

**DELHI AYURVEDIC AND UNANI PRACTITIONERS RULES,
1950**

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DELHI AYURVEDIC AND UNANI PRACTITIONERS RULES, 1950

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1. Rule :-

These rules may be called the Delhi Ayurvedic and Unani Practitioners Rules, 1950.

2. Rule :-

In these rules unless there is anything repugnant in the subject or context :

1. "Act" means the East Punjab Ayurvedic and Unani Practitioners Act, 1949.
2. "Appendix" means an appendix appended to these rules.
3. "Government" means the Government of Delhi State.
4. "Section" means a section of the Act.

5. "Board" means a Board of Ayurvedic and Unani Systems of Medicine, Delhi.

6. "Committee" means the Executive Committee of the Board.

3. Rule :-

The Registrar shall maintain a list containing the names of the members elected on the Board, the electorates they represent, the date of election of each such member, the term of his office, and the date of death, retirement, resignation or removal of each such member. The list shall also contain similar particulars in regard to the members nominated by the Government. The Registrar shall keep the list always up-to-date so that it may show at a glance when the next election or nomination, as the case may be, has to be made.

4. Rule :-

Ninety days before the expiration of the term of office of any member appointed on the Board, the Registrar shall make a report in writing regarding the vacancy to the President if the vacancy is to be in respect of an elected member and to Government through the President if the vacancy is to be in respect of a nominated member.

5. Rule :-

If a vacancy occurs in the office of a member of the Board previous to the expiry of his term of office through resignation, death, removal or disability of such member or otherwise the Registrar shall make a report in writing regarding the vacancy to the President if the vacancy be in respect of an elected member and the Government through the President in case the vacancy be in respect of a nominated member.

6. Rule :-

In the case of vacancies of elected members an election shall be held to fill the vacancy. A person authorised by the Chief Commissioner shall act as the Returning Officer for such election. If the vacancy is to occur in consequence of the expiry of the term of office of a member such Returning Officer shall some time not less than forty two days and not more than ninety days before the day on which the term of office of such member is due to expire, or, if the vacancy has already occurred through death, resignation, removal or disability of such member or otherwise, as soon as conveniently may be after the occurrence of the vacancy, issue a

notice to the electorate concerned, requiring the said electorate to elect a member or members by a date mentioned in the notice.

7. Rule :-

The following procedure shall be adopted for the filling of vacancies of election :

(i) The Electoral Roll shall be prepared by the Registrar from the register and published in the official Gazette. It shall contain the name, qualifications and address of every person qualified to vote for the election of a member to fill up the vacancy or vacancies.

(ii) Candidates qualified for being elected shall be proposed and seconded by persons qualified as electors. No elector shall propose or second the nomination of more persons than are required to fill up the vacancy or vacancies. If more nominations than are required to fill up a vacancy or vacancies be subscribed by the same elector, all nominations subscribed by him shall be held to be void.

(iii) The candidate shall sign the nomination paper declaring that he is willing to serve on the Board, if selected. In the absence of such a declaration the nomination shall be treated as invalid.

(iv) On or before the date appointed for the receipt of nomination papers each candidate wishing to stand for election shall pay the Returning Officer a fee of Rs. 50/- in cash, and no candidate shall be deemed to be duly nominated unless such fee has been paid. The fee so paid shall be credited to the Board and shall not be refunded except when the election is postponed.

(v) Every proposal for nomination shall be in writing in a printed form which may be had from the Registrar free of cost and shall be signed by the proposer and seconder and sent by post or otherwise, so as to reach the Returning Officer on or before a date fixed by him, which shall not be less than thirty days before the date appointed by him for the counting of votes.

(vi) Any candidate shall be at liberty to withdraw his candidature in writing signed by him and delivered to the Returning Officer. A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to be recommended as a candidate for the same election.

(vii) The Returning Officer shall decide all questions which may arise as to the validity of any nomination and his decision thereon

shall lie final.

(viii) If in case of any election the number of candidates duly nominated does not exceed the number required to fill up the vacancy or vacancies, the Returning Officer shall forthwith declare all such candidates to be elected.

(ix) If in case of any such election more candidates than are necessary to fill up the vacancy or vacancies are nominated, the Returning Officer shall forthwith publish their names and addresses in the official Gazette and in such other manner as the Returning Officer may deem fit, and shall further cause their names to be entered in Ballot Papers in the form laid down in Appendix A.

(x) Fourteen days before such dates as may be appointed by the Returning Officer in this behalf, the Returning Officer shall send by Registered Post to each elector a Ballot paper signed by the Returning Officer. No election shall be invalidated by reason of an elector not receiving his Ballot paper provided that a Ballot Paper has been issued to him in accordance with these Rules.

(xi) Before such date as may be appointed by the Returning Officer in this behalf every elector, desirous of voting, shall personally deliver or send by post his ballot paper to the Returning Officer after recording his vote or votes and affixing his signatures thereon in the manner prescribed therein :

Provided that any ballot paper which is not received by the Returning Officer before 12 Noon on the date so appointed for the counting of votes shall be rejected.

(xii) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the President in this behalf. The ballot papers shall then be scrutinised and the valid votes counted. Any candidates may also be present either in person or by an accredited representative to watch the counting of the votes. A ballot paper shall be invalid, if

(a) it does not in any way conform to these rules, or

(b) it is not properly signed by the elector, or

(c) it does not bear the initials of the Returning Officer, or

(d) no vote is recorded thereon, or

(e) a voter signs his name or writes a word or makes any mark on it, by which it becomes recognisable as his ballot paper, or

(f) the number of votes recorded thereon exceeds the number of vacancies to be filled, or

(g) it is void for uncertainty of one or more votes exercised :

Provided that when more than one vote can be given on the same ballot paper, if one of the marks is placed as to render it doubtful to which candidate it is intended to apply, the vote concerned and not the whole ballot paper shall be invalid on that account.

(xiii) If any objection is made to any ballot paper on the ground that it does not comply with the specified requirements or to any rejection by the Returning Officer of a Ballot Paper, it shall be decided at once by the Returning Officer whose decision shall be final.

(xiv) The Returning Officer in consultation with the President shall nominate such number of scrutinisers not exceeding four as he thinks fit. The scrutinisers shall be officers of the Government.

(xv) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates, as the case may be, to whom the largest number of votes has been given to be elected, and shall forthwith inform the successful candidate by letter of his having been elected to the Board. Every candidate who is elected shall within such period as may be specified by the Returning Officer his acceptance of the seat on the Board. If any candidate thus shown to be elected has withdrawn from the election or refuses to accept seat on the Board after election then one of the remaining candidates to whom the next largest number of votes has been given shall be declared to have been elected in the manner prescribed above in the place of the withdrawing candidate and the same procedure shall be followed if further vacancies are caused by withdrawal or refusal of a candidate to accept a seat on the Board.

(xvi) When an equality of votes is found to exist between any candidates and the addition of the vote will entitle any one or more of the candidates to be declared elected the determination of the person or persons to whom such additional vote shall be deemed to have been given shall be made by lot to be drawn by the Returning Officer in such manner as the President may determine.

(xvii) Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal the ballot papers and all other documents relating to the election and shall retain the same with himself for a period of six months, and thereafter with the approval of the Chief Commissioner cause them to be destroyed.

(xviii) The Returning Officer shall notify in the official Gazette and in such manner as the Board may think fit the date, time and place fixed for such of the following proceedings, namely :

(a) the sending of ballot papers to the electors under rule 7(x).

(b) the last date for receiving ballot papers and the date for the counting of the votes under rule 7(xi) and (xii).

(xix) The Chief Commissioner may, of his own motion, or on an objection made before him, declare any election that has been held, to be void on account of corrupt practice or any other sufficient cause and then call on the electorate to make a fresh election. The decision of the Chief Commissioner under this rule shall be final.

(xx) If any question arises as to the intention, construction or application of this rule, which in the opinion of the Board should be referred to the Chief Commissioner, the Board shall refer such question to the Chief Commissioner whose decision shall be final.

(xxi)

(a) The election of the President shall be by ballot at a meeting specially convened for that purpose and for which due notice has been given to each member stating the time and place of the meeting.

(b) The members shall choose from amongst themselves a person other than a candidate for election to preside over the meeting for the election.

(c) Every candidate shall be duly proposed and seconded.

(d) The President of the meeting shall declare the candidate securing the largest number of votes as duly elected.

(e) In the event of two or more candidates securing an equal number of votes, the President of the meeting shall decide by drawing lots, the candidate whom he shall declare as "duly

elected".

8. Rule :-

After the declaration of the election of any member and, when the President himself is not the Returning Officer, after the receipt by him of notice of such election from the Returning Officer, the President shall inform Government of the same for its publication in the official Gazette. The Notification of the election of a member shall be read by the Registrar at the next meeting of the Board, and the new member shall then be introduced to the meeting by an existing member of the Board. The above procedure shall be adopted also in the case of a member nominated on the Board.

9. Rule :-

The Board shall ordinarily meet for the transaction of business in the months of April and October each year, on such dates as the President may fix of which not less than fifteen days notice shall be given.

10. Rule :-

The President may, at anytime suo motu and shall on a written requisition signed by not less than five members of the Board, summon an extraordinary meeting of the Board of which not less than fifteen days notice shall be given :

Provided that in case of an emergency the President may summon such meeting at such shorter notice no less than three days as he may deem fit : Provided further that no such meeting shall be summoned if the motion for consideration at such meeting is inadmissible under Rule 15.

11. Rule :-

All meetings of the Board shall be convened by the Registrar by notice addressed to each member, stating the time and place of the meeting.

12. Rule :-

The notice convening any meeting shall declare the purpose of the meeting, whether it is general business or any (named) special business, and at any meeting which is convened for special business, no other business than that specified in the notice shall be transacted, unless the Board, by a resolution of the meeting agrees to consider any further business.

13. Rule :-

Prior to any meeting of the Board, the Registrar shall under the instructions of the President, prepare a provisional programme of business, and shall furnish a copy thereof to each member of the Board not less than ten days before the day of the meeting, and at the same time forward to all members of the Board copies of the documents and evidence in any cases for disciplinary action to be brought before the Board in that meeting.

14. Rule :-

Notice of any motion to be inserted in the programme of business for a meeting of the Board must be sent to the Registrar at least twelve days before the beginning of the meeting.

15. Rule :-

(1) A motion shall not be admitted :

(a) If the matter to which it relates is not within the scope of the Board's functions;

(b) If it raises substantially the same question as a motion for amendment which had been moved and either decided or withdrawn with the leave of the Board within six months of the date of the meeting at which it is designed to move the new motion; or

(c) Unless it is clearly and precisely expressed and raises substantially only one definite issue; or

(d) If it contains arguments, inferences, ironical expressions or defamatory statements.

(2) The President shall disallow any motion which in his opinion is inadmissible under sub-rule (1) :

Provided that if a motion can be rendered admissible by amendment the President may, in lieu of disallowing the motion, admit it in an amended form.

(3) When the President disallows or amends a motion the Registrar shall inform the member who gave notice of the motion of the order of disallowance or, as the case may be, of the form in which the motion has been admitted.

16. Rule :-

Notwithstanding anything contained in rules 13 and 14, the President may in his discretion :

(a) admit for discussion at any meeting a motion notice of which has not reached the Registrar in time for inclusion in the programme of business set under rule 13,

(b) allow a motion to be discussed at a meeting notwithstanding the fact that notice was received too late to admit of compliance with rule 14.

17. Rule :-

(1) Every meeting of the Board shall be presided over by the President or, if he is absent, by a Chairman to be elected by the members present from among themselves.

(2) In this Part all references to the President shall be read as references to the person for the time being presiding over a meeting.

18. Rule :-

For a meeting of the Board six members including the President or Chairman shall form a quorum. If at the time appointed for meeting a quorum is not present, the meeting shall not commence until a quorum is present and if a quorum is not present on the expiration of 20 minutes from the time appointed for the meeting, the meeting shall stand adjourned to such future date as the President may appoint.

19. Rule :-

(1) Every matter to be determined by the Board shall be determined on a motion in writing moved by a member and put to the Board by the President.

(2) Votes shall be taken by voices, show of hands or division as the President may direct :

Provided that vote shall be taken by division if any member so desires.

(3) The President shall determine the method of taking votes by division.

(4) The result of a division shall be announced by the President and shall not be challenged.

(5) In the event of any equality of votes the President shall in addition to his vote as a member of the Board, have a second or

casting vote.

20. Rule :-

When motions identical in purport stand in the names of two or more members the President shall decide whose motion shall be moved and the other motion or motions identical in purport shall not thereupon be moved.

21. Rule :-

After motion has been moved any member may, subject to the provisions of rules 22 and 23, move an amendment to the motion : Provided that the President shall not allow an amendment to be moved which, if it had been a substantive motion would have been inadmissible under rule 15.

22. Rule :-

(1) An amendment must be relevant to, and within the scope of the motion to which it is proposed.

(2) An amendment may not be moved which has merely the effect of a negative vote.

(3) The President may refuse to put an amendment which is in his opinion frivolous.

23. Rule :-

(1) If notice of an amendment has not been given two clear days before the date on which the motion is moved any member may object to the moving of the amendment and the objection shall prevail unless the President allows the amendment to be moved.

(2) The Registrar shall, if time permits, cause a copy of every motion or amendment to be made available for the use of every member.

24. Rule :-

Every motion or amendment shall be seconded and, if not seconded, shall be deemed to have been withdrawn.

25. Rule :-

(1) When any motion or amendment is under debate, no proposal with reference thereto shall be made other than

(a) an amendment of the motion or of the debate, as the case may be;

(b) a proposal for the adjournment of the debates on the motion or amendment or both either to a specified time or sine die;

(c) a motion for closure, namely, a motion that the question be not put.

(2) It shall be in the discretion of the President to put or refuse to put to the Board a proposal of the nature referred to in clause (b) of sub-rule (1).

(3) Unless the President is of opinion that a motion for closure is an abuse of the right of reasonable debate he shall forthwith put a motion that the question be now put and if that motion is carried the substantive motion or amendment under debate shall be put forthwith : Provided that the President shall allow the mover of the substantive motion to exercise his right of reply before the substantive motion under debate is put.

26. Rule :-

A motion or an amendment which has been moved shall not be withdrawn save with the leave of the Board which shall be deemed not to be granted, if any member dissents from the granting of leave.

27. Rule :-

(1) When a motion has been moved and seconded, members other than the mover and seconder may speak on the motion in such order as the President may direct : Provided that the seconder may with the permission of the President confine himself to seconding the motion and speak thereon at any subsequent stage of the debate before the final reply.

(2) No member, other than the mover who shall be entitled to a final right of reply, shall speak more than once on any motion except with the permission of the President and for the purpose of making an explanation or putting a question to the member addressing the Board : Provided that a member who has spoken on a motion may speak again on an amendment subsequently moved to the motion.

(3) No member shall, save with the permission of the President, speak for more than ten minutes :

Provided that the mover of a motion when moving the same may speak for twenty minutes.

(4) A speech shall be strictly relevant and confined to the subject-matter of the motion on which it is made.

(5) The business of the Board shall be transacted in Hindi or English or both and any member may address the Board in any recognised language of the State.

28. Rule :-

(1) A member desiring to make any observation on any matter before the Board shall speak from his place, shall rise when he speaks and shall address the President.

(2) If at any time the President rises, any member speaking shall immediately resume his seat.

(3) In case a member disobeys the President and continues to misbehave in spite of the President's warning, the President may ask the member to leave the meeting.

29. Rule :-

No member shall be heard except upon the business before the Board or with the special permission of the President in personal explanation in connection with some previous debate.

30. Rule :-

(1) When an amendment to any motion is moved or when two or more such amendments are moved, the President shall, before taking the assent of the Board thereon, state or read to the Board the terms of the original motion and the amendment or amendments proposed.

(2) It shall be in the discretion of the President to put first to vote either the original motion or any of the amendments which may have been brought forward.

31. Rule :-

When any motion involving several points has been discussed, it shall be in the discretion of the President to divide the motion and put each or any point separately to the vote as he may think fit.

32. Rule :-

(1) The President may at any time adjourn any meeting to any future day or to any hour of the same day.

(2) Whenever a meeting is adjourned to a future day, the Registrar

shall, if possible, send notice of the adjournment to every member who was not present at such meeting.

(3) When a meeting has been adjourned to a future day, the President may change such day to any other day and the Registrar shall send written notice of the change to each member.

(4) At a meeting adjourned to a future day any motion standing over from the previous day shall, unless the President otherwise directs, take precedence of new matter.

33. Rule :-

If any question arises with reference to the interpretation of the rules in this part or with reference to procedure in respect of a matter for which the said rules make no provision, the President shall decide the same and his decision shall be final.

34. Rule :-

The proceedings of the meetings of the Board shall be preserved in the form of printed or typed minutes which shall be authenticated after confirmation, by the signature of the President.

35. Rule :-

A copy of the minutes of each meeting shall be sent to each member within thirty days of the meetings.

36. Rule :-

The minutes of each meeting shall contain such motions and amendments as have been moved and adopted, or negatived, with the names of the mover and the seconder, but without any comment and without any record of any observation made by any member at the meeting. Any walk out by a member or members as a protest shall, however, be recorded in the minutes.

37. Rule :-

The minutes shall be deemed to have been confirmed if no objection to their correctness is received by the Registrar from any member within thirty days of the despatch of a copy of the minutes to a member in accordance with rule 35 or before the date of the next meeting whichever is earliest. If any such objection is received, confirmation of the minutes shall await the next meeting of the Board.

38. Rule :-

The minutes of the Board shall, as soon as is practicable after their

confirmation, be made up in sheets and consecutively paged for insertion in a volume which shall be permanently preserved.

39. Rule :-

For the expeditious disposal of business before the Board, there shall be an Executive Committee of the Board consisting of the President and four members of the Board elected by ballot at the first meeting of the Board in each year.

40. Rule :-

The Executive Committee shall ordinarily meet as often and on such date as may be fixed by the President.

41. Rule :-

For a meeting of the Executive Committee three members including the President or Chairman shall be a quorum.

42. Rule :-

If there is any vacancy in any Executive Committee, the Committee shall itself fill up such vacancy by election of a member of the Board, in such vacancy except-in cases where a notice has been issued for a meeting of the Board before occurrence of such vacancy when the Board itself shall by election fill up the vacancy on the Committee. If any member of the Executive Committee is absent from two consecutive meetings without the leave of the Committee he shall ipso facto cease to be a member of the Committee.

43. Rule :-

The proceedings of meetings of the Executive Committee shall be preserved in the form of printed or typed minutes which shall be authenticated, after confirmation, by the signature of the President.

44. Rule :-

In the case of the death of the Registrar, or his incapacity from illness when the Board is not in session, the Executive Committee shall appoint a person to perform temporarily the duties of Register.

45. Rule :-

The Registrar shall on a date to be fixed by the President publish under the superintendence of the Executive Committee a register and the list of persons in practice. A statement of the distribution of the copies of the Register and the list to Government officers as approved by Government and to others as may be directed by the

Executive Committee shall be added to the Register and the list as printed.

46. Rule :-

The Executive Committee shall order each year such number of copies of the Register and the list to be printed as may seem to the Registrar to be required on a revision of the annual distribution list.

47. Rule :-

The Executive Committee shall consider and prepare reports upon any subjects, that may seem to require the attention of the Board, and such reports shall be printed and circulated among the members of the Board, at least ten days before the meeting of the Board at which the subject is to come up for discussion.

48. Rule :-

The Executive Committee shall, before such meeting of the Board, prepare the business for the consideration of the Board.

49. Rule :-

Omitted.

50. Rule :-

The Printing of the volumes of minutes shall be done under the direction of the Executive Committee.

51. Rule :-

All petitions presented to the Board shall be referred to the Executive Committee to be examined and reported upon before being considered by the Board.

52. Rule :-

Subject to the provisions of the last preceding rule, all petitions addressed to the Board immediately before or during the session of the Board shall be laid upon the table.

53. Rule :-

The Executive Committee shall inquire into all cases for the purposes for carrying into effect the provisions of section 22 relating to the grant of authority to institutions to hold qualifying examinations and shall report to the Board the decisions arrived at by it.

54. Rule :-

The Executive Committee shall consider and report to the Board on all matters concerning the course of training and qualifying

examinations including the course of training and examinations prior to qualifying examination.

55. Rule :-

The Executive Committee shall prepare reports on such subjects as may be indicated to it by the Board at its meetings, or by the President at other times. The reports, when finally approved by the Committee, shall be presented to the Board.

56. Rule :-

The scale of fees for attendance at meetings of the Board and of the Executive Committee, and the travelling expenses for such attendance shall be paid at the rates set forth in the following rules.

57. Rule :-

The rate of payment for attendance at any meeting of the Board shall be the same for all members of the Board.

58. Rule :-

Every member shall be entitled to a fee of Rs. 8/- for each day of attendance at a meeting of the Board or of the Executive Committee or of a Sub-Committee in addition to the travelling allowance according to Rule 59.

59. Rule :-

The travelling expenses of official members for journeys performed for attending meetings, etc., shall be paid in accordance with the Travelling Allowance Rules contained in Supplementary Rules of the Government of India and the travelling allowance of non-official members will be paid at actual cost of conveyance subject to a maximum of Rs. 5/- per day on production of a certificate to the following effect : "Certified that I have not drawn conveyance charges from any other source for the journey claimed on this bill and the expenditure actually incurred by me is not less than the sum claimed."

60. Rule :-

Employees of the Committee shall be entitled to travelling allowance at the same rates as Government servants of the same status in accordance with the Travelling Allowance Rules contained in Supplementary Rules of the Government of India.

61. Rule :-

The Board may appoint sub-committees from amongst its members

to report upon any matters which it may deem necessary to refer to them.

62. Rule :-

(1) The appointment of the Registrar shall be on probation for the first two years, after which he will be confirmed by the Board with the previous approval of the Government if the Board is satisfied as to his efficiency and general conduct. The probationary period may, however, be further extended by one year, if considered necessary by the Board.

(2) The Registrar shall get such salary, allowances or honorarium as the Chief Commissioner may, from time to time, on the recommendation of the Board specify in this behalf.

63. Rule :-

The Registrar shall keep the register in accordance with the provisions of this Act and these rules and the regulations of the Board.

64. Rule :-

The Registrar shall be present at every meeting of the Board and of the Executive Committee, and shall take minutes of the proceedings at such meetings.

65. Rule :-

The Registrar as Secretary of the Board, shall conduct and have charge of the correspondence of the Board, and shall issue all requisite notices in the manner required under these rules.

66. Rule :-

The Registrar shall fulfil all the duties that may be required of him by these rules and regulations for the time being of the Board.

67. Rule :-

The Registrar shall not remain absent from his duties except with the permission of the President.

68. Rule :-

The Registrar shall have the general control of the management of the office, authority over the clerks and servants and shall superintend the building.

69. Rule :-

The Register shall be divided into three parts :

(i) That containing the names of practitioners qualified to practise the Ayurvedic System hereinafter referred to as registered Ayurvedic practitioners;

(ii) that containing the names of practitioners qualified to practise the Unani System hereinafter referred to as registered Unani Practitioners; and

(iii) that containing the names of practitioners registered under sub-section (2) of section 16.

70. Rule :-

The Registrar shall show in respect of each practitioner the following particulars :

(a) Consecutive registered number.

(b) Full name and in the case of a married woman her maiden name and full married name.

(c) Date of birth.

(d) Permanent Address.

(e) Place or places and period or periods of training.

(f) Approved qualifications. (Under this heading the nature of the qualifications and the dates of certificates should be entered.)

(g) Date of registration.

(h) Remarks.

71. Rule :-

The names of all practitioners registered under the Act shall be entered in the Register in alphabetical order together with all the relevant particulars required under the preceding rule.

72. Rule :-

The Registrar shall enter in the Register, on payment of a fee of Rs. 50/- in respect of each entry and on payment of Rs. 20/- in respect of any additional qualifications approved by the Board and obtained by a registered Ayurvedic or Unani practitioner.

73. Rule :-

Each page of the Register shall be verified by the Registrar's signature.

74. Rule :-

Any appeal to the Board against the refusal of the Registrar to register in the case of first registration; or to alter any existing entry in the Register, shall be filed within thirty days of such refusal and shall state the grounds, on which registration or alteration is claimed and furnish the names of the qualifications and the dates on which they were received. On receipt of such appeal, the Executive Committee shall conduct an enquiry and submit a report to the Board which may conduct such further enquiries as it deems fit.

75. Rule :-

Every person whose name has been entered on the Register shall be entitled to receive from the Registrar a Certificate of Registration on payment of a fee of Re. 1/-. Such certificate shall set forth the full name of the person registered, his designation, his address, the date and place of registration and the qualifications in respect of which he has been registered. Such certificate shall be in the form as laid down in Appendix B.

76. Rule :-

¹Duplicate certificate of the original in the Register shall be issued to anyone on payment of fee of ² [Rs. 10/-].

1. Substituted vide Notification No. F.24(13)/76-MandPH dated 31-3-1978.

2. Substituted vide Notification No. F.24(16)/68-MandPH dated 14-11-1970.

77. Rule :-

A fee of ¹ [Rs. 20/-] shall be levied for registering a change of name in the Register.

1. Substituted vide Notification No. F.24(13)/76-MandPH dated 31-3-1978.

78. Rule :-

(1) Every application by a registered practitioner for the removal of his name from the Register at his own request shall be accompanied by a declaration to be made by the applicant that he is not aware of any proceedings or any reason for the institution of any proceedings which might result in establishing some cause for the removal of his name from the Register without his consent, or for depriving him without his consent of any qualification or licence entitling him to be registered.

(2) The application shall also be accompanied by an undertaking by the applicant that he shall not apply for registration either in Delhi or in any other State in India within a period of two years from the date of the removal of his name, also that he will submit testimonials of two registered practitioners who know him to the effect that he has not committed any act during a period extending from one year previous to the removal under sub-rule (1) and application for registration which might result in establishing some cause for the removal of his name from the Register without his consent or in depriving him without his consent of any qualification or licence entitling him to be registered in case he was to apply for registration after that period.

(3) Every application under sub-rule, shall, in the instance, be referred by the Registrar to the Medical Authorities who granted the applicant his qualification or qualifications, to ascertain whether there is any valid objection to such removal.

(4) The Registrar shall bring such application before the next meeting of the Board who will consider the application and any objections thereto and the President may put from the Chair the question "whether the Registrar shall remove the applicant's name from the Register."

(5) The Registrar shall, upon the removal of the applicant's name from the Register, send notice of such removal to the applicant by a letter addressed to his registered address.

79. Rule :-

The Executive Committee shall re-enter in the register, if it sees fit, the name of any person which may have been removed therefrom under section 15 but no application for the restoration to the Register of the name of a person which has been removed under section 15 shall be entertained, unless it be accompanied by a declaration made by the applicant setting forth the facts of the case and stating that he is the person originally registered, and unless it be accompanied also by a certificate as to his identity from two practitioners registered under the Act or in the case of an applicant residing abroad a certificate as to his identity signed by two persons who shall be Magistrates or officers holding a gazetted rank. A fee of Rs. 10/- shall be levied for the registration of practitioners whose names have been removed from the Register under section 15.

80. Rule :-

The Registrar shall as early as possible in each year, cause to be printed and published in the official Gazette in the same form as the original Register itself a correct list of all persons whose names appear in the Register on the 31st December preceding. The Registrar shall keep an inter-leaved copy of such printed list wherein he shall make during the year, any entry, alteration or erasure that may be necessary.

81. Rule :-

There shall be made every year, and entered in the printed list referred to in the last preceding rule, an enumeration of (1) the total number of practitioners in the published register; (2) the number of persons added by registration during the year; (3) the number re-entered in the Register; (4) the number removed from the Register, stating the section of the Act under which the name has been erased; and (5) the number removed by death.

82. Rule :-

Whenever information reaches the office of the Board that a registered practitioner has been convicted of a cognizable offence as specified in sub-section (30 of section 16, or has been censored by any judicial or other competent authority in relation to his professional character, or has been guilty of conduct which prima facie constitutes infamous conduct in his professional capacity or is contrary to the code of medical ethics approved by the Board, the Registrar shall make an abstract of such information and shall submit the same to the President.

83. Rule :-

Where the information in question is in the nature of a complaint by a person or body charging the practitioner with infamous conduct in his professional capacity, such a complaint shall be made in writing addressed to the Registrar and shall state the grounds of complaint and shall be accompanied by one or more declarations as to the facts of the case.

84. Rule :-

Every declaration must state the description and true place of abode of the declarant and where a fact stated in the declaration is not within the personal knowledge of the declarant, the source of the information and grounds for the belief of the declarant in its truth must be accurately and fully stated. Declarations or parts of declaration which are made in contravention of this rule will not be

accepted as evidence.

85. Rule :-

The abstract and, where a complaint has been lodged, the complaint and all other documents bearing on the case, shall be submitted by the Registrar to the President, who shall, if he thinks fit, instruct the Registrar to ask the practitioner by means of a registered letter for any explanation he may have to offer. The documents including any explanation forwarded by the practitioner to the Registrar, shall then be referred to the Executive Committee, who shall consider the same, and shall have power to cause further investigation to be made and further evidence to be taken and to refer the case, if necessary, to the legal adviser to the Board for his advice and assistance and to instruct him to take the opinion of counsel and otherwise to obtain such legal advice and assistance the opinion of counsel and otherwise to obtain such legal advice and assistance as it may think fit. If the Committee is of opinion that a prima facie case is not made out, the case shall not be proceeded with further and the Registrar shall inform the complainant of the resolution of the Committee. If the Committee is of opinion that the circumstances suggest that a letter of warning be sent, the Committee may do so. If the Committee resolves that the case is one in which an enquiry ought to be held, the President shall direct the Registrar to take steps for the institution of an inquiry and for having the case heard and determined by the Board.

86. Rule :-

An enquiry of removal of a name from the register under sub-section (2) of section 16 shall be instituted by the issue of a registered notice in writing, on behalf of the Board by the Registrar addressed to the practitioner. Such notice shall specify the nature and particulars of the charge, and shall inform him of the day on which the Board intends to deal with the case, and shall call upon the practitioner to answer the charge in writing and to attend before the Board on such day. The notice shall be in the form given in Appendix D, with such variations as circumstances may require, and shall be sent three weeks before the date of inquiry and shall be accompanied by a copy of sub-section (3) of section 16 of the Act and of the following rule.

87. Rule :-

In every case in which the Executive Committee resolves that an

inquiry shall be instituted and a notice for an inquiry is issued accordingly, either party shall for the purpose of his defence or reply, as the case may be, and upon request in writing for that purpose signed by himself or his legal adviser, be entitled to be supplied by the Registrar with a copy of any declaration, explanation, answer or other document given or sent to the Board by or on behalf of the other party, which such other party, will be entitled on proper proof to use at the hearing as evidence in support of or in answer to the charges specified in the notice of inquiry and every notice of enquiry shall draw the particular attention of the practitioner to this rule.

88. Rule :-

Any answer, evidence, or statement forwarded, or application made, by the practitioner between the date of the issue of the notice and the day named for the hearing of the charges shall be dealt with by the President in such manner as he, under legal advice, may think fit.

89. Rule :-

All material documents which are to be laid before the Board as evidence in regard to the case shall be printed and a copy shall be furnished to each member of the Board before the hearing of the case.

90. Rule :-

At the hearing of the case by the Board, its legal adviser may be present to advise it as to the conduct of the case. The complainant and also the practitioner may be represented or assisted by his legal advisers.

91. RULE :-

Where on the day of the hearing a complainant appears personally or by his legal adviser, the following shall be the order of procedure :

(1) The Registrar shall read to the Board the notice of the inquiry addressed to the practitioner.

(2) The complainant shall then be invited to state his case by himself or by his legal adviser and to produce his proofs in support of it. At the conclusion of the complainant's proofs his case will be closed.

(3) The practitioner shall then be invited to state his case by

himself or by his legal adviser and to produce his proofs in support of it. He may address the Board either before or at the conclusion of his proof, but only once.

(4) At the conclusion of the practitioner's case, the Board will if the practitioner has produced evidence, hear the complainant in reply on the case generally, but will admit no further evidence except in any special case in which the Board may think it right to receive such further evidence. If the practitioner produces no evidence the complainant will not be heard in reply except by special leave of the Board.

(5) Where a witness is produced by any party before the Board, he will be first examined by the party producing him, and then cross-examined, if necessary, by the adverse party, and then re-examined, if necessary, by the party producing him. The Board shall have the right to decline to admit in evidence any declaration where the declarant is not present or declines to submit to cross-examination.

(6) The President and the legal adviser, when present may put questions to any witness, and members of the Board, through the President, may also put questions to any witness.

92. Rule :-

Where there is no complainant or no complaint appears on the day of the hearing the following will be the order of procedure :

(1) The Registrar will read to the Board the notice of inquiry addressed to the practitioner, and will state the facts of the case and produce before the Board the evidence by which it is supported.

(2) The practitioner will then be invited to state his case by himself or his legal adviser and to produce his proof in support of it. He may address the Board either before or at the conclusion of his proofs, but only once.

(3) The legal adviser to the Board may be heard in reply if the Board so desires.

93. Rule :-

Upon the conclusion of the case, the Board will deliberate thereon in camera and at the conclusion of the deliberations the President shall for the purpose of summing up the result of the deliberations,

call upon the Board to vote on such of the following resolutions to be put from the chair as may be applicable to the circumstances of the case.

(1) In the case of a practitioner who has been convicted of a cognizable offence : That.....has been proved to have been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, alleged against him in the notice of inquiry.

(2) In the case of a practitioner charged with infamous conduct in a professional capacity :

(a) That the Board do now proceed to decide whether the facts alleged against.....in the notice of inquiry have been proved, or have not been proved. If this resolution is carried, the Board shall be called upon by the President to vote on the following resolution to be put from the chair :

(b) That the facts (or the following facts specify them) alleged against..... in the notice of inquiry have been proved to the satisfaction of the Board. If this resolution is carried, the Board may either proceed to judge whether, on the facts proved, the accused practitioner has been guilty of infamous conduct in a professional capacity and if so to direct the Registrar to remove his name from the register or may postpone its judgment and adjourn the case until the next or some other session.

(3) In the case of a practitioner convicted of a cognizable offence or charged with infamous conduct in a professional capacity, for the purpose of deciding whether or not the judgment of the Board on the conviction (or facts) proved shall be postponed, the Board shall be called upon by the President to vote on the following resolution to be put from the Chair.

(c) That the Board do now proceed to pronounce its judgment on the conviction (or facts) proved against..... If this resolution is not carried, the judgment of the Board will stand postponed till the next, or some other future session of the Board as the Board shall direct and the case will be taken at such next or other session as a case in which judgment has been postponed. If this resolution is carried, the Board shall proceed at once to pronounce its judgment on the case and shall be called upon by the President to vote upon the following resolution to be put from the chair. In the case of conviction :

(d) That.....having been proved to have been convicted of a cognizable offence alleged against him in the notice of inquiry the Registrar be directed to remove his name from the Register. In the case of a practitioner charged with infamous conduct in a professional capacity :

(e) That the Board do now judge.....to have been guilty of infamous conduct in a professional capacity and do direct the Registrar to remove from the register the name of..... If resolution (d) or (e), as the case may be, is not carried, the President may announce the judgment of the Board in the form : That the Board does not see fit to direct the Registrar to remove from the register the name of.....

94. Rule :-

In the event of an adjournment of the hearing or of a postponement of the judgment to another session, the Board, on the case coming on again for consideration, may hear the practitioner, and the complainant (if any); and receive such further evidence in relation to the charge, and in relation to the conduct of the accused practitioner subsequent to the last hearing of the charge by the Board as it may think fit. Notice in writing shall be given by the Registrar to the practitioner and to the complaint (if any) of the day fixed for the further consideration. The notice shall request the attendance of the practitioner on that day before the Board : and the complainant and the practitioner shall each be requested to furnish to the Registrar in writing not less than fifteen days before the day so fixed a statement in writing of any further facts or evidence which he may desire to be laid before the Board. The notice shall be given so as to allow at least twenty eight days between the day on which the notice is given and the day appointed for further consideration. No further facts or evidence presented by a party to the enquiry shall be received or considered by the Board unless statement thereof has been previously furnished to the Registrar in compliance with this rule.

95. Rule :-

(1) On the case coming up before the Board for further consideration, the legal adviser to the Board, if present or the Registrar, when the legal adviser is not present, shall, if necessary, state the facts and explain the position of the case to the Board. The practitioner shall then be invited to address the Board, either personally or by his legal adviser and lay before the Board any

further facts or evidence of which he may have duly given notice to the Registrar, and the complainant (if any) shall then be invited to address the Board, either personally or by his legal adviser and lay before the Board further evidence of which he shall have duly given such notice.

(2) At the conclusion of further hearing, the Board shall deliberate on the case in camera, and at the conclusion of the deliberations, the President shall call upon the Board to vote in an adjourned case on the same resolutions as the original hearing, and in a case in which judgment was postponed on resolutions (c) and (d) or (c) and (e) in rule 93, as the case may be.

96. Rule :-

When the Board has received notice from a licensing body that any qualification has been duly and legally withdrawn from a registered practitioner by such body, the Board shall, if it thinks fit, by formal resolution put by the President from the chair direct the Registrar to remove such qualifications from the register as pertain to such medical practitioner.

97. Rule :-

If under the direction of the Board, all the qualifications of any registered practitioner have been removed from the register, then the Board shall, if it thinks fit by formal resolution put by the President from the chair direct the Registrar to remove the name of such practitioner from the register.

98. Rule :-

The Registrar shall, upon the removal of any name from the register pursuant to the provisions of the preceding rules, or of a direction made under sub-section (3) of section 16, forthwith send notice of such removal to the practitioner, and such notice shall be sent by a registered letter addressed to the last known address or to the registered address of the practitioner. The Registrar shall also send, forthwith, intimation of any such removal to the Dean or Secretary or other proper officer of anybody or bodies from which the practitioner had received his qualification or qualifications.

99. Rule :-

The Registrar shall, within one month after any names have been removed from the register by order of the Board under a direction made under sub-section (3) of section 16 send to the bodies concerned a list of all such names and shall call the attention of

each licensing body to the following rule of the Board : The Board recommends that no person whose name has been once removed from, and has not been restored to, the register shall, without previous reference to it, be admitted to an examination for any new qualification which is registerable in the register.

100. Rule :-

Application for re-entering in the register a name removed under sub-section (3) of section 16 shall be entertained at the next session of the Board.

101. Rule :-

If any person whose name has been removed from the register by direction of the Board and who (in the case of a practitioner still possessing a qualification entitling him to be registered) makes application to the Board for re-entering his name in the register, the following shall be the procedure :

(i) The application shall be in writing, addressed to the Board, and signed by the applicant and must state the grounds on which the application is made.

(ii) No application for re-entering in the register the name of a person which has been removed under a direction made under sub-section (3) of section 16 shall be entertained unless it is accompanied by a declaration made by the applicant setting forth the facts of the case, and stating that he is the person originally registered, and by a certificate from two practitioners registered, under the Act as to his identity, or in the case of an applicant residing outside the State of Delhi an identity certificate signed by two persons who shall be Magistrates or officers holding a gazetted rank.

(iii) The statement in the application must also be verified by certificate in writing to be given by a gazetted officer and by a registered practitioner resident in the neighbourhood where the applicant had been residing since his removal who were and are well acquainted with him before and since the removal of his name and they must testify to his present good character.

(iv) On receipt of the application, it shall be referred by the Registrar to the Executive Committee, for consideration and report. Before an application is considered by the committee, the Registrar shall notify the same to the licensing bodies whose qualifications were held by the applicant at the time his name was removed; and

shall further by letter addressed to the person or body (if, any) on whose complaint the applicant's name has been erased, give notice of the application and of the time when the committee intends to consider the same.

(v) The Executive Committee shall consider the application and may, if it thinks fit, adjourn the consideration to a future date or require further evidence or explanations from the applicant.

(vi) The Executive Committee shall in camera consider the application and submit a report upon it to the Board embodying in such report such recommendations as the committee may think together with the reasons for the recommendations.

(vii) The declaration and certificate under sub-rule (ii) shall be in Forms 1 and 2 given in Appendix E with such variations as circumstances may require. The certificate of identity shall be in Form 3 in the said Appendix E. Printed forms shall be kept by the Registrar who shall supply them to intending applicants.

102. Rule :-

The provisions of parts X and XI shall apply mutatis mutandis to practitioners whose names are entered in the list of persons in practice on the date on which the Act comes into force.

103. Rule :-

The Board shall have a corporate seal and the seal shall be kept in a box having two different locks. The key of one of these locks shall be in the custody of the President, and that of the other in the custody of the Registrar.

104. Rule :-

The seal shall be affixed only by order of the Board or, when the Board is not sitting by order of the Executive Committee but its use by such committee shall be limited to such acts as may be necessary to carry into effect the powers delegated and duties entrusted to it by the Board.

105. Rule :-

Omitted.]

106. Rule :-

An account shall be opened in the State Bank of India, in Delhi State in the name of the Board and all moneys of the Board shall be deposited in the Bank, subject to the reservation mentioned in

rule 107.

107. Rule :-

The Registrar shall receive all money payable to the Board. He shall not retain in his hand a sum exceeding Rs. 200/-, the balance being lodged in the Bank to the credit of the Board.

108. Rule :-

The Registrar shall in the month of July in each year prepare a statement of the income and expenditure of the preceding financial year ending 31st March and draw the attention of the Board to such matters as seem deserving of notice.

109. Rule :-

The annual accounts shall be made up by the Registrar under the direction of the Executive Committee. They shall be audited by the Accountant General, Central Revenues, New Delhi as soon as possible after the close of each financial year.

110. Rule :-

In the month of September in each year or on such a date as the President may fix an estimate of the revenue and of the expenditure of the Board for the year commencing on 1st April next ensuing shall be laid before the Board.

111. Rule :-

Such estimate shall make provision for the fulfilment of the liabilities of the Board and for effectually carrying out its objects. It shall include on its revenue side, besides all revenue ordinarily anticipated such grant as Government may allot and all fees received from registration and other sources.

112. Rule :-

The Board shall consider the estimates so submitted to it and submit the same to the Chief Commissioner, Delhi for his approval. The Chief Commissioner may approve the budget with or without modification.

113. Rule :-

The Board at any time during the year for which any estimate has been sanctioned may cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered by the Board in the same manner as if it were an original annual estimate. No expenditure shall be incurred by the Board which is not duly provided for in the budget or in a

supplementary budget estimate.

114. Rule :-

A bill or other voucher presented as a claim for money shall be received and examined by the Registrar. If the claim be for a sum not exceeding Rs. 20/- and the bill is in order he shall pay it. If the claim be for a sum exceeding Rs. 20/- payment shall not be made until it has been examined and passed by the President or Executive Committee as the Board may decide by general order.

115. Rule :-

The Registrar shall immediately bring into account in the general cash book all money received or spent by the Board.

116. Rule :-

Any money received by the Board in advance towards payment of fees shall, if not claimed by the person entitled thereon within a period of three years, be credited at the end of the month of March next following to the account of the Board.

117. Rule :-

All cheques on the Bank shall be signed by any one member of the Executive Committee and by the Registrar.