

West Bengal Veterinary Practitioners Act, 1960

22 of 1960

[12 January 1961]

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SCHEDULE 1 :- THE SCHEDULE

West Bengal Veterinary Practitioners Act, 1960

22 of 1960

[12 January 1961]

PREAMBLE

An Act to provide for the registration of veterinary practitioners in West Bengal and for certain other matters connected therewith.

Whereas it is expedient to provide for the registration of veterinary practitioners in West Bengal and for certain other matters connected therewith;

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

1. For Statement of Objects and Reasons, see the Calcutta Gazette, Extraordinary of the 8th November, 1960, Part 1VA, pages 2964-2965; for proceedings of the West Bengal Legislative Assembly, see the proceedings of the meetings of that Assembly held on the 22nd, 23rd and 24th November, 1960; and for the proceedings of the West Bengal Legislative Council, see the proceedings of the meetings of that Council held on the 7th and 12th December, 1960.

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

(1) This Act may be called the West Bengal Veterinary Practitioners Act, 1960.

(2) It extends to the whole of West Bengal.

(3) It shall come into ¹force on such date as the State Government may, by notification in the Official Gazette, appoint.

1. This Act came into force on the 1st March, 1963. Vide notification No. 1216-Vety., dated the 13th February, 1963, published in the Calcutta Gazette of 1963, Part I, page 582.

2. Definitions :-

In this Act, unless there is anything repugnant in the subject or context,-

(a) "Council" means the West Bengal Veterinary Council established under section 3;

(b) "Director" means the Director of Veterinary Services of the Government of West Bengal;

(c) "Member" means a member of the Council;

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

(e) "President" means the President of the Council, and includes a member of the Council chosen by the members to preside at a meeting of the Council in the absence of the President.

(f) "recognised veterinary qualification" means any of the veterinary degrees, diplomas or certificates included in the Schedule:

Provided that the degrees, diplomas and certificates granted by the Government or any other authority of any State in India outside West Bengal shall not be deemed to be recognised veterinary qualifications for the purposes of this Act unless, in pursuance of a scheme of reciprocity for recognition of veterinary qualifications, the Government of such State has, by notification, recognised for the purposes of that State, the degrees, diplomas and certificates granted by the Government and other authorities of West Bengal;

(g) "register" means the register of veterinary practitioners maintained under section 18;

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

(i) "Registrar" means the Registrar appointed under section 17;

(j) "regulation" means a regulation made under section 16;

(k) "Vice-President" means the Vice-President of the Council;

(l) "year" means a period of twelve months.

CHAPTER 2 WEST BENGAL VETERINARY COUNCIL

3. Establishment of the Council :-

(1) The State Government shall, by notification in the Official Gazette, establish a Council to be called the West Bengal Veterinary Council.

(2) The Council shall be a body corporate, with power to acquire, hold and transfer property, movable or immovable, and shall have perpetual succession and a common seal, and shall, by the said name, sue and be sued.

4. Constitution of the Council :-

The Council shall consist of the following members, namely:-

(a) The Director-ex-officio.

(b) The Principal of the Veterinary College, West Bengal-ex-officio.

(c) One member from each University in West Bengal elected by the members of the Faculty of the University dealing with veterinary science from among themselves.

(d) Four members elected by registered veterinary practitioners from among themselves.

(e) Two members appointed by the State Government from among registered veterinary practitioners:

Provided that on the first constitution of the Council after its establishment, all the members of the Council other than the ex-officio members shall be appointed by the State Government from among practitioners of veterinary medicine or surgery in West Bengal.

5. President and Vice-President :-

(1) The members of the Council shall elect a President and a Vice-President from among themselves:

Provided that on the first constitution of the Council after its establishment the President and the Vice-President shall be appointed by the State Government.

(2) A President or a Vice-President shall be deemed to have vacated office as soon as the Council holds its first meeting after its reconstitution; provided that he shall cease to hold office if he ceases to be a member of the Council before its reconstitution.

(3) An appointed President or Vice-President may resign his office by writing under his hand addressed to the State Government and

shall be deemed to have vacated office on such resignation being accepted by the State Government.

(4) An elected President or Vice-President may resign his office by a notice in writing addressed to the Council and shall be deemed to have vacated office on such resignation being accepted by the Council at a meeting.

(5) Any casual vacancy in the office of the President or the Vice-President caused by death, resignation, removal or otherwise shall be filled by appointment or election, as the case may be, and the person so appointed or elected shall hold office for the unexpired period of the term of office of the President or Vice-President whose place he fills.

6. Appointment of members, etc., in default of election :-

In default of any election in accordance with the provisions of this Act and of the rules made thereunder the State Government shall appoint a President, a Vice-President or a member, as the case may be.

7. Election of members, etc :-

Any election to be held under the provisions of this Act shall be held at such time and place and in such manner as may be prescribed.

8. Disqualification for being elected or appointed a member :-

A person shall be disqualified for being elected or appointed, or shall cease to be, a member, if he-

- (a) has been convicted and sentenced by any court for any non-bailable offence, such sentence not having been subsequently reversed or quashed,
- (b) has been convicted and sentenced by a court-martial,
- (c) is an undischarged insolvent, or
- (d) is of unsound mind:

Provided that the State Government may condone any disqualification referred to in clause (a) or clause (b) if the sentence has been fully undergone and a period of two years has elapsed since the termination of such sentence.

9. Publication of names of members, etc :-

The name of every President, Vice-President or member elected or appointed under the provisions of this Act shall be published by the State Government in the Official Gazette.

10. Tenure of office :-

(1) A member other than an ex-officio member, shall, save as otherwise expressly provided in this Act, hold office until the expiry of a term of five years from the date of his election or appointment or until his successor has been duly elected or appointed, whichever is later:

Provided that a member elected under clause (c) of section 4 shall cease to hold office on his ceasing to be a member of the Faculty.

(2) An appointed or elected member may, at any time, resign his office by writing under his hand addressed to the State Government or to the President, as the case may be. Such resignation shall take effect from the date on which the communication is received by the State Government or the President.

11. Leave of absence to members :-

The Council may permit a member to absent himself from the meetings of the Council for any period not exceeding six months.

12. Removal of members :-

The State Government may remove an appointed member or the Council may remove an elected member from office-

(a) if he absents himself without leave or sufficient cause from three consecutive meetings of the Councils; or

(b) if he becomes disqualified under the provisions of section 8.

13. Filling up of casual vacancies :-

Any casual vacancy in the office of a member caused by death, resignation or removal shall be reported to the State Government by the President and shall be filled by appointment or, as the case may be, by election within such time and in such manner as may be prescribed.

14. Saving :-

No act of the Council shall be deemed to be invalid merely by

reason of any vacancy or defect in the constitution of the Council or of the absence of any member.

15. Time and place of meetings of Council :-

(1) The Council shall meet at such time and place and a meeting of the Council shall be summoned in such manner, as may be provided by regulations:

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting at such time and place as he may deem expedient by sending a notice to each member at least seven days in advance.

(2) (a) No business shall be transacted at any meeting unless a quorum of four members be present; and

(b) all matters which come up for consideration at any meeting shall be decided by the 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.

16. Regulations :-

(1) Subject to the provisions of this Act and the rules made thereunder the Council may make regulations providing for-

(a) the times and places at which meetings of the Council shall be held,

(b) the issue of notices convening such meetings,

(c) the conduct of business at such meetings,

(d) the constitution, powers, duties and procedure of special committees,

(e) the conditions subject to which a name struck off from the register on cancellation of registration or otherwise may be re-entered therein.

(2) The Council may, with the prior approval of the State Government, make regulations determining-

(a) the qualifications, the emoluments and the conditions of service of its employees other than the Registrar, and

(b) the rates at which and the conditions under which travelling expenses may be drawn by members of the Council.

CHAPTER 3 ESTABLISHMENT

17. Registrar and establishment for the Council :-

(1) The State Government shall appoint an officer of the

Directorate of Veterinary Services of the State Government as the Registrar on such terms as the State Government may determine.

(2) The Registrar shall act as the Secretary of the Council.

(3) The Council may appoint such other officers and servants as it may consider necessary for the purposes of this Act. (Act XLV of 1860.)

(4) Every person appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

CHAPTER 4 REGISTRATION OF VETERINARY PRACTITIONERS AND POWERS AND DUTIES OF THE COUNCIL

18. Register of veterinary practitioners :-

(1) The Council shall, as soon as may be, after its first constitution, arrange for the registration of veterinary practitioners and for that purpose, shall, by notification in the Official Gazette, appoint a date on or before which applications for first registration of names shall be made by veterinary practitioners qualified for registration under this Act.

(2) The names and addresses, the qualifications together with the dates on which such qualifications were acquired, and the dates of registration of all veterinary practitioners registered under this Act shall be entered in a register to be maintained for the purpose.

19. Custody and maintenance of register :-

(1) The Registrar shall maintain the register in such form and in such manner as may be prescribed and shall make from time to time such entries, corrections, alterations or modifications in the entries therein as may be necessary or as may be directed by the Council.

(2) To enable the Registrar to fulfill the duties imposed upon him by sub-section (1), he may call for any information he may require from any registered veterinary practitioner.

20. Persons entitled to be registered :-

(1) Every person possessing a recognised veterinary qualification may, subject to the provisions of this Act and on payment of such fee as may be prescribed, apply to have his name entered in the register.

(2) A person who applies to have his name entered in the register

shall-

- (a) satisfy the Council that he is in possession of a recognised veterinary qualification,
- (b) mention in his application the date on which he acquired the qualification which entitles him to claim registration, and
- (c) give the Council any other information which may reasonably be required for the purpose of registrations

21. Registration :-

(1) The Council may, on being satisfied that a person applying for registration possesses a recognised veterinary qualification and has paid the prescribed fee, allow the application and direct the Registrar to enter his name in the register and such entry shall, unless cancelled earlier, be borne in the register for one year.

(2) The Registrar shall, on the registration of a persons name, gave him a certificate of registration under his hand and seal.

(3) The Council may, after giving the person concerned an opportunity of being heard, refuse to permit the registration, or cancel the registration, of the name of any person-

(a) who has been convicted and sentenced by any Court for any non-bailable offence, such sentence not having been subsequently reversed or quashed, or

(b) whom the Council, after due inquiry, which may, in the discretion of the President, be held in camera, finds guilty, by a majority of two-thirds of the members present and voting, of infamous conduct in his professional capacity:

Provided that the State Government may condone the conviction referred to in clause (a) if the sentence has been fully undergone and a period of two years has elapsed since the termination of such sentence.

(4) The Council may, after giving the person concerned an opportunity of being heard, direct that any entry in the register which is proved to the satisfaction of the Council to be incorrect or false be corrected or cancelled.

(5) If any person whose name is entered in the register obtains any recognised veterinary qualification other than the qualification in respect of which his name has been registered, he shall, on payment of such fee as may be prescribed, be entitled to have such additional qualification entered against his name in the register either in substitution of, or in addition to, any entry previously made.

22. Amendment of Schedule :-

If the Council is satisfied-

(a) that any degree, diploma or certificate granted by any University, College, School, Institution or other authority is a sufficient guarantee that persons possessing such degree, diploma or certificate possess the knowledge and skill requisite for the efficient practice of veterinary medicine or surgery, or

(b) that any recognised veterinary qualification is not a sufficient guarantee as aforesaid,

it may make a report to that effect to the State Government which may, if it thinks fit, thereupon direct, by notification in the Official Gazette,-

(i) in case (a)-that such degree, diploma or certificate shall, subject to the other provisions of this Act, be a recognised veterinary qualification, or

(ii) in case (b)-that such qualification shall cease to be a recognised veterinary qualification,

and the Schedule shall thereupon be deemed to be amended accordingly.

23. Power of Council to call for information and attend examination :-

The Council shall have power to call on the authorities of any veterinary college, school or institution, or any other authority awarding degrees, diplomas or certificates in veterinary science, whether such qualifications are recognised or not-

(a) to furnish such particulars, as the Council may require, of any course of study prescribed or any examination held for the grant of any such degree, diploma or certificate, and

(b) to permit a member of the Council deputed by it to attend and watch any such examination.

24. Appeal to State Government from decision of Council :-

If any person is dissatisfied with any decision of the Council refusing or cancelling the registration of his name or directing the correction or cancellation of any entry in the register, he may at any time within thirty days from the date of such decision and on payment of such fee as may be prescribed, appeal to the State Government and the decision of the State Government shall be final.

25. Renewal fee :-

(1) A veterinary practitioner whose name is entered in the register shall be entitled to have his name retained in the register on payment of such annual renewal fee and within such time as may be prescribed.

(2) If the renewal fee is not paid within the time prescribed, the Registrar shall strike off the name of the defaulter from the register:

Provided that any name so struck off from the register may, subject to such conditions as the Council may by regulation provide, be re-entered in the register on payment of the renewal fee.

26. Consequences of striking off name from register :-

(1) A veterinary practitioner whose name is struck off from the register under sub-section (2) of section 25 shall forthwith surrender his certificate of registration to the Registrar and the name so struck off shall be published in the Official Gazette.

(2) If any such name is afterwards re-entered in the register in accordance with the provisions of this Act, the fact of such re-entry shall be published in the Official Gazette and the certificate of registration shall be returned to the veterinary practitioner concerned.

27. Notice of deaths, and removal of names from register :-

On receipt of any reliable information regarding the death of any registered veterinary practitioner the Registrar shall after making such enquiry as he thinks fit remove the name of the deceased from the register.

28. Publication of, and presumption as to entries in, the annual list of veterinary practitioners :-

(1) The Registrar shall once in every five years, on or before a date to be fixed in this behalf by the Council, cause to be printed and published a correct list of the names for the time being in the register setting forth-

(a) all the names entered in the register arranged in alphabetical order according to the surnames,

(b) the registered address of each person whose name is entered in the register, and

(c) the qualifications of each such person together with the dates when such qualifications were acquired.

(2) The Registrar shall also cause to be printed and published in the month of January every year an annual supplement to such list showing therein the additions, alterations or corrections made in the entries in the register during the preceding year.

(3) Every court shall presume until the contrary is proved that a person whose name is entered in the latest list as modified by the supplement is duly registered under this Act and that a 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 such list, 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.

CHAPTER 5 FINANCIAL MATTERS

29. Accounts, budget and grants :-

(1) The Council shall maintain in such form as may be prescribed proper accounts which shall be audited annually by an auditor appointed in this behalf by the State Government.

(2) The Council shall prepare, within such time as may be prescribed and in accordance with such directions as the State Government may, from time to time, issue in this behalf, its budget estimates for each year and shall forward the same to the State Government for its approval together with the last audit report.

(3) The State Government may make such annual grants as it may consider necessary to the Council for the proper discharge of the functions of the Council under this Act.

30. The Council fund :-

(1) All moneys received by the Council as fees and grants under this Act or otherwise shall be paid into a fund to be called "the West Bengal Veterinary Council Fund" which shall be under the management and control of the Council and shall be held and applied by the Council for the purposes of this Act in such manner as may be prescribed.

(2) All moneys credited to the West Bengal Veterinary Council Fund shall forthwith be deposited in the State Bank of India, Calcutta, to the credit of an account to be called "the West Bengal Veterinary Council Fund Account".

CHAPTER 6 MISCELLANEOUS

31. Disabilities of unregistered practitioners :-

(1) Notwithstanding anything contained in any other law for the time being in force, no certificate required by any law or rule to be signed or authenticated by a duly qualified veterinary practitioner, veterinary surgeon or veterinary officer shall be valid unless the person signing or authenticating such certificate is a registered veterinary practitioner.

(2) Except with the special sanction of the State Government no person other than a registered veterinary practitioner shall be competent to hold any appointment as a veterinary surgeon or veterinary officer in any veterinary hospital, infirmary or dispensary maintained wholly or partly by public or local funds.

32. Penalty on unregistered person representing that he is registered :-

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 or title 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, with fine which may extend to three hundred rupees.

33. Courts competent to try offences under this Act :-

No court other than the court of a Presidency Magistrate or of a Magistrate of the First Class shall take cognizance of or try an offence under this Act.

34. Proceedings in inquiries :-

For the purpose of any inquiry under clause (b) of sub-section (3) of section 21, the Council shall have the powers of a Civil Court while disposing of suits under the Code of Civil Procedure, 1908, (Act V of 1908.) in respect of the following matters, namely:-

- (a) summoning and enforcing the attendance of any person and examining him on oath,
- (b) requiring the discovery and production of documents, and
- (c) receiving evidence on affidavits.

35. Power of State Government to give directions to the

Council :-

The State Government may give to the Council such directions as may be necessary for carrying out the purposes of this Act and it shall be the duty of the Council to comply with such directions.

36. Control of the Council by the State Government :-

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

Provided that in the case of such dissolution of the Council, the State Government shall take steps as soon as may be convenient to re-constitute the Council in accordance with the provisions of this Act.

37. Bar to suits and other legal proceedings :-

(1) No order under this Act refusing to enter a name in, or removing or striking off a name from, the register shall be called in question in any Civil or Criminal Court.

(2) No suit or other legal proceeding shall lie in any Civil or Criminal Court in respect of any act done or purported to have done in good faith under this Act or any rule or regulation made thereunder by the State Government or the Council or the Registrar or any other person.

38. Power to make rules :-

(1) The State Government may, by notification in the Official Gazette, 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-

(a) the time and manner of holding elections,

- (b) the form of the register,
- (c) the application of moneys at the credit of the West Bengal Veterinary Council Fund,
- (d) the procedure to be followed by the Council in conducting any enquiry,
- (e) the fees chargeable under this Act,
- (f) the maintenance and submission of accounts of the West Bengal Veterinary Council Fund,
- (g) the regulation of annual grants made by the State Government to the Council, and
- (h) any other matter which may be or is required to be prescribed.

SCHEDULE 1

THE SCHEDULE

THE SCHEDULE

[See sections 2(f), 20, 21 and 22]

Veterinary degrees, diplomas and certificates, holders of which are entitled to have their names entered in the register of registered veterinary practitioners:-

1. Degrees of-

- (i) Bachelor of Science (Veterinary)-Calcutta (West Bengal).
- (ii) Bachelor of Science (Veterinary)-Bombay.
- (iii) Bachelor of Science (Veterinary)-Uttar Pradesh.
- (iv) Bachelor of Science (Veterinary)-Madhya Pradesh.
- (v) Bachelor of Science (Veterinary)-Bihar.
- (vi) Bachelor of Veterinary-Science-Madras.
- (vii) Bachelor of Veterinary-Science-Punjab (I).
- (viii) Bachelor of Veterinary-Science-Kerala.
- (ix) Bachelor of Veterinary-Science-Saugar.
- (x) Bachelor of Science (Veterinary and Animal Husbandry)-Agra.
- (xi) Bachelor of Science (Veterinary and Animal Husbandry)-Andhra.
- (xii) Bachelor of Science (Veterinary and Animal Husbandry)-Gauhati.
- (xiii) Bachelor of Veterinary Science and Animal Husbandry-Rajasthan.
- (xiv) Bachelor of Science (Veterinary and Animal Husbandry)-Utkal.
- (xv) Bachelor of Veterinary Science and Animal Husbandry-Vikram.

2. Diplomas of-

- (i) Graduate of Bengal Veterinary College.
- (ii) Graduate of Bombay Veterinary College.
- (iii) Graduate of Madras Veterinary College.
- (iv) Graduate of Bihar Veterinary College.
- (v) Graduate of Punjab Veterinary College.
- (vi) Graduate of Assam Veterinary College.

3. Diplomas granted by the West Bengal Board of Veterinary Education.

4. Certificates of Licensed Veterinary Practitioners, Punjab (granted by Punjab Government).

5. Certificates of Fellowship and Membership of the Royal College of Veterinary Surgeons, United Kingdom and Ireland.

6. Degrees of Bachelor, Master or Doctor of Veterinary Science of any of Universities in the United Kingdom, Sweden or the United States of America.