

The Punjab Ayurvedic and Unani Practitioners Act, 1963

Act 42 of 1963

Keyword(s):

Ayurvedic System, Faculty, Member, Practitioner, Registered Practitioner,
Unani System

Amendment appended: 6 of 2004, 7 of 2014

DISCLAIMER: This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.



THE PUNJAB AYURVEDIC AND UNANI PRACTITIONERS
ACT, 1963.

(PUNJAB ACT No. 42 OF 1963)

ARRANGEMENT OF SECTIONS

Sections

1. Short title, extent and commencement.
2. Definitions.
3. Establishment and constitution of Board.
4. Election of members.
5. Term of office.
6. Vacancies.
7. Resignation
8. Disabilities for continuing as member.
- 8.A Power to remove members
9. Disqualifications.
10. Vacancies, etc. not to invalidate proceedings of Board
11. Time and place of meeting of Board
12. Procedure at meetings of Board.
13. Registrar and other staff.
14. Duties of Registrar.
15. Registration
- 15A. Registration to be deemed in certain cases
- 15B. Renewal of Registration
16. Powers of Board to prohibit entry in or to direct removal from Register, etc.
- 16A. Renewal of Registration
17. Procedure in inquiries.
18. Appeal to Board from decision of Registrar and other powers of Board.
19. Qualified Practitioner certificate.
20. Notice of death.
21. Exemption from serving on inquests.
22. Fees and allowances payable to members.
23. Mode of proof of Board's records.
24. Fees for the issue of copies of orders, entries in Register, etc.
25. Fees received by Board.
26. Publication of list of practitioners.
27. False assumption of certificate or diploma to be an offence.
28. Selling medicines by hawking etc. to be an offence.

**Sections**

29. Prohibition to practice.
30. Penalty.
31. Power to amend Schedule I.
32. Control of State Government.
33. Court competent to try offence and cognisance of offences.
34. Protection of action taken in good faith.
35. Definitions.
36. Election petitions.
37. Presentation of petitions.
38. Contents of petition.
39. Procedure on receiving election petition.
40. Power of Director to withdraw and transfer petitions.
41. Procedure before the prescribed authority.
42. Appearance before prescribed authority.
43. Powers of the prescribed authority.
44. Documentary evidence.
45. Secrecy of voting not to be infringed.
46. Answering of criminating questions and certificate of indemnity.
47. Expenses of witnesses.
48. Decision of the prescribed authority.
49. Grounds for setting aside election.
50. Abatement of election petitions.
51. Costs and payment thereof out of security deposits and return of such deposits.
52. Execution of orders as to costs.
53. Corrupt practices entailing disqualification.
54. Rules.
55. Regulations.
56. Interpretation.
57. Repeal and savings.
58. Transitional provisions.
59. Power to remove difficulties.

SCHEDULE I.

SCHEDULE II.



[THE PUNJAB AYURVEDIC AND UNANI PRACTITIONERS
ACT, 1963.

(PUNJAB ACT NO 42 OF 1963.)

[Received the assent of the President of India on 29th November, 1963,
and first published for general information in the Punjab Government
Gazette (Extraordinary), Legislative Supplement,
of the 13th December, 1963.]

1	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by Legislation.
1963	42	The Punjab Ayurvedic and Unani Practitioners Act, 1963	Amended by Punjab Act 25 of 1964 ² Amended by Punjab Act 15 of 1965 ¹ Amended by Haryana Act 18 of 1969 ⁴ Amended by Haryana Act 26 of 1970 ⁵ Amended by Haryana Act 12 of 1971 ⁶ Amended by Haryana Act 10 of 1972 ⁷ Amended by Haryana Act 24 of 1977 ⁸ Amended by Haryana Act 3 of 1979 ⁹ Amended by Haryana Act 14 of 1981 ¹⁰ Amended by Haryana Act 5 of 1983 ¹¹

1. For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)* dated the 1963, page 260.
2. For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)* dated the 1964, page 935-937.
3. For Statement of Objects and Reasons, see *Punjab Government Gazette (Extraordinary)* dated the 1965, page 634.
4. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)* dated the 1969, pages 92-93.
5. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)* dated the 1970, page 640.
6. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)* dated the 1971, page 222.
7. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)* dated the 1972, page 434.
8. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)* dated the 14th October, 1977, page 1636.
9. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)* dated the 22-12-1978 page 1716.
10. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)* dated the 21st September, 1981, page 1404.
11. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)* dated the 21st March, 1983, page 302.



1.	2.	3.	4.
Year	No.	Short title	Whether repealed or otherwise affected by Legislation.
			Amended by Haryana Act 21 of 1984 ¹ Amended by Haryana Act 27 of 1986 ² Amended by Haryana Act 16 of 1989 ³ Amended by Haryana Act 8 of 1992 ⁴ Amended by Haryana Act 5 of 1994 ⁵ Amended by Haryana Act 8 of 1996 ⁶ Amended by Haryana Act 13 of 1999 ⁷ Amended by Haryana Act 6 of 2000 ⁸

AN

ACT

to consolidate and amend the law relating to the registration of Practitioners of Ayurvedic and Unani Systems of Medicine and to regulate the practice in such systems.

Be it enacted by the Legislature of the State of Punjab in the Fourteenth Year of the Republic of India as follows :—

CHAPTER I—PRELIMINARY

1. (1) This Act may be called the Punjab Ayurvedic and Unani Practitioners Act, 1963.

(2) It extends to the whole of the State of ⁹[Haryana].

Short title, extent and commencement.

1. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)*, dated the 3rd September, 1984, page 1452.
2. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)*, dated the 24th November, 1986, page 1264.
3. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)*, dated the 8th September, 1989, page 1730.
4. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)*, dated the 10th December, 1991, page 2097.
5. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)*, dated the 28th February, 1994, page 343.
6. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)*, dated the 23rd February, 1996, page 422.
7. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)*, dated the 13th July, 1998, page 1067.
8. For Statement of Objects and Reasons, see *Haryana Government Gazette (Extraordinary)*, dated the 8th March, 2000, page 487.
9. Substituted by Haryana Act 18 of 1969.



(3) It shall come into force on such date as the State Government may by notification appoint.

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

Definitions.

(a) "Ayurvedic System" means the Ashtang Ayurvedic System and the Siddha, and includes the modernised form thereof;

(b) "Board" means the Board of Ayurvedic and Unani Systems of Medicine, [Haryana] established and constituted, or deemed to be established and constituted, under section 3;

[(c) "Director" includes the Director of Ayurveda, Haryana, the Deputy Director of Ayurveda, Haryana, the Assistant Director of Ayurveda, Haryana, and such other officer as the State Government may appoint for exercising all or any of the functions of the Director under this Act and the rules made thereunder.]

[(d) "Faculty" means the Faculty as defined in clause (b) of section 2 of the Punjab State Faculty of Ayurvedic and Unani Systems of Medicine Act, 1963:]

(e) "member" means the Board, and includes the Chairman and Vice-Chairman;

(f) "practitioner" means a person who practices the Ayurvedic System or Unani System;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "Register" means [the new register] of practitioners maintained under section 14;

(i) "registered practitioner" means a practitioner [whose name is entered, or deemed to have been entered] in the Register;

(j) "Registrar" means the Registrar appointed under section 13;

(k) "Schedule" means a Schedule appended to this Act; and

(l) "Unani System" means the Unani Tibbi System of Medicine, and includes the modernised form thereof.

CHAPTER II—ESTABLISHMENT AND CONSTITUTION OF BOARD AND
REGISTRATION OF PRACTITIONERS

Establishment
and
constitution of
Board.

3. (1) Subject to the provisions of sub-section (6), there shall be established and constituted for the purpose of carrying out the provisions of this Act a Board to be known as "the Board of Ayurvedic and Unani Systems of Medicine, ¹[Haryana] ²[consisting of a Chairman and eleven other members] residing in the State of ¹[Haryana] of whom—

(a) ¹[four], including the Director and one Principal of any Ayurvedic or Unani institution recognised by the Faculty, shall be appointed by the State Government ; and

(b) ¹[seven], of whom not less than ¹[four] shall be persons holding a diploma or degree in the Ayurvedic System or Unani System, shall be elected by the registered practitioners from amongst themselves.

(2) The Board shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by the said name sue and be sued.

¹[(3) The Chairman of the Board shall be appointed by the State Government on such terms and conditions as it may think fit and shall hold office during the pleasure of the State Government.

(3A) The Vice-Chairman shall be elected by the Members of the Board from amongst themselves.]

(4) The ¹[seven] seats of members provided in clause (b) of sub-section (1) shall be distributed by the State Government proportionately to their numbers, as counted on the prescribed date before the election, between the registered practitioners who follow the Ayurvedic System and the registered practitioners who follow the Unani System :

Provided that in determining the proportion a fraction of one-half and less shall be ignored and a fraction of one-half and less more than one-half shall be counted as one:

(5) Every election or appointment of a member and every vacancy in the office of a member shall be notified by the State Government in the Official Gazette.

¹[(6) Until the Board is established and constituted in accordance with the provisions of the preceding sub-sections, as amended by the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Ordinance, 1968, the State Government may constitute a Board consisting of six persons, including the Director, to be appointed by the State Government, and a Board so constituted shall, as from the commencement of that Ordinance and for a period ²[not exceeding thirty-three years from such commencement, be deemed to be the Board established and constituted for the purpose of carrying out all the provisions of this Act and the provisions of sub-sections (3) and (5) shall apply to such a Board.]

4. The election of members of the Board under clause (b) of sub-section (1) of section 3 shall be held at such time and place and in such manner as may be prescribed. Election of members.

5. (1) Save as otherwise provided, the term of office of the non-official members of the Board, other than the Board deemed to be established and constituted under sub-section (6) of section 3, shall be five years commencing from the date on which the first meeting of such Board is held : Term of office.

Provided that an outgoing member shall continue in office until the election or appointment of his successor, as the case may be.

(2) The outgoing member shall be eligible for re-election or re-appointment.

6. (1) If a vacancy occurs in the office of a member of the Board through death, resignation, removal or disability of such member or otherwise, the vacancy shall be filled in the same manner as is provided in section 3. Vacancies.

1. Substituted by Haryana Act 18 of 1969.

2. Substituted by Haryana Act 12 of 1971 and further substituted by Haryana Act 3 of 1979 and further substituted by Haryana Act 14 of 1981 and further substituted by Haryana Act 21 of 1984 and further substituted by Haryana Act 27 of 1986 and further substituted by Haryana Act 16 of 1989 and further substituted by Haryana Act 8 of 1998 and further substituted by Haryana Act 5 of 1994 and further substituted by Haryana Act 8 of 1996 and further substituted by Haryana Act 13 of 1999 and further substituted by Haryana Act 6 of 2004.



(2) Any person elected or appointed to fill the vacancy shall, notwithstanding anything in section 5, hold office only so long as the member in whose place he is elected or appointed would have held office if the vacancy had not occurred.

Resignation.

7. Any member of the Board may at any time resign his office by letter addressed to the Chairman and the resignation shall take effect from the date on which it is accepted by him.

Disabilities for continuing as member.

8. If, in the opinion of the Board, any member of the Board absents himself without sufficient cause from three consecutive ordinary meetings of the Board or becomes subject to any of the disqualifications specified in section 9, the Board shall declare his office to be vacant :

Provided that before declaring his office to be vacant, the Board shall call for his explanation and record its decision thereon.

Power to remove members.

[8A. The State Government may, by notification, remove any member who, in its opinion, has been guilty of misconduct in the discharge of his duties:

Provided that before the State Government notifies the removal of any member, the reasons for his proposed removal shall be communicated to him and he shall be given an opportunity of tendering an explanation in writing which shall be duly considered.]

Disqualifications.

9. No person shall be eligible for election or appointment as a member of the Board—

(a) who is a minor or an undischarged insolvent ; or

(b) who has been adjudicated by a competent court to be of unsound mind, or

(c) whose name has been removal from the Register ; or

(d) who has been sentenced by a Criminal Court to imprisonment for such offence involving moral turpitude as may be declared by the State Government.



10. No act done, or proceeding taken, under this Act by the Board shall be invalid merely on the ground—

Vacancies etc. not to invalidate proceedings of Board.

- (a) of any vacancy or defect in the constitution of the Board, or
- (b) of any defect or irregularity in election or appointment of a person, acting as a member thereof, or
- (c) of any defect or irregularity in such act or proceeding, not affecting the merits of the case.

11. The Board shall meet at such time and place, and every meeting of the Board shall be summoned in such manner, as may be provided in the regulations made under this Act :

Time and place of meeting of Board.

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

12. (1) The Chairman, and in his absence the Vice-Chairman, and in the absence of both, a person elected by the members of the Board from amongst themselves, shall preside at every meeting of the Board.

Procedure at meetings of Board.

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

Provided that in case of equality of votes, the Chairman, Vice-Chairman or the person presiding, as the case may be, shall, in addition to his vote as a member of the Board, have a second or casting vote.

(3) [Five] members shall form a quorum at a meeting of the Board referred to in sub-section (1) of section 3 and three members shall form a quorum at a meeting of the Board referred to in sub-section (6) of that section:

Provided that if a meeting is adjourned for want of quorum no quorum shall be necessary at the next meeting called for transacting the same business.

Registrar and
other staff.

13. (1) Subject to such rules as the State Government may make in this behalf, the Board shall appoint a Registrar who shall receive such salary and allowances and be subject to such conditions of service as may be prescribed :

Provided that until a Registrar is so appointed, a person appointed, by the State Government shall [as from the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Ordinance, 1968], be deemed to be the Registrar who shall be entitled to such salary and allowances and shall be subject to such conditions of service as may be determined by the state Government.

(2) The Board may appoint such other employees as may be necessary for carrying out the purposes of this Act and such employees shall receive such salary and allowances and be subject to such conditions of service as may be prescribed.

(3) All employees of the Board, including the Registrar, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Duties of
Registrar.

14. (1) Subject to the provisions of this Act and the rules made thereunder and subject to any general or special order of the Board, it shall be the duty of the Registrar to maintain the Register and to act as the Secretary to the Board.

(2) The register shall be in such form as may be prescribed and shall contain the names, addresses and qualifications of every registered practitioner together with the dates on which qualifications were acquired and shall be divided into the following two Parts, namely :—

Part I containing the names of persons referred to in [sub-section (1)] of section 15 ; and

Part II containing the names of persons referred to in [sub-section (3)] of section 15.

(3) The Registrar shall keep the Register correct as far as possible, and may from time to time enter therein any material alteration

1. Substituted by Haryana Act 18 of 1969.

2. Substituted by *ibid.*



in the address or qualifications of the practitioners. The names of the registered practitioners who die or whose names are directed to be removed from the Register under this Act shall be removed from the Register.

(4) A registered practitioner shall, on payment of such fees as may be prescribed, be entitled to have entered in the Register any further degrees, diplomas or certificates or other qualifications in Ayurvedic System or Unani System or other recognised medical degrees, diplomas or certificates which he may obtain.

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

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

15: (1) Every person possessing any of the qualifications specified in Schedule I shall, subject to the provisions of this Act and on payment of such fees as may be prescribed in this behalf, be entitled to have his name entered in Part I of the Register subject to such conditions as may be prescribed. Registration.

[(2) * * * *]

[(3) Any person not in possession of the qualifications specified in Schedule I but—

- (a) whose name is entered immediately before the 13th day of December, 1963, in the list maintained under section 34 of the East Punjab Ayurvedic and Unani Practitioners Act, 1949; or under section 33 of the Pepsu Ayurvedic and Unani Practitioners Act, 2008 B.K. ; or

1. Omitted by Haryana Act 18 of 1969.

2. Substituted by Haryana Act 18 of 1969 and substituted by Haryana Act 26 of 1970.

³["(b) who proves to the satisfaction of the Registrar upto 30th June, 1972 that he was in practice as a practitioner on the first day of November, 1966 and is continuing as such ;"]

shall subject to the provisions of this Act and on payment of such fees, as may be prescribed in this behalf, be entitled to have his name entered in part II of the Register subject to such conditions as may be prescribed.]

¹[(4) * * * * *]

(5) No person shall be entitled under this section to have his name entered in the Register if he is a minor.

Registration to be deemed in certain cases.

²[15-A. Notwithstanding anything contained in sections 14 and 15, every person whose name is entered immediately before the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Ordinance, 1968, in Part I or Part II of the Register maintained under this Act before such commencement shall, subject to the provisions of this Act, be deemed to be registered in Part I or Part II, as the case may be, of the Register.]

Removal of registration.

³[15B. (1) Every registered practitioner shall get his registration renewed within two months of the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment) Act, 1983 and thereafter the registration shall be got renewed after every five years within one month of the expiry of the period of registration, on payment of such fees as may be prescribed.

(2) If the registered practitioner fails to get his registration renewed within the period provided in sub-section (1), his name, shall thereafter stand removed from the Register :

Provided that his name may be re-entered in the Register by the Registrar on payment of such additional fees as may be prescribed within two months after the expiry of the period provided for renewal.]

1. Omitted by Haryana Act 18 of 1969.

2. Inserted by *ibid.*

3. Substituted by Haryana Act 18 of 1972.

4. Inserted by Haryana Act 5 of 1983.



16. (1) The Board may prohibit the entry in, or order the removal from, the Register of the name of any practitioner—

Powers of Board to prohibit entry in or to direct removal from Register, etc.

(a) who has been sentenced by a Criminal Court to imprisonment for such offence involving moral turpitude as may be declared by the State Government; or

(b) whom the Board, after proper inquiry either made by itself or by a Committee appointed for the purpose by the Board from out of its members, has found guilty of professional misconduct or other infamous conduct by a majority of at least two-thirds of the members present and voting at the meeting of the Board.

(2) The Board may direct that the name of any person against whom an order has been passed under sub-section (1) shall be entered or re-entered, as the case may be, after having satisfied itself that due to lapse of time or otherwise the disability mentioned in sub-section (1) has ceased to have any force.

17. For the purpose of any inquiry held under clause (b) of sub-section (1) of section 16 the Board or a Committee appointed by the Board shall be deemed to be a court within the meaning of the Indian Evidence Act, 1872 (Act No. I of 1872), and shall, so far as may be follow the procedure laid down in the Code of Civil Procedure, 1908 (Act No. V of 1908).

Procedure in inquiries.

18. (1) Any person aggrieved by the decision of the Registrar regarding the registration of any person or any entry in the Register may, on payment of such fee as may be prescribed, appeal to the Board.

Appeal to Board from decision of Registrar and other powers of Board.

(2) An appeal under sub-section (1) shall be filed within sixty days of the passing of the order appealed against after excluding the time spent in obtaining a copy thereof and shall be heard and decided by the Board in the manner prescribed.

[(2-A) Notwithstanding anything contained in sub-section (2), an appeal under sub-section (1), which could be filed during the period commencing on the 4th February, 1966 and ending with the date of commencement of the Punjab Ayurvedic and Unani Practitioners

(Haryana Amendment and Validation) Ordinance, 1968, may be filed within a period of sixty days from such commencement after excluding the time spent in obtaining a copy of the order appealed against.]

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

Qualified
Practitioners
certificate.

19. Notwithstanding anything in any law for the time being in force,—

(a) 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 member of medical profession shall, in all Acts or other provisions having the force of law in Punjab and relating to matters in List II or List III of the Seventh Schedule to the Constitution of India, include a practitioner registered in Part I of the Register ;

(b) a certificate required by any Act to be issued by any medical practitioner or medical officer shall be valid, if such certificate has been signed and issued by a practitioner registered in Part I of the Register ;

Provided that a certificate of illness may also be signed and issued by any practitioner registered in Part II of the Register ;

(c) a practitioner registered in Part I of the Register shall be eligible to hold any appointment as a medical officer in any Ayurvedic or Unani dispensary or hospital supported by or receiving a grant from the State Government and treating patients according to the Ayurvedic System or Unani System or in any public establishment, body or institution dealing with any such System;

(d) a registered practitioner shall be entitled to use substances in their crude or manufactured form or

preparations containing such substances provided their pharmaceutical action in relation to such use is known to him according to the fundamental principles of those medicines.

20. Every Registrar of Deaths on receiving notice of the death of a registered practitioner shall forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificates and transmissions as an expense of his office.

Notice of death.

21. Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on any inquest under the Code of Criminal Procedure, 1898 (Act No. V of 1898).

Exemption from serving on inquest.

22. There shall be paid to the members for attending meetings of the Board such travelling and other allowances as may be prescribed.

Fees and allowances payable to members.

23. A copy of any proceeding, receipt, application, plan, notice, order, entry in a register or other document in the possession of the Board shall, if duly certified by the Registrar or any other person authorised by the Board in this behalf, be received as *prima facie* evidence of the existence of the entry or documents and shall be admitted as evidence of the entry or documents and of the matters therein recorded in every case where, and to the same extent as, the original entry or document would, if procured, have been admissible to prove such matters.

Mode of proof of Board's records.

24. Copies of any order passed by the Board or the Registrar or of any entry in the Register shall be supplied on payment of such fees as may be prescribed.

Fees for the issue of copies of orders, entries in Register, etc.

25. All moneys received by the Board as fees under this Act shall be applied for the purposes of this Act in the prescribed manner.

Fees received by Board.

26. (1) The Registrar shall at least once in every five years on or before date to be fixed by the Board cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the Register and the dates when such qualifications were acquired.

Publication of list of practitioners.

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

False assumption of certificate or diploma to be an offence.

27. Whoever wilfully and falsely assumes or uses title or description or any addition to his name implying that he is a registered practitioner shall be punishable for the first offence with imprisonment which may extend to six months or with fine which may extend to two hundred and fifty rupees or with both and for every subsequent offence with imprisonment which may extend to two years or with fine which may extend to five hundred rupees, or with both.

Selling medicines by hawking etc. to be an offence.

28. No practitioner, whether registered or not, shall sell any medicine of the Ayurvedic System or Unani System in a public place as a hawker or by assembling a *Majma*.

Prohibition to practice

29. No person other than a registered practitioner, shall practise or hold himself out, whether directly or by implication, as practising or as being prepared to practise the Ayurvedic System or Unani System.

Penalty.

30. Any person, who contravenes the provisions of section 28 or section 29, shall, on conviction, be punishable with fine which may extend to two hundred rupees.

Power to amend Schedule I.

31. The State Government may, by notification, amend Schedule I so as to add thereto or omit therefrom any qualification, and thereupon the Schedule shall be deemed to be amended accordingly.

Control of State Government.

32. If at any time it appears to the State Government that the Board has neglected to exercise, or has exceeded or abused any power conferred upon it under this Act or has neglected to perform any duty imposed upon it by this Act, the State Government may communicate the particulars of such neglect, excess or abuse to the Board; and, if the Board fails to remedy such neglect, excess or abuse within such time as may be fixed by the State Government in this behalf the State Government may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the Board to be exercised and performed by such agency and for such period as the State Government may think fit.



33. (1) No court other than the Court of a [Judicial Magistrate] of the First Class shall take cognizance of, or try, an offence under this Act.

Court competent to try offence and cognizance of offences.

(2) No Court shall take cognizance of any offence under this Act except on a complaint in writing of an Officer empowered by the State Government in this behalf.

34. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or under any rules or regulations made thereunder.

Protection of action taken in good faith.

CHAPTER III

DISPUTES REGARDING ELECTIONS

35. In this Chapter, unless the context otherwise requires,—

Definitions.

(a) "agent" means any person appointed in writing by a candidate at an election to be his agent for the purposes of his election with the written consent of such person ;

(b) "candidate" means a person who has been or claims to have been duly nominated as a candidate at an election, and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate ;

(c) "corrupt practice" means any of the practices specified in Schedule II ;

(d) "costs" means all costs, charges and expenses of , or incidental to, a trial of an election petition ;

(e) "election" means an election to fill the office of a member ;

(f) "electoral right" means the right of a person to stand or not to stand, as, or to withdraw from being, a candidate or to vote or refrain from voting at an election ;

(g) "pleader" means any person entitled to appear and plead for another in a civil court, and includes an Advocate.

Election
petitions.

36. No election of a member shall be called in question except by an election petition presented in accordance with the provisions of this Chapter.

Presentation
of petitions.

37. (1) Any registered practitioner may within a period of thirty days from the date on which the election of any member is notified under subsection (5) of section 3 and on furnishing the prescribed security in the prescribed manner, present on one or more of the grounds specified in subsection (1) of section 49 to the prescribed authority an election petition in writing against the election of such member.

(2) The election petition shall be deemed to have been presented to the prescribed authority—

(a) when it is delivered to the prescribed authority—

(i) by the person making the petition, or

(ii) by a person authorised in writing in this behalf by the person making the petition; or

(b) when it is sent by registered post and is delivered to the prescribed authority.

Contents of
petition.

38. (1) An election petition—

(a) shall contain a concise statement of the material facts on which the petitioner relies;

(b) shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the parties alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and

(c) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Act No. V of 1908), for the verification of pleadings;

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2) Any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

39. If the prescribed security is not furnished in the prescribed manner or the petition is not presented within the period specified in section 37, the prescribed authority shall dismiss the petition :

Procedure on receiving election petition.

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

40. The Director may, at any stage after notice to parties and for reasons to be recorded, withdraw any election petition pending before a prescribed authority and transfer it for trial to another prescribed authority; and upon such transfer, that prescribed authority shall proceed with the trial from the stage at which it was withdrawn :

Power of Director to withdraw and transfer petitions.

Provided that such authority may, if it thinks fit, recall and re-examine any of the witnesses already examined.

41. (1) Subject to the provisions of this Act and of any rules made thereunder, every election petition shall be tried by the prescribed authority, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure, 1908 (Act No. V of 1908), to the trial of suits :

Procedure before the prescribed authority.

Provided that the prescribed authority shall have the discretion to refuse for reasons to be recorded to examine any witness or witnesses, if it is of the opinion that their evidence is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(2) The provisions of the Indian Evidence Act, 1872 (Act No. I of 1872), shall subject to the provisions of this Act, be deemed to apply in all respects to the trial of an election petition.

42. Any appearance, application or act before the prescribed authority may be made or done by the party in person or by a pleader duly appointed to act on his behalf :

Appearance before prescribed authority.

Provided that it shall be open to the prescribed authority to direct any party to appear in person whenever the prescribed authority considers it necessary.

Powers of the prescribed authority.

43. The prescribed authority shall have the powers which are vested in a court under the Code of Civil Procedure, 1908 (Act No. V of 1908), when trying a suit in respect of the following matters :—

- (a) discovery and inspection ;
- (b) enforcing the attendance of witnesses and requiring the deposit of their expenses ;
- (c) compelling the production of documents ;
- (d) examining witnesses on oath ;
- (e) granting adjournments ;
- (f) reception of evidence taken on affidavit ; and
- (g) issuing commissions for the examination of witnesses :

and may summon and examine *suo motu* any person whose evidence appears to it to be material ; and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act No. V of 1898).

Explanation.—For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the prescribed authority shall be the limits of the State of Punjab.

Documentary evidence.

44. Notwithstanding anything in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of an election petition on the ground that it is not duly stamped or registered.

Secrecy of voting not to be infringed.

45. No witness or other person shall be required to state for whom he has voted at an election.

Answering of criminating questions and certificate of indemnity.

46. (1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may criminate or may tend to criminate him, or that it may expose or may tend to expose him to any penalty or forfeiture :

Provided that—

- (a) a witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the prescribed authority ; and
- (b) an answer given by a witness to a question put by or before the prescribed authority shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be admissible in evidence against him in any civil or criminal proceeding.

(2) When a certificate of indemnity has been granted to any witness it may be pleaded by him in any court and shall be a full and complete defence to or upon any charge under Chapter IX-A of the Indian Penal Code (Act No. VL of 1860), arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with any election imposed by this Act or any other law.

47. The reasonable expenses incurred by any person in attending to give evidence may be allowed by the prescribed authority to such person, and shall, unless the prescribed authority otherwise directs, be deemed to be part of the costs.

Expenses of witnesses.

48. (1) Where an election petition has not been dismissed under section 40, the prescribed authority shall inquire into the election petition and at the conclusion of the inquiry shall make an order—

Decision of the prescribed authority.

- (a) dismissing the election petition ; or
- (b) setting aside the election.

(2) At the time of making an order under sub-section (1) the prescribed authority shall also make an order—

- (a) where any charge is made in the petition of any corrupt practice having been committed at the election, recording—
 - (i) a finding whether any corrupt practice has or has not been proved to have been committed at the election and the nature of that corrupt practice ; and



(ii) the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice ; and

(b) fixing the total amount of costs payable, and specifying the persons by and to whom costs shall be paid :

Provided that a person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless—

(i) he has been given notice to appear before the prescribed authority and to show cause why he should not be so named ; and

(ii) if he appears in pursuance of the notice, he has been given an opportunity of cross-examining any witness who has already been examined by the prescribed authority and has given evidence against him, of calling evidence in his defence and of being heard.

Grounds for setting aside election.

49. (1) If the prescribed authority is of the opinion—

(a) that on the date of his election the elected person was not qualified or was disqualified, to be elected under this Act ; or

(b) that any corrupt practice has been committed by the elected person or his agent or by any other person with the consent of the elected person or his agent ; or

(c) that any nomination has been improperly rejected ; or

(d) that the result of the election, in so far as it concerns the elected person, has been materially affected—

(i) by the improper acceptance of any nomination ; or

(ii) by the improper reception, refusal or rejection of any vote or the reception of any vote which is void ; or



(iii) by any non-compliance with the provisions of this Act or of any rules made under this Act ;

the prescribed authority shall set aside the election of the elected person.

(2) When an election has been set aside under sub-section (1), a fresh election shall be held.

50. An election petition shall abate only on the death of a sole petitioner or of the survivor of several petitioners.

Abatement of election petitions.

51. (1) Costs including pleaders' fee shall be in the discretion of the prescribed authority.

Costs and payment thereof out of security deposits and return of such deposits.

(2) If in any order as to costs under the provisions of this Chapter there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full, or so far as possible, out of the security deposit made by such party under this Chapter, on an application made in writing in that behalf within a period of one year from the date of such order to the Director by the person in whose favour the costs have been awarded.

(3) If there is any balance left of the security deposit under this Chapter after payment under sub-section (2) of the costs referred to in that sub-section, such balance, or where no costs have been awarded or no application as aforesaid has been made within the said period of one year, the whole of the said security deposit may, on an application made in that behalf in writing to the Director by the person by whom the security has been deposited or if such person dies after making such deposit, by the legal representative of such person, be returned to the said person or to his legal representatives, as Execution of Orders as to costs the case may be.

52. Any order as to costs under the provisions of this Chapter may be produced before the principal civil court within the local limits of whose jurisdiction any person directed by such order to pay any sum of money has a place of residence or business and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit :

Execution of orders as to costs.

Provided that where any such costs or any portion thereof may be recovered by a application made under sub-section (2) of



section 51, no application shall lie under this section within a period of one year from the date of such order unless it is for the recovery of the balance of any costs which has been left unrealised after an application has been made under that sub-section owing to the insufficiency of the amount of the security deposit referred to in that sub-section.

Corrupt
practices
entailing
disqualifica-
tion.

53. The corrupt practices specified in Schedule II shall entail disqualification for membership of the Board for a period of five years counting from the date on which the finding of the prescribed authority as to such practice has been given :

Provided that the State Government may, for reasons to be recorded, remove the disqualification or reduce the period thereof.

CHAPTER IV

MISCELLANEOUS

Rules.

54. (1) The State Government may, by notification and after previous publication, make rules to carry 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:—

- (a) the date on which the number of registered practitioners shall be counted under sub-section (4) of section 3 ;
- (b) the time and place in which, and the manner in which, election shall be held as required by section 4 ;
- (c) the salary, allowances and other conditions of service of the Registrar and other employees of the Board appointed under section 13 ;
- (d) the form of Register required to be maintained under section 14 ;
- (e) the amount of fees payable under sub-section (4) of section 14 ;
- (f) the amount of fees on payment of which, and the conditions subject to which, a person may get his name entered, in Part I or Part II of the Register, under section 15 ;



- (g) the manner in which appeals against the decision of the Registrar shall be heard and decided by the Board under section 18 and the fees chargeable for such appeals ;
- (h) fees and allowances payable to the members under section 22 ;
- (i) the amount of fees payable for the supply of copies under section 24 ;
- (j) the manner in which moneys received by the Board as fees shall be applied under section 25 ;
- (k) the amount of security to be furnished and the manner in which it is to be furnished as required by sub-section (1) of section 37 ;
- (l) the authority to whom election petitions may be presented and by whom such petitions may be inquired into and decided under Chapter III ;
- (m) the form of affidavit required to accompany the petition under sub-section (1) of section 38 ;
- (n) any other matter which may be prescribed.

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

55. (1) The Board may, with the previous approval of the State Government, make regulations not inconsistent with this Act or the rules made thereunder for all or any of the following matters, namely :— Regulations.

- (a) the time and place at which the Board shall hold its meetings and the manner in which such meeting shall be summoned under section 11 ;



(b) any other matter which may be considered necessary for carrying out the purposes of this Act.

(2) All regulations shall be published in the Official Gazette.

(3) The State Government may by notification cancel any regulation.

Interpretation.

56. The Punjab General Clauses Act, 1898, shall apply for the interpretation of this Act as it applies for the interpretation of a Punjab Act.

Repeal and savings.

57. (1) The East Punjab Ayurvedic and Unani Practitioners Act, 1949 and the Pepsu Ayurvedic and Unani Practitioners Act, 2008 BK., are hereby repealed :

Provided that the repeal shall not affect—

- (a) the previous operation of the Acts so repealed or anything duly done or suffered thereunder, or
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the Acts so repealed, or
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the Acts so repealed, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid ;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the proviso to sub-section (1), anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation or form framed), under the Acts repealed by sub-section (1) shall, in so far as it is not inconsistent with this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly, unless and until superseded by anything done or any action taken under this Act.



58. (1) As from the commencement of this Act, the two Boards of Ayurvedic and Unani System of Medicine, established and constituted under the East Punjab Ayurvedic and Unani Practitioners Act, 1949, and the Pepsu Ayurvedic and Unani Practitioners' Act, 2008 Bk., shall cease to function. Transitional provisions.

(2) On the Boards so ceasing to function, all assets vesting in them, and all liabilities subsisting against them, on the date of so ceasing shall devolve on the Board.

(3) All suits, prosecutions, and other legal proceedings instituted or which might have been instituted by or against any of the Boards so ceasing to function immediately before the commencement of this Act may be continued or instituted by or against the Board.

(4) The permanent officers and servants of the Boards so ceasing to function shall be either absorbed by the Board in its service on conditions which are not less advantageous to those on which they were serving such Boards immediately before the commencement of this Act or retired or compensated in accordance with the conditions of their service in such manner as the State Government may direct.

59. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by notification, make such provisions or give such directions, not being inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty. Power to remove difficulties.

¹[Notwithstanding anything contained in the principal Act, anything done or any action taken or purporting to have been done or taken by the Registrar during the period commencing on the 4th February, 1966, and ending with the 26th November, 1968, under the provisions of the principal Act or the rules framed thereunder, including the registration of persons under section 15 of the principal Act, shall be deemed to be as valid as it would have been if a duly constituted Board had been in existence during such period and shall not be called in question in any court or before any authority on the ground that such Board was not in existence.] Validation.

²[Notwithstanding anything contained in the principal Act, anything done or any action taken or purporting to have been done or taken by the Registrar Validation.

1. Validation by Haryana Act 18 of 1969.

2. Validation by Haryana Act 12 of 1971.

during the period commencing on the 4th November, 1970, and ending with the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Act, 1971, under the provisions of the principal Act or the rules framed thereunder, including the registration of persons under section 15 of the principal Act, shall be deemed to be as valid as it would have been if a duly constituted Board had been in existence during such period and shall not be called in question in any court or before any authority on the ground that such Board was not in existence.]

Validation. ¹[Notwithstanding anything contained in the principal Act, anything done or action taken or purporting to have been done or taken by the Registrar during the period commencing on the 24th September, 1971, and ending with the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Act, 1972, under the Provisions of the principal Act or the rules framed thereunder shall be deemed to be as valid and effective as if it had been done or taken under the principal Act, as amended by this Act, and shall not be called in question in any court or before any authority.]

Validation. ²[Notwithstanding anything contained in the principal Act, anything done or any action taken or purporting to have been done or taken by the Board or the Registrar during the period commencing on the 26th November, 1975, and ending on the 3rd November, 1978, under the provisions of the principal Act or the rules framed thereunder, including the registration of persons under section 15 of the principal Act, shall be deemed to be as valid as it would have been if a duly constituted Board had been in existence during such period and the same shall not be called in question in any court or before any authority on the ground that such Board was not in existence.]

Validation. ³[Notwithstanding anything contained in the principal Act, anything done or any action taken or purporting to have been done or taken by the Board or the Registrar during the period commencing on the 26th November, 1980, and ending with the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Act, 1981, under the provisions of the Principal Act or the

-
1. Validation by Haryana Act 10 of 1972.
 2. Validation by Haryana Act 3 of 1979.
 3. Validation by Haryana Act 14 of 1981.

rules framed thereunder, including the registration of persons under section 15 of the principal Act, shall be deemed to be as valid as it would have been if a duly constituted Board had been in existence during such period and the same shall not be called in question in any court or before any authority on the ground that such Board was not in existence.]

¹[Notwithstanding anything contained in the principal Act, anything done or any action taken or purporting to have been done or taken by the Board or the Registrar during the period commencing on the 26th November, 1982, and ending with the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Act, 1984, under the provisions of the Principal Act or the rules framed thereunder, including the registration of persons under section 15 of the principal Act, shall be deemed to be as valid as it would have been if a duly constituted Board had been in existence during such period and the same shall not be called in question in any court or before any authority on the ground that such Board was not in existence.] Validation.

²[Notwithstanding anything contained in the principal Act, anything done or any action taken or purporting to have been done or taken by the Board or the Registrar during the period commencing on the 26th November, 1984, and ending with the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Act, 1986, under the provisions of the Principal Act or the rules framed thereunder, including the registration of persons under section 15 of the principal Act, shall be deemed to be as valid as it would have been if a duly constituted Board had been in existence during such period and the same shall not be called in question in any court or before any authority on the ground that such Board was not in existence.] Validation.

³[Notwithstanding anything contained in the principal Act, anything done or any action taken or purporting to have been done or taken by the Board or the Registrar during the period commencing on the 26th November, 1988, and ending with the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Act, 1989, under the provisions of the Principal Act or the Validation.

1. Validation by Haryana Act 21 of 1984.
2. Validation by Haryana Act 27 of 1986.
3. Validation by Haryana Act 16 of 1989.



rules framed thereunder, including the registration of persons under section 15 of the principal Act, shall be deemed to be as valid as it would have been if a duly constituted Board had been in existence during such period and the same shall not be called in question in any court or before any authority on the ground that such Board was not in existence.]

Validation.

¹[Notwithstanding anything contained in the principal Act, anything done or any action taken or purporting to have been done or taken by the Board or the Registrar during the period commencing from the 26th November, 1989, and ending with the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Act, 1991, under the provisions of the Principal Act or the rules framed thereunder, including the registration of persons under section 15 of the principal Act, shall be deemed to be as valid as it would have been if a duly constituted Board had been in existence during such period and the same shall not be called in question in any court or before any authority on the ground that such Board was not in existence.]

Validation.

²[Notwithstanding anything contained in the principal Act, anything done or any action taken or purporting to have been done or taken by the Board or the Registrar during the period commencing from the 26th November, 1993, and ending with the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Act, 1994, under the provisions of the Principal Act or the rules framed thereunder, including the registration of persons under section 15 of the principal Act, shall be deemed to be as valid as it would have been if a duly constituted Board had been in existence during such period and the same shall not be called in question in any court or before any authority on the ground that such Board was not in existence.]

Validation.

³[Notwithstanding anything contained in the principal Act, anything done or any action taken or purporting to have been done or taken by the Board or the Registrar during the period commencing from the 26th November, 1995, and ending with the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Act, 1996, under the provisions of the Principal Act or the

1. Validation by Haryana Act 8 of 1992.
2. Validation by Haryana Act 5 of 1994.
3. Validation by Haryana Act 8 of 1996..

rules framed thereunder, including the registration of persons under section 15 of the principal Act, shall be deemed to be as valid as it would have been if a duly constituted Board had been in existence during such period and the same shall not be called in question in any court or before any authority on the ground that such Board was not in existence.]

¹[Notwithstanding anything contained in the principal Act, anything done, or any action taken or purporting to have been done or taken by the Board or the Registrar during the period commencing from the 26th November, 1997, and ending with the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Act, 1998, under the provisions of the Principal Act or the rules framed thereunder, including the registration of persons under section 15 of the principal Act, shall be deemed to be as valid as it would have been if a duly constituted Board had been in existence during such period and the same shall not be called in question in any court or before any authority on the ground that such Board was not in existence.] Validation.

²[Notwithstanding anything contained in the principal Act, anything done or any action taken or purporting to have been done or taken by the Board or the Registrar during the period commencing from the 26th November, 1999, and ending with the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Ordinance, 2000, under the provisions of the Principal Act or the rules framed thereunder, including the registration of persons under section 15 of the principal Act, shall be deemed to be as valid as it would have been if a duly constituted Board had been in existence during such period and the same shall not be called in question in any court or before any authority on the ground that such Board was not in existence.] Validation.

SCHEDULE I

(See sections 15 and 31)

1. Degree or Diploma of any Ayurvedic or Unani College recognised by the Faculty (with at least four years course) within Punjab or outside it, or a degree in the Ayurvedic System or Unani System of Medicine of any University established by law in India :

-
1. Validation by Haryana Act 13 of 1999.
 2. Validation by Haryana Act 6 of 2000.

Provided that persons who have already qualified from any Ayurvedic or Unani College or Institution prior to the commencement of this Act in a course of a duration of less than four years, will also be entitled for registration.

2. Final examinations held by the faculty or by any college or institution affiliated to the faculty.

3. Final examination from any Ayurvedic or Unani Institution in Punjab or outside it, recognised by the Faculty or the Board for the purposes of registration.

SCHEDULE II

[See sections 35 (c) and 53]

The following shall be deemed to be corrupt practices for the purposes of section 53 :—

(I) Bribery, that is to say,—

(A) Any gift, offer or promise by a candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification, to any person whomsoever, with the object, directly or indirectly of inducing—

(a) a person to stand or not to stand as, or to withdraw from being a candidate at an election ; or

(b) a voter to vote or refrain from voting at an election ; or as a reward to—

(i) a person for having so stood or not stood, or for having withdrawn his candidature ; or

(ii) a voter for having voted or refrained from voting ;

(B) the receipt of, or agreement to receive, any gratification, whether as a motive or a reward—

(a) by a person for standing or not standing as, or for withdrawing from being, a candidate ; or

(b) by any person whomsoever for himself or any other person for voting or refraining from voting, or inducing or attempting to induce any voter to vote or refrain from voting, or any candidate to withdraw his candidature.



Explanation.—For the purposes of this clause, the term "gratification" is not restricted to pecuniary gratifications or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for reward, but it does not include the payment of any expenses bonafide incurred at, or for the purpose of any election.

- (2) Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent, or of any other person with the consent of the candidate or his agent, with the free exercise of any electoral right :

Provided that,—

- (a) without prejudice to the generality of the provisions of this clause, any such person as is referred to therein who—
- (i) threatens any candidate or a voter or any person in whom a candidate or such voter is interested, with injury of any kind and including social ostracism and ex-communication or expulsion from any caste or community ; or
 - (ii) induces or attempts to induce a candidate or a voter to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure;

shall be deemed to interfere with the free exercise of the electoral right of such candidate or a voter within the meaning of this clause ;

- (b) a declaration of public policy, or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.
- (3) The appeal by a candidate or his agent or by any other person with the consent of a candidate or his agent to vote or refrain

from voting for any person on the ground of his religion, race, caste, community or language or the use of, or appeal to, religious symbols or the use of, or appeal to, national symbols, such as the national flag or the national emblem, for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

- (4) The promotion of, or attempt to promote, feelings of enmity or hatred between classes of the citizens of India on grounds of religion, race, caste, community, or language, by a candidate or his agent or any other person with the consent of a candidate or his agent for the furtherance of the prospects of election of that candidate or for prejudicially affecting the election of any candidate.
- (5) The publication by a candidate or his agent or by any other person, with the consent of a candidate or his agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.
- (6) The hiring or procuring, whether on payment or otherwise, of any vehicle by a candidate or his agent or by any other person with the consent of a candidate or his agent for the conveyance of any voter (other than the candidate himself, the members of his family or his agent) to or from any polling station provided or a place fixed for the poll :

Provided that the hiring of a vehicle by a voter or by several members at their joint costs for the purpose of conveying him or them to and from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause, if the vehicle so hired is a vehicle not propelled by mechanical power :

Provided further that the use of any public transport vehicle by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause.



Explanation.— In this clause, the expression, "vehicle" means any vehicle used or capable of being used for the purpose of road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

- (7) The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or, by any other person with the consent of a candidate or his agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government, the Government of India or the Government of any other State or a local authority".
-



HARYANA GOVT. GAZ. (EXTRA.), MARCH 8, 2004
(PHGN. 18, 1925 SAKA)

35

LEGISLATIVE DEPARTMENT

Notification

The 8th March, 2004

No. Leg. 8/2004.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 2nd March, 2004 and is hereby published for general information :—

Haryana Act No. 6 of 2004

**THE PUNJAB AYURVEDIC AND UNANI PRACTITIONERS
(HARYANA AMENDMENT AND VALIDATION) ACT, 2004**

AN

ACT

*further to amend the Punjab Ayurvedic and Unani Practitioners Act, 1963
and to validate certain acts of the Board and the Registrar, in its
application to the State of Haryana.*

BE it enacted by the Legislature of the State of Haryana in the Fifty-fifth Year of the Republic of India as follows :—

1. This Act may be called the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Act, 2004.

Short title.

2. In sub-section (6) of section 3 of the Punjab Ayurvedic and Unani Practitioners Act, 1963 (hereinafter referred to as the principal Act), for the words "not exceeding thirty-three years", the words "not exceeding thirty-eight years" shall be and shall always be deemed to have been substituted with effect from the 26th November, 2001.

Amendment of section 3 of Punjab Act 42 of 1963.

3. Notwithstanding anything contained in the principal Act, anything done or any action taken or purporting to have been done or taken by the Board or the Registrar during the period commencing from the 26th November, 2001, and ending with the commencement of this Act, under the provisions of the principal Act or the rules framed thereunder, including the registration of persons under section 15 of the principal Act, shall be deemed to be as valid as it would have been if a duly constituted Board had been in existence during such period and the same shall not be called in question in any court or before any authority on the ground that such Board was not in existence.

Validation.

4. (1) The Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Ordinance, 2004 (Haryana Ordinance No.1 of 2004), is hereby repealed.

Repeal and saving.



36 HARYANA GOVT. GAZ. (EXTRA.), MARCH 8, 2004
(PHGN. 18, 1925 SAKA)

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

R. S. MADAN,
Secretary to Government Haryana,
Legislative Department.

37367-L.R.-H.G.P., Chd.



HARYANA GOVT. GAZ. (EXTRA.), MAR. 28, 2014
(CHTR. 7, 1936 SAKA)

133

PART I

HARYANA GOVERNMENT

LAW AND LEGISLATIVE DEPARTMENT

Notification

The 31st March, 2014

No. Leg. 10/2014.—The following Act of the Legislature of the State of Haryana received the Assent of the Governor of Haryana on the 22nd March, 2014, and is hereby published for general information :—

(HARYANA ACT NO. 7 OF 2014)

**THE PUNJAB AYURVEDIC AND UNANI PRACTITIONERS
(HARYANA AMENDMENT) ACT, 2014.**

AN

ACT

further to amend the Punjab Ayurvedic and Unani Practitioners Act, 1963, in its application to the State of Haryana.

BE it enacted by the Legislature of the State of Haryana in the Sixty-fifth Year of the Republic of India as follows :—

1. This Act may be called the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment) Act, 2014. Short title.

2. In section 2 of the Punjab Ayurvedic and Unani Practitioners Act, 1963 (hereinafter called the principal Act),— Amendment of section 2 of Punjab Act 42 of 1963.

(i) clause (b) shall be omitted;

(ii) after clause (b), the following clauses shall be inserted, namely:—

‘(ba) “Central Council” means the Central Council of Indian Medicine constituted under section 3 of the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970);

(bb) “Council” means the Council of Indian Medicine, Haryana;’;

(iii) after clause (d) the following clause shall be inserted, namely:—

‘(da) “Indian Medicine” means the system of Indian medicine commonly known as Ayurvedic System or Unani System supplemented or not by such modern and advances, as the Central Council may declare, by notification, from time to time;’;



134 HARYANA GOVT. GAZ. (EXTRA.), MAR. 31, 2014
(CHTR. 10, 1936 SAKA)

(iv) after clause (k) the following clause shall be inserted, namely:—

(ka) "State Government" means the Government of the State of Haryana; ;

(v) clause (l) shall be omitted;

3. In the principal Act, for the word "Board" wherever occurring, the word "Council" shall be substituted.

Amendment of various sections of Punjab Act 42 of 1963.

4. In section 3 of the principal Act,—

Amendment of section 3 of Punjab Act 42 of 1963.

(i) in sub-section (1), the words and signs " to be known as the Board of Ayurvedic and Unani Systems of Medicine, Haryana" shall be omitted;

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) The Chairman of the Council shall be appointed by the State Government from amongst the practitioners,—

(i) possessing a degree mentioned in the Second Schedule or the Third Schedule or the Fourth Schedule to the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970);

(ii) registered with the Council; and

(iii) who is domicile of the State of Haryana,

on such terms and conditions, as it may think fit and shall hold office during the pleasure of the State Government."

5. In sub-section (3) of section 15 of the principal Act,—

Amendment of section 15 of Punjab Act 42 of 1963.

(i) in clause (a), the sign and word "; or" shall be omitted; and

(ii) clause (b) shall be omitted.

6. After sub-section (2) of section 15B of the principal Act, the following sub-section shall be added, namely :—

Amendment of section 15B of Punjab Act 42 of 1963.

"(3) If a registered practitioner fails to get his registration renewed within the period provided in sub-section (2), he may apply for extension of period of registration within six months from the expiry of the period provided for renewal under sub-section (2), on payment of such fee, as may be prescribed:

Provided that if the name is not re-entered within the period provided under sub-section (3), the same may be re-entered on payment of such renewal fee as well as additional fee per month, as may be prescribed."

7. For clause (d) of section 19 of the principal Act, the following clause shall be substituted, namely :—

Amendment of section 19 of Punjab Act 42 of 1963.

“(d) practitioners of Indian Medicine having qualifications mentioned in the Second Schedule or the Third Schedule or the Fourth Schedule to the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) and registered in Part I of the Register of Indian System of Medicine shall be eligible to practice the Indian Medicine and modern system of medicine including minor surgery based on their training and teaching which are included in syllabi of various courses of the Indian System of Medicine as prescribed under the said Act and the practitioners who are already registered in Part II of the Register of Indian System of Medicine shall be eligible to practice the Indian Medicine.”.

8. For existing section 27 of the principal Act, the following section shall be substituted, namely:—

Substitution of section 27 of Punjab Act 42 of 1963.

“27. False assumption of certificate or diploma to be an offence.—
Whoever wilfully and falsely assumes or uses title or description or any addition to his name implying that he is registered practitioner shall be punishable for the first offence with imprisonment which may extend to three years or with fine which may extend to twenty-five thousand rupees or with both and for every subsequent offence with imprisonment which may extend to five years or with fine which may extend to fifty thousand rupees, or with both.”.

9. In section 29 of the principal Act, for the words “Ayurvedic System or Unani System”, the words “Indian Medicine” shall be substituted.

Amendment of section 29 of Punjab Act 42 of 1963.

10. For existing Schedule I to the principal Act, the following Schedule shall be substituted, namely :—

Substitution of Schedule 1 to Punjab Act 42 of 1963.

“SCHEDULE I
(See sections 15 and 31)

A person having qualifications included in the Second Schedule or the Third Schedule or the Fourth Schedule to the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970), shall be eligible for registration.”.

RAJ RAHUL GARG,
Secretary to Government Haryana,
Law and Legislative Department.