayurvedic Medicine, West Bengal" means the General Council and State Faculty of Ayurvedic Medicine, West Bengal, established by resolution No. 315 Medical, dated 2nd February, 1937 of the Government of Bengal as subsequently amended;
- (2) "Member" means a member of the *Parishad*;
- (3) "*Parishad*" means the Paschim Banga Ayurved *Parishad* constituted under section 3;
- (4) "prescribed" means prescribed by rules;
- (5) "President" means the President of the *Parishad*;
- (6) "Register" means the Register of Ayurvedic practitioners maintained under this Act;
- (7) "registered Ayurvedic practitioner" means an Ayurvedic practitioner registered under the provisions of this Act;

¹For Statement of Objects and Reasons, see the *Calcutta Gazette, Extraordinary*, of the 17th November, 1960. Part I, page 3018; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 3rd, 22nd and 23rd February, 1961 and the 25th March 1961; and for the proceedings of the West Bengal Legislative Council; see the proceedings of the meetings of that Council held on the 22nd, 23rd, 28th, 29th and 30th November, 1960, the 1st and 5th December, 1960 and the 3rd April, 1961.

²This Act came into force on the 1st June, 1962, vide notification No. Med1/6662/6A-12/62, Pt. I, dated the 24th May, 1962, published in the *Calcutta Gazette, Extraordinary*, of

(Sections 3-5.)

- (8) "Registrar" means the Registrar of the *Parishad*;
- (9) "regulations" means regulations made by the *Parishad* under this Act;
- (10) "rules" means rules made by the State Government under this Act;
- (11) "Vice-President" means the Vice-President of the *Parishad*.

Constitution
of the
Paschim
Banga
Ayurved
Parishad.

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

Transitional
provisions.

4. Upon the constitution of the *Parishad*—
- (1) the General Council and State Faculty of Ayurvedic Medicine, West Bengal, shall cease to exist and the assets and liabilities thereof shall stand transferred to the *Parishad*;
 - (2) any order passed, any appointment made, anything whatsoever begun or done by the General Council and State Faculty of Ayurvedic Medicine, West Bengal, shall, so far as it is consistent with the provisions of this Act, be deemed to have been passed, made, begun or done by the *Parishad*.

Composition
of the
Parishad.

5. (1) The *Parishad* shall consist of the following members, namely:—
- (a) a President nominated by the State Government;
 - (b) seven Members nominated by the State Government of whom three shall be registered Ayurvedic practitioners;
 - (c) one Member nominated by the Vice-Chancellor of the University of Calcutta;
 - (d) the Principal of the State Ayurvedic College, *ex-officio*, when such a college is established;
 - (e) the Head of the Ayurvedic Research Institute, *ex-officio*, when such an Institute is established;
 - (f) the Principal or Head of an Ayurvedic *Tol*, nominated by the State Government, when such an institution is established;

Provided that until the institutions referred to in clauses (d), (e) and (f) are established, the Principals or Heads of existing institutions or other suitable persons may be

XIII of 1961.]

(Sections 6, 7.)

- (g) [ten Members] who are citizens of India, elected by registered Ayurvedic practitioners, two being elected by registered Ayurvedic practitioners having registered address within the Presidency Division from among themselves two being elected by registered Ayurvedic practitioners having registered address within the Burdwan Division from among themselves², two being elected by registered Ayurvedic practitioners having registered address within the Jalpaiguri Division from among themselves] and four being elected by registered Ayurvedic practitioners having registered address within the Calcutta and Howrah municipal areas from among themselves.

Explanation.—The expression “Calcutta and Howrah municipal areas” means Calcutta as defined in the Calcutta Municipal Act, 1951, together with the area included in the Howrah municipality and the expressions “Presidency Division” and “Burdwan Division” shall not be deemed to include any part of the areas included within the Calcutta and Howrah municipal areas.

(2) Notwithstanding anything contained in the foregoing sub-section or elsewhere in this Act, on the first constitution of the *Parishad* shall be nominated by the State Government and the State Government shall also nominate one of the Members to be the Vice-President.

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

Power of
State
Government
to nominate
Members in
certain
circum-
stances.

7. A person shall be disqualified for being nominated or elected a Member of the *Parishad*, if—

- (1) he has been convicted of any offence declared by rules to involve moral turpitude;
- (2) he is an undischarged insolvent;
- (3) he has been adjudged by a competent court to be of unsound mind;

Disqualifica-
tion for
nomination
or election.

²The words within the square brackets were substituted for the words “eight Members” by s. 2(a) of the Paschim Banga Ayurvedic System of Medicine (Amendment) Act, 1967 (West Ben. Act IX of 1967).

(Sections 8-12.)

- (4) he is a person under the age of 25;
- (5) he is an employee of the *Parishad*;
- (6) he has directly or indirectly any share or interest in any contract with, by or on behalf of the *Parishad*;
- (7) he has been dismissed from the service of the Central Government or a State Government or a local authority on a charge of gross misconduct or an offence involving moral turpitude.

Publication of names of Members.

8. The name of every Member nominated or elected under section 5 or section 6 shall be published by the State Government in the *Official Gazette*.

Cessation of Membership.

9. A person shall cease to be a Member of the *Parishad*—
- (1) if, without obtaining the permission of the *Parishad*, he is absent from three consecutive meetings of the *Parishad*; or
 - (2) if having been nominated or elected as a registered Ayurvedic practitioner he ceases to be such a registered practitioner; or
 - (3) if he becomes subject to any of the disqualifications referred to in * * * * * section 7.

Filling of casual vacancies.

10. If any Member dies or resigns his office or ceases to be a Member for any other reason the vacancy shall be filled up within six months by a fresh nomination or election under section 5 or section 6 and the Member so nominated or elected shall hold office for the unexpired period of the term of office of the Member whose place he fills.

Term of office of Members.

11. (1) Subject to the provisions of section 10, the term of office of the Members nominated or elected under section 5 or section 6 shall be for four years commencing from the date of the first meeting of the *Parishad* after its first constitution or any subsequent periodical reconstitution, as the case may be.

(2) The term of four years referred to in sub-section (1) shall be held to include any period which may elapse between the expiry of the said period of four years and the date of the first meeting of the *Parishad* following its reconstitution at which a quorum is present.

Resignation.

12. The President, the Vice-President or a Member may resign his office by writing under his hand addressed to the State Government.

*Clauses (5), (6) and (7) were inserted by s. 3 of the Paschim Banga Ayurvedic System of Medicine (Amendment) Act, 1967 (West Ben. Act XI of 1967).

XIII of 1961.]

(Sections 13-15.)

13. (1) The President shall hold office for the period mentioned in section 11.

The President.

(2) If the President dies or resigns his office or ceases to hold office, the State Government shall nominate another person as President and such President shall hold office for the unexpired portion of the term of office of the previous President in whose place he is nominated.

14. (1) The Members of the *Parishad* shall, at the first meeting after every periodical reconstitution, elect from amongst themselves, a registered Ayurvedic practitioner as Vice-President in such manner as may be prescribed.

The Vice-President.

(2) The Vice-President shall hold office for the period mentioned in section 11:

Provided that a Vice-President shall cease to hold office if he ceases to be a Member of the *Parishad*.

(3) If the Vice-President dies or resigns his office or ceases to hold office, the Members of the *Parishad* shall elect, from amongst themselves, another registered Ayurvedic practitioner as Vice-President in such manner as may be prescribed and such Vice-President shall hold office for the unexpired period of the term of office of the previous Vice-President whose office he fills.

15. (1) The Members of the *Parishad* shall constitute from amongst themselves, an Executive Committee called "*Karyya Nirvahaka Samiti*" to perform such functions as may be delegated to it by the *Parishad*.

Karyya Nirvahaka Samiti.

(2) The *Karyya Nirvahaka Samiti* shall consist of the President and the Vice-President, *ex-officio*, and five other members elected by the Members of the *Parishad* from amongst themselves.

(3) The President and the Vice-President of the *Parishad* shall be the President and Vice-President respectively of the *Karyya Nirvahaka Samiti*.

(4) The term of office of an elected member of the *Karyya Nirvahaka Samiti* shall be two years from the date of his election, but, subject to his being a Member of the *Parishad*, he shall be eligible for re-election to the *Karyya Nirvahaka Samiti*.

(5) No business shall be transacted at any meeting of the *Karyya Nirvahaka Samiti* unless a quorum of three members be present.

(6) The *Parishad* may also, subject to the approval of the State Government, from time to time appoint one or more Committees consisting of Members of the *Parishad* or outsiders or both on such terms as may be approved by the State Government for the purpose of advising it on such matters as it deems necessary and may appoint a convener for any such Committee who shall preside over the meetings of the Committee.

*(Section 15A.)*

(7) The *Parishad* may make regulations for the conduct of business of the *Karyya Nirvahaka Samiti* and of Committees appointed by it.

Ad-hoc
Committee.

¹15A. (1) Notwithstanding anything contained elsewhere in the Act, if, at any time, it appears to the State Government that the nomination or election to the *Parishad* has not taken place in accordance with the provisions of this Act or a period of more than four years from the date of the first meeting of the *Parishad* has elapsed, the State Government may, by order published in the *Official Gazette*, appoint an Ad-hoc Committee consisting of not more than seven members including a President and a Vice-President.

(2) Upon such appointment of the Ad-hoc Committee, the *Parishad* shall be deemed to have been dissolved, and all the members of the *Parishad* shall be deemed to have vacated their offices, with effect from the date of the order.

(3) If any vacancy occurs in the Ad-hoc Committee by reason of death, resignation or removal of a member, or otherwise, the State Government shall appoint another person to fill up the vacancy. The person so appointed shall hold office for the unexpired period of the term of office of the member whose place he fills:

Provided that no act or proceedings of the Ad-hoc Committee shall be called in question or become invalid merely by reason of any vacancy or vacancies in the Ad-hoc Committee.

(4) The State Government may at any time, by notification in the *Official Gazette*, remove any member of the Ad-hoc Committee on the ground of incapacity or misbehaviour, or for any other good or sufficient reason.

(5) The President shall preside over all the meetings of the Ad-hoc Committee. In the absence of the President, the Vice-President shall preside over a meeting. In the absence of both the President and the Vice-President, the members present in the meeting shall elect one of such members to preside over that meeting.

(6) The quorum for a meeting of the Ad-hoc Committee shall be four:

Provided that no quorum shall be necessary for an adjourned meeting.

(7) The Ad-hoc Committee shall exercise all the powers and perform all the duties of the *Parishad*.

(8) The Ad-hoc Committee shall be deemed to be the *Parishad* also for the purposes of section 37 and section 43 of this Act.

¹Section 15A was inserted by s. 2 of the Paschim Banga Ayurvedic System of Medicine

The Paschim Banga Ayurvedic System of Medicine Act, 1961.

361

XIII of 1961.]

(Sections 16-18.)

(9) Within a period of ¹[two years] of such appointment of the Ad-hoc Committee, the members of the *Parishad* to be elected under clause (g) of sub-section (1) of section 5 in accordance with the provisions of this Act and the rules made thereunder shall be elected, and the members to be nominated under clauses (b), (c) and (f) of the said sub-section shall be nominated within the same period and the members so elected and nominated shall be deemed to have been duly elected and nominated.

(10) The State Government may, if it considers necessary so to do, by order extend the period of one year referred to in sub-section (9) ²[for a further period of two years, not exceeding one year at a time.]

³(10A) For the removal of doubts it is hereby declared that the period of two years referred to in sub-section (9) shall be held to include any period which may elapse between the expiry of the said period and the date of the order under sub-section (10).

(11) Upon the reconstitution of the *Parishad* in the manner provided, the Ad-hoc Committee shall cease to exist and the *Parishad* shall function in accordance with the provisions of this Act.

16. (1) The *Parishad* shall hold its meetings at such intervals and at such places as may be provided by regulations.

Meetings.

(2) No business shall be transacted at any meeting of the *Parishad* unless a quorum of seven Members be present.

(3) Save as provided in section 25, all questions arising at any meeting shall be decided by votes of the majority of the Members present and voting or in case of an equality of votes by the casting vote of the President or, in his absence, of the Member presiding at the meeting.

17. The *Parishad* shall pay to its President, Vice-President and Members and other persons appointed by it to any Committee referred to in sub-section (6) of section 15, such expenses for attending at meetings of the *Parishad*, of the *Karyya Nirvahaka Samiti* or of such Committee and such travelling expenses for journeys undertaken in the performance of duties as may be prescribed.

Expenses to be paid to Members and other persons.

18. Subject to the provisions of any law for the time being in force relating to drugs and poisons, the State Government shall have power,—

- (a) to establish and maintain a State Ayurvedic College with hospitals attached to it, a State Ayurvedic Research Institute and Ayurvedic *tols*.

Power to take certain steps for developing Ayurvedic system of medicine.

¹The words within the square brackets were substituted for the words "one year" by s. 2(a) of the Paschim Banga Ayurvedic System of Medicine (Amendment) Act, 1986 (West Ben. Act XXIV of 1986).

²The words within the square brackets were substituted for the words "for a further period of one year, not exceeding six months at a time." by s. 2(b). *ibid.*

³Sub-section (10A) was inserted by s. 2(c) *ibid.*

(Section 19.)

- (b) to establish and maintain Ayurvedic hospitals, dispensaries, asylums or infirmaries in West Bengal;
- (c) to establish an Ayurvedic Pharmaceutical Department for the supply of Ayurvedic medicines to the Ayurvedic hospitals, dispensaries, asylums and infirmaries and also to registered Ayurvedic practitioners;
- (d) to provide for the grant of licenses to manufacturers, stockists or sellers of Ayurvedic drugs and medicines and for the conditions for the grant of such licenses including conditions regarding strength, potency, composition or other particulars of such drugs or medicines being marked on the containers, covers or wrappings thereof;
- (e) to establish and maintain a State herbarium;
- (f) to foster the plantation of Ayurvedic medicinal plants.

Powers of
the
Parishad.

19. The *Parishad* shall have the following powers, namely:—

- ¹(1) with the approval of the State Government, to establish institutions teaching the Ayurvedic system of medicine and to grant or refuse affiliation to such institutions or to withdraw, after giving the authority of an institution an opportunity to show cause against the action proposed to be taken, such affiliation;
- ¹(1A) to call on the authority of an institution affiliated to the *Parishad*, or of an institution applying for affiliation, to furnish within such period as may be specified, such reports, returns or other information as the *Parishad* may require to judge the efficiency of the institution;
- (2) to hold examinations and to grant and confer certificates, diplomas or degrees to persons who shall have pursued a course of study in institutions affiliated to the *Parishad* and passed the necessary examinations.
- ²(3) to provide by regulations courses of study for different examinations held by the *Parishad*;
- (4) to provide for instruction or for refresher courses in such branches of medical science as would be useful to persons studying the Ayurvedic system of medicine;
- (5) to appoint examiners and to fix their remuneration and to publish the results of the examinations held by it;

¹Clauses (1) and (1A) were substituted for original clause (1) by s. 5(a) of the Paschim Banga Ayurvedic System of Medicine (Amendment) Act, 1967 (West Ben. Act XI of 1967).

²Clause (3) was substituted for the original clause by s. 5(b) of the

XIII of 1961.]

(Section 20.)

- (6) to grant scholarships, prizes and medals to students of institutions affiliated to the *Parishad* who are meritorious or stipends to students who are poor and deserving; and with the sanction of the State Government, to grant to students scholarship for research or special study in any institution that the *Parishad* may think fit, whether in India or abroad and to endow chairs of Ayurvedic system of medicine in institutions affiliated to the *Parishad*;
- (7) to confer honorary degrees on Ayurvedic practitioners of extraordinary merit;
- (8) to collect prescribed fees or charges for admission to the examinations held by the *Parishad* and for certificates, diplomas or degrees granted or conferred by it;
- (9) to exercise general supervision over the residential and disciplinary arrangements made by the institutions affiliated to the *Parishad* and arrangements for promoting the health and general welfare of the students of such institutions;
- (10) to recommend to the State Government the sanction of a grant to an affiliated institution teaching the Ayurvedic system of medicine or the withdrawal or suspension, after giving the institution concerned an opportunity of showing cause against the action proposed, of any such grant;
- (11) to appoint, with the previous sanction of the State Government, inspectors for the inspection of institutions in West Bengal, teaching the Ayurvedic system of medicine;
- (12) to frame and implement a co-ordinated scheme of public health of West Bengal based on the Ayurvedic system of medicine, with or without the addition of modern technique;
- (13) to receive grants, donations, gifts and endowments;
- (14) to incur such expenditure, to adopt such measures and to do such acts as may be necessary for the furtherance of the objects mentioned in this section;
- (15) to perform such other functions as the State Government may direct ¹[or, on the recommendation of the *Parishad*, approve] for carrying out the provisions of this Act.

20. (1) The *Parishad* shall, with the previous approval of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances as may be prescribed. The *Parishad* may from time to time grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all purposes of this Act.

Registrar
and staff.

¹The words within the square brackets were inserted by s. 5(c) of the Paschim Banga Ayurvedic System of Medicine (Amendment) Act, 1967 (West Ben. Act XI of 1967).

(Sections 21-23.)

(2) The *Parishad* shall have power to suspend, punish, remove or dismiss the Registrar from office:

Provided that any such order of the *Parishad* shall be subject to appeal to the State Government.

(3) The *Parishad* may appoint such other officers and servants as it deems necessary:

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

(4) The Registrar shall act as the Secretary to the *Parishad* and the *Karyya Nirvahaka Samiti*.

(5) The Registrar and all officers and servants appointed by the *Parishad* shall work under the direct control and supervision of the President or in his absence, of the Vice-President.

Register of
registered
Ayurvedic
practitioners.

21. (1) The *Parishad* shall maintain a Register in such form and in such manner as may be prescribed.

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

Persons
entitled to be
registered.

22. (1) Every person who possesses any qualification mentioned in Part A or who is qualified under Part B or who may obtain a qualification as provided under Part C of the Schedule shall, subject to the provisions of this Act and on payment of such fee as may be prescribed, be entitled to have his name entered in the Register.

(2) Notwithstanding anything contained in sub-section (1), every person who, within a period of ¹[five years] from the date of commencement of this Act, produces proof that he has been in regular practice for a period of not less ten years preceeding such date shall be entitled to have his name entered in the Register on payment of the prescribed fee.

Power to
amend the
Schedule.

23. The State Government may, by order published in the *Official Gazette*, add to, amend, or alter the Schedule:

Provided that the name of any institution or any qualification granted or conferred by any institution shall not be removed from the Schedule unless the managing body or authority of such institution has been given an opportunity of making representation against such removal.

¹The words within the square brackets were substituted for the words "two years" by s. 6 of the Paschim Banga Ayurvedic System of Medicine (Amendment) Act, 1967 (West Ben. Act VI of 1967).

XIII of 1961.]

(Sections 24-26.)

24. (1) Every person who desires to have his name entered in the Register shall submit to the Registrar an application in the prescribed form stating:—

Information required of applicant for registration.

- (a) particulars of his qualifications,
- (b) the period for which he has been in practice, and
- (c) his address which is to be his registered address.

(2) Every application shall be accompanied by the prescribed fee and such proof as may be available or necessary in support of the qualifications stated in the application.

25. (1) The *Parishad* may, on being satisfied that a person possesses the requisite qualifications and has paid the prescribed fee, direct the registration of his name and the Registrar shall thereupon make necessary entries in the Register and grant him a certificate of registration.

Power of the *Parishad* to refuse registration or to remove name from Register in certain cases.

(2) The *Parishad* may refuse to permit the registration or direct the removal from the Register, of the name of any person—

- (a) who has been convicted of any offence declared by rules to involve moral turpitude; or
- (b) who has been found guilty of infamous conduct in his professional capacity by a majority of at least two-thirds of the members of the *Parishad* after a due enquiry into his conduct at which he has had an opportunity of being heard in person or of being duly represented.

(3) Any refusal or removal under sub-section (2), may be rescinded if the conduct on the basis of which refusal or removal was directed is condoned for good and sufficient reasons.

26. (1) Every person whose name has been entered in the Register before the commencement of the Paschim Banga Ayurvedic System of Medicine (Amendment) Act, 1980 shall, for the retention of his name in the Register, pay to the *Parishad* such retention fee and within such period as may be prescribed.

Retention.

(2) Where the retention fee is not paid within the prescribed period, the Registrar shall remove the name of the defaulter from the Register:

Provided that a name so removed may be restored to the Register on such conditions as may be prescribed.

(3) On payment of the retention fee, the Registrar shall, in the prescribed manner, endorse the certificate of registration.

¹Section 26 was substituted for the original section by s. 2 of the Paschim Banga

(Sections 27-33.)

Entry of additional qualification.

27. If any person whose name is entered in the Register obtains any qualification mentioned in the Schedule other than the qualification in respect of which he has been registered, he shall, on payment of such fee as may be prescribed, be entitled to have such qualification entered against his name in the Register either in substitution for or in addition to any entry previously made and the Registrar shall add to or amend the entry accordingly.

Appeal to the Parishad from decision of the Registrar.

28. If any person is dissatisfied with any decision of the Registrar refusing to enter his qualification under section 27 in the Register, he may, at any time within three months from the date of such decision, appeal to the Parishad in the prescribed manner and the decision of the Parishad shall be final.

Cancellation of fraudulent and incorrect entries.

29. Any entry in the Register, which is proved to the satisfaction of the Parishad to have been fraudulently or incorrectly made, may be cancelled under an order in writing of the Parishad.

Appeal to State Government from decision of the Parishad.

30. An appeal shall lie to the State Government against any decision or order of the Parishad refusing to enter a person's name in the Register or removing his name therefrom if filed within three months of the date of decision or order and the decision of the State Government shall be final.

Notice of death and removal of name from Register.

31. The Parishad may, on receipt of reliable information regarding the death of a person whose name is entered in the Register, and on making such enquiry as it may think fit, direct the removal of his name from the Register and thereupon the Registrar shall cancel the entry relating to such person.

Penalty on unregistered person representing that he is registered.

32. If any person whose name is not entered in the Register falsely pretends that it is so entered or uses in connection with his name, any words or letters representing that his name is so entered, he shall, whether any person is actually deceived by such representation or not, be punishable, on conviction by a Presidency Magistrate or a Magistrate of the First Class ¹[with imprisonment which may extend to six months or] with fine which may extend to five hundred rupees.

Penalty for failure to surrender certificate of registration.

33. (1) If any registered practitioner whose name has been removed from the Register under sub-section (2) of section 25 or sub-section (2) section 26, fails, without sufficient cause, forthwith to surrender his certificate of registration, he shall be punishable with fine which may extend to fifty rupees.

¹The words within the square brackets were inserted by s. 7 of the Paschim Banga Ayurvedic System of Medicine (Amendment) Act, 1967 (West Ben. Act XL of 1967).



The Paschim Banga Ayurvedic System of Medicine Act, 1961.

367

XIII of 1961.]

(Sections 34, 35.)

(2) Cognizance of an offence punishable under this section shall not be taken except upon complaint made by an order of the *Parishad*.

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

Publication and use of registration list.

- (a) names of all registered Ayurvedic practitioners arranged in alphabetical order according to the surname;
- (b) the registered address of each such person; and
- (c) the registered qualifications of each such person and the date on which each qualification was obtained.

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

(3) Every Court shall presume that any person whose name is entered in the latest list printed and published under sub-section (1) read with the latest list supplementary thereto, if any, printed and published under sub-section (2) is duly registered under this Act, and that any person whose name is not so entered is not registered under this Act:

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

35. A registered Ayurvedic practitioner shall be entitled—

Certain privileges of Ayurvedic practitioners.

- (a) to grant a death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner or medical officer;
- (b) to grant a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner or medical officer;
- (c) to give evidence at any inquest or in any court of law as an

(Sections 36-40.)

Persons not registered as Ayurvedic practitioners not eligible for certain appointments.

36. Except with the special sanction of the State Government, no Ayurvedic practitioner, who is not registered under this Act, shall be competent to hold any appointment as a physician, or other medical officer in an Ayurvedic hospital, asylum, infirmary, dispensary or lying-in-hospital, which is supported wholly or partially by grants made by the State Government, the *Parishad* or a local authority, or any Ayurvedic educational institution which is so supported or which is affiliated under clause (1) of section 19 of this Act.

Bar of suit or other legal proceedings.

37. No suit, prosecution or other legal proceedings shall lie in respect of any act or thing done or omitted to be done in the exercise or purported exercise of any power conferred by or under this Act on the State Government or the *Parishad* or the *Karyya Nirvahaka Samiti* or any Committee appointed by the *Parishad* or on the Registrar.

Validation.

38. No act or thing done by the *Parishad*, the *Karyya Nirvahaka Samiti* or a Committee appointed by the *Parishad*, shall be invalid merely on the ground of any vacancy in or defect in its composition.

Finance and audit.

39. (1) All fees payable and prescribed under this Act shall be paid to the *Parishad*.

(2) An account of all assets and liabilities of the *Parishad* and of all fees, sums, grants, donations, gifts and endowments received by it and of all expenses and disbursements incurred or made by it shall be maintained in the prescribed manner.

¹(3) The account shall be audited annually in such manner and by such officer or authority as may be prescribed. A copy of the audit report shall be submitted to the State Government by the *Parishad*.

²(4) The *Parishad* shall prepare in the prescribed manner a budget for every financial year showing the probable receipt and expenditure, which shall be submitted to the State Government for approval.

Rules.

40. (1) The State Government may from time to time make ³rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (i) the election of Members of the *Parishad*, members of the *Karyya Nirvahaka Samiti* and the Vice-President;

¹Sub-section (3) was substituted for the original sub-section by s. 8(a) of the Paschim Banga Ayurvedic System of Medicine (Amendment) Act, 1967 (West Ben. Act XI of 1967).

²Sub-section (4) was added by s. 8(b), *ibid*.

³For the Paschim Banga Ayurvedic System of Medicine Rules, 1962, made under section 40 of the Act (subsequently amended from time to time), see notification No. Medl/6037/6A—11/62, dated the 14th May, 1962, published in the *Calcutta Gazette, Extraordinary* of

XIII of 1961.]

(Sections 41-43.)

- (ii) the functions to be performed by the President and the Vice-President;
- (iii) the declaration of offences as offences involving moral turpitude;
- (iv) the fees payable under this Act;
- (v) the expenses to be paid under section 17;
- (vi) the salaries and allowances to be paid to the Registrar;
- (vii) the grant of licenses and the conditions for the grant of such licenses;
- (viii) the manner in which the account referred to in sub-section (2) of section 39 shall be maintained;
- (ix) the procedure to be followed by the *Parishad* in—
 - (a) conducting any enquiry referred to in clause (b) of sub-section (2) of section 25,
 - (b) disposing of appeals from the decision of the Registrar preferred under section 28;
- (x) any other matters which may be or is required to be prescribed under this Act.

41. (1) The *Parishad* may, with the previous approval of the State Government, make regulations, not inconsistent with this Act or the rules made thereunder for discharging its functions under the Act.

Regulations.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (i) the time and place at which each meeting shall be held;
- (ii) the issue of notices convening such meeting;
- (iii) the conduct of business thereat;
- (iv) the conditions of appointment and service and the scales of pay and allowances of all the officers and servants appointed by the *Parishad*;
- (v) any matter for which power to make regulations is conferred expressly or by implication on the *Parishad* by this Act.

42. All rules and regulations shall be published in the *Official Gazette*.

Publication
of rules and
regulations.

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

Control of
the *Parishad*
by State
Government.

[West Ben. Act

(The Schedule)

THE SCHEDULE.

*(See section 22.)***Part A. Qualifications enabling a person to have his name
entered in the Register.**

Description of the qualifications.	Name of the managing body or authority granting or conferring the qualification and its location.
1. (i) Ayurvedthirtha, M.A.S.F. (Member of the Ayurvedic State Faculty)—5 years. (ii) Vaidyashiromoni, M.A.S.F. (Member of the Ayurvedic State Faculty)—5 years. (iii) Vaidyashastri—4 years (iv) Ayurvedthirha—3 years (v) Vaidyabhusan, L.A.S.F. (Licentiate Ayurvedic State Faculty)—4 years.	General Council and State Faculty of Ayurvedic Medicine, West Bengal, Calcutta.
2. (i) Bhishagratna, L.A.M.S. (Licentiate Ayurvedic Medicine and Surgery). (ii) Bhishagacharya, M.A.M.S. (Master in Ayurvedic Medicine and Surgery).	J. B. Ashtanga Ayurvedic College, Calcutta.
3. Vaidyashastri	Shyamadas Vaidya-Shastrapith, Calcutta.
4. (i) Ayurvedshastri, A.M.B. (Bachelor in Ayurvedic Medicine). (ii) Ayurvedacharya, A.M.D. (Doctor of Ayurvedic Medicine).	Maharaja Cossimbazar Gobinda Sundari Ayurvedic College, Calcutta.
5. (i) Bhishagratna, D.A.M.S. (Diploma in Ayurvedic Medicine and Surgery). (ii) Vaidyashiromoni, B.A.M.S. (Bachelor of Ayurvedic Medicine and Surgery). (iii) M.A.M.S. (Master of Ayurvedic Medicine and Surgery).	Bishwanath Ayurved Mahavidyalaya, Calcutta.
6. (i) G.F.A.M. (Graduate of Faculty of Ayurvedic Medicine) obtained after 1st January, 1956. (ii) Ayurved Visharad, D.A.S.F.	Board of Indian System of Medicine, Madras.
7. Ayurvedacharya, A.M.S. (with modern medicine and Surgery now M.A.M.S.)—6 years.	Benares Hindu University, Benares.
8. Ayurved Alankar—5 years.	Gurukul University, Kangri.

The Paschim Banga Ayurvedic System of Medicine Act, 1961.

371

XIII of 1961.]

(The Schedule.)

Description of the qualifications.	Name of the managing body or authority granting or conferring the qualification and its location.
9. (i) G.C.I.M. (Graduate of the College of Indigenous Medicine). (ii) A.I.M. (Associate of Indigenous Medicine). (iii) L.I.M. (Licentiate of Indigenous Medicine). (iv) A.L.I.M. (Associate Licentiate of Indigenous Medicine). (v) F.I.M. (Fellow of Indigenous Medicine).	Government College of Indigenous Medicine, Madras.
10. B.I.M.S. (Bachelor of Indian Medicine and Surgery).	Board of Indian Medicine U.P., Lucknow.
11. G.A.M.S. (Graduate Ayurvedic Medicine and Surgery).	Government Ayurvedic College, Patna.
12. (i) Bhishakacharya—6 years (ii) Bhishakwar—8 years	Government Ayurvedic College, Jaipur.
13. L.A.M.S. (Licentiate in Ayurvedic Medicine and Surgery).	Government Ayurvedic and Unani College, Mysore.
14. (i) Vaidyakalanidhi (Diploma) (ii) Viswavidya Visharad (Diploma) (iii) Netra Vaidya Visharad (Diploma) (iv) Marma Vaidya Visharad (Diploma)	Government Ayurvedic College, Trivandrum.

Part B.

Every person possessing any qualification not mentioned in Part A on the basis of which his name has been registered with any other Ayurvedic Board of Council established by any State Government within the Indian Union:

Provided that a principle of reciprocity in the matter of recognising qualifications for purposes of registration and been adopted by the *Parishad* and the Ayurvedic Board or Council concerned, with the approval of the State Government.

Part C.

Every person holding any degree or diploma or certificate granted or conferred by the *Parishad*, which is declared by the *Parishad* to be a sufficient qualification for registration as a registered Ayurvedic medical practitioner.