

**EAST PUNJAB AYURVEDIC AND UNANI PRACTITIONERS
ACT, 1949**

14 of 1949

[14th April, 1949]

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SCHEDULE 1 :- SCHEDULE

EAST PUNJAB AYURVEDIC AND UNANI PRACTITIONERS ACT, 1949

14 of 1949

[14th April, 1949]

An Act to regulate the qualifications and to provide for the registration of Practitioners of Indian Systems of Medicine with a view of encouraging its development. Whereas it is expedient to regulate the qualifications and to provide for the registration of practitioners of the Indian Systems of Medicine with a view to encourage the development of such Systems, it is hereby enacted as follows :

PART 1

PRELIMINARY

1. Short title, extent and commencement :-

(1) This Act shall be called the East Punjab Ayurvedic and Unani Practitioners' Act, 1949 (as extended to Delhi.)¹

(2) It extends to the whole of the Union Territory of Delhi.

(3) This Act shall come into force at once.

1. Enforced in Union Territory of Delhi vide Notification No. SRO. 168 (No. 20/8/50) dated. 20.6.1950.

2. Definitions :-

In this Act, unless there is anything inconsistent in the subject or context :

(1) "Board" means the Board of the Ayurvedic and Unani Systems of Medicine, Union Territory of Delhi, established and constituted under Section 3.

(2) The "Ayurvedic System" means the Ashtang Ayurvedic Systems- and includes the modernized form thereof including the Siddha.

(3) The "Unani System" means the Unani Tibbi System of Medicine and includes the modernized form thereof.

(3-a) "Chairman" means the Chairman of the Examining Body;

(3-b) "Chief Commissioner" means the administrator of the Union Territory of Delhi, appointed by the President under article 239 of the constitution;

(3-c) "Examining Body" means the Examining Body constituted under section 31-A.

(4) "Inspector" means an Inspector appointed by the Board under section 21.

(5) "Practitioner" means one who practises the Ayurvedic and/or Unani Systems of Medicine.

(6) "President" means the President of the Board.

(7) "Qualifying Examination" means the examination held for the purpose of granting a degree, diploma, licence or certificate conferring the right of registration under this Act.

(8) "Register" means the register of practitioners maintained under section 15.

(9) "Registered Practitioner" means a practitioner whose name is for the time being entered in the register.

(10) "Registrar" means a Registrar appointed under section 14.

(11) "Regulations" means regulations made under section 30.

(12) "Rules" means rules made under section 29.

3. Establishment, Constitution and Incorporation of the Board :-

(1) The Chief Commissioner shall, by notification in the official Gazette, establish a Board to be called the Board of Ayurvedic and Unani Systems of Medicine, Union Territory of Delhi for the purpose of carrying out the functions conferred on the Board by or under the provisions of this Act. Such Board shall be a body corporate, having perpetual succession and a common seal with power to acquire or hold property both movable and immovable and shall by the said name sue and be sued.

(2) The Board shall consist of 11 members residing in the Union Territory of Delhi of whom :

(a) Four members shall be nominated by the Chief Commissioner, Delhi, one of whom shall be a person connected with any Institution in the State of Delhi which gives training in the Ayurvedic and Unani Systems of Medicine and which is affiliated to the Board : Provided that if no such person is available the Chief Commissioner may nominate other person;

(b) Seven members of whom not less than four shall be persons holding a certificate or diploma in the Ayurvedic/Unani Systems of Medicine, elected by the Registered practitioners from amongst themselves.

(3) The President of the Board shall be elected by the members from amongst themselves :

Provided that for the first two terms of the Board, the President shall be a person nominated by the State Government from amongst the members, who shall hold the office at the pleasure of the State Government.

(4) Save as otherwise provided, the seven seats of members under clause

(b) of sub-section (2) shall be distributed proportionately to their members, as counted on the prescribed date before the election, between those registered practitioners who follow the Ayurvedic System and those 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 more than one-half shall be counted as one.

(5) Notwithstanding anything in sub-section (4) the seven members mentioned under clause (b) of section (2) shall, in the case of the first Board to be constituted, be nominated by the Chief Commissioner in such proportion as it may think fit from among practitioners of either system who are eligible to be registered practitioners, and such members shall be deemed to have been duly elected under clause (b) of sub-section (2) :

Provided that not less than four of such members shall be persons holding a certificate or diploma in Ayurvedic or Unani Systems of Medicine.

4. Nomination of members in default of election :-

If any of the members is not elected under clause (b) of sub-section (2) of section 3, the Chief Commissioner may notwithstanding anything contained in sub-section (2) of the said section, nominate such registered practitioners as they deem fit and the practitioner so nominated shall, for the purpose of this part, be deemed to have been duly elected under clause (b) of sub-section (2) of section 3.

5. Election of members :-

The election of practitioners entitled to be members of the Board under clause (b) of sub-section (2) of section 3, shall be held at such time and place and in such manner as may be prescribed by rules and where any dispute arises regarding any such election, it shall be referred to the Chief Commissioner whose decision shall be final.

6. Term of office :-

(1) Save as otherwise provided, the term of office of elected and nominated members shall be for a period of five years commencing from the date on which the first meeting of the Board is held after the members are elected under sub-section (2) of section 3 :

Provided that the term of office of members, appointed to the Board constituted immediately after this Act comes into force, shall be for such period not exceeding four years, as may be specified by the Chief Commissioner by notification in the official Gazette from the date on which the first meeting of such Board is held.

(2) An outgoing member shall continue in office until the election or nomination of his successor, as the case may be.

(3) The outgoing member shall be eligible for re-nomination or re-election.

7. Vacancies :-

If a vacancy occurs in the office of a member of the Board through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the manner prescribed by rules. Any person nominated or elected to fill the vacancy shall, notwithstanding anything contained in section 6, hold office only so long as the member in whose place he is nominated or elected would have held office if the vacancy had not occurred.

8. Resignation of member :-

Any member may, at any time, resign his office by letter addressed to the President. Such resignation shall take effect from the date on which it is accepted by the Board.

9. Disabilities for continuing as member :-

If any member during the period for which he has been nominated or elected :

(a) absents himself without such reasons as may, in the opinion of the Board, be sufficient from three consecutive ordinary meetings of the Board, or

(b) becomes subject to any of the disqualification mentioned in section 10, the Board shall declare his office to be vacant.

10. Disqualifications :-

No person shall stand as a candidate for election as a member of the Board or shall be a member of the Board ,:

(a) who is an undischarged insolvent, or

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

(c) whose name has been removed from the register.

11. Validity of proceedings :-

No disqualification of or defect in the election or nomination of any person acting as a member of the Board or as the President or presiding authority of a meeting shall be deemed to vitiate any act

or proceedings of the Board, in which such person has taken part.

12. Time and place of meeting of the Board :-

The Board shall meet at such time and place and every meeting of the .Board shall be summoned in such manner as may be prescribed by regulations : Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Board at such time and place as he may deem expedient by letter addressed to each member.

13. Procedure at Meetings of the Board :-

(1) The President shall preside at every meeting of the Board. In the absence of the President, the members present shall elect one of them to preside.

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

(3) Five members shall form a quorum, provided that when a meeting is adjourned for want of a quorum to a subsequent date, no quorum shall be required for the meeting held on such date.

(4) At every meeting of the Board, the President, for the time being, shall, in addition to his vote as a member of the Board, have a second or casting vote in case of equality of votes.

14. Registrar :-

(1) The Board shall, with the previous approval of the Chief Commissioner, appoint a Registrar. The Registrar shall receive such salary and allowances and be subject to such conditions of service as may be prescribed by rules. The Board may, from time to time, grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all the purposes of this Act, provided that the first four years from the first constitution of the Board, the Registrar shall be a person appointed by the Chief Commissioner and shall hold office during the pleasure of the Chief Commissioner.

(2) Any order of the Board appointing, punishing or removing a Registrar from office shall not be passed without the previous approval of the Chief Commissioner.

(3) The Board may appoint such other officers and servants as may

be+ necessary for the purposes of this Act :

Provided that the number and designations of such officers and servants, their salaries and allowances shall be subject to the previous approval of the Chief Commissioner.

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

15. Duties of Registrar :-

(1) Subject to the provision of this Act and the rules hereunder and subject to any general or special orders of the Board, it shall be the duty of the Registrar to keep the register.

(2) The register shall be in such form as may be prescribed by the rules and shall contain the name, address and qualifications of every registered practitioner together with the dates on which such qualifications were acquired. The register shall be divided into three parts :

(i) that containing the names of the practitioners qualified to practise the Ayurvedic System;

(ii) that containing the names of the practitioners qualified to practise the Unani System; and

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

(3) The Registrar shall keep the register correct as far as possible and may, from time to time, enter therein any material alteration 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 sub-section (3) of section 16 shall be removed from the register.

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

(5) For the purpose of this section, the registrar may write by registered post to any registered practitioner at the address which

is entered in the Register to enquire whether he has ceased to practise or has changed his residence and, if no answer is received to the said letter within six months, the registrar may remove the name of the said practitioner from the register :

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

16. Registration :-

(1) Every person possessing the qualification mentioned in the schedule shall, subject to the provisions contained in the Act and on payment of such fees as may be prescribed in this behalf, be entitled to have his name entered in the register subject to such conditions as the Board may prescribe :

Provided that application for entry in the register made by a person whose case is not clearly covered by the provisions of this Act or by the rules and regulations made thereunder, shall be referred to the Board for such decision as it may deem fit.

(2) Notwithstanding anything contained in sub-section (1), every person, who, within a period of one year from the date on which this Act comes into force, proves to the satisfaction of the Registrar that he has been in regular practice as a practitioner for a period of not less than ten years preceding the date on which he makes an application for being registered as a practitioner under this Act, shall be entitled to have his name entered in the register on payment of the prescribed fee :

Provided that any such person, who has not been registered as a practitioner, may make within six months next after the commencement of the East Punjab Ayurvedic and Unani Practitioners (Delhi Amendment) Act, 1963, an application for such registration and shall, on proof to the satisfaction of the Registrar that he had been in regular practice as a practitioner for a period of not less than ten years immediately preceding the date on which he might have made an application for being registered as a practitioner under this Act and of his continued practice as such since then, be entitled to have his name entered in the register on payment of the prescribed fee.]

(3) The Board may direct that the name of any practitioner who has been convicted of a cognisable offence as defined in the Code

of Criminal Procedure, 1898, which discloses such defect of moral character as in the opinion of the Board, is sufficient to make him unfit to practice his profession, or who has been found after due inquiry, guilty of conduct which is in the opinion of the Board infamous in any professional respect, shall be removed from the register.

(4) The Board may, on sufficient cause being shown, also direct that the name of the practitioner so removed, shall be re-entered in the register.

16A. Renewal Fees :-

(1) For the restoration of a name in the register 1 there shall be paid to the Board such renewal fee in such manner as may be . prescribed.

(2) Where a renewal fee is not paid the Registrar shall remove the name of the defaulter from the register : Provided that a name so removed may be restored to the register on payment of such fees and in such manner as may be prescribed.

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

17. Appeal to Board from Decision of Registrar and other Powers of the Board :-

(1) Any person aggrieved by the decision of the Registrar regarding registration of any entry in the register may appeal to the Board.

(2) Such appeals shall be filed and shall be heard and decided by the Board in the manner prescribed by the rules.

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

18. Qualified Practitioners Certificates :-

Notwithstanding anything in any law for the time being in force :

(1) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" shall in all enactments for the time being in force in the Union Territory of Delhi includes a registered

practitioner whose name is in Part I or Part II of the Register;

(2) a certificate required by any Act from any medical practitioner or medical officer shall be valid if such certificate has been signed by a registered practitioner whose name is in Part I or Part II of the register;

(3) a registered practitioner shall be eligible to hold any appointment as Medical Officer in any Ayurvedic or Unani dispensary or hospital supported by or receiving a grant from the Chief Commissioner and treating patients according to the Ayurvedic or Unani Systems of Medicine, or in any public establishment, body or institution dealing with such systems of medicine :

Provided that a person registered under this Act, who is not qualified to practise the Western Systems of Medicine shall not be entitled to prescribe any drug mentioned in Schedule H to the Drug Rules, 1945.

19. Notice of Death :-

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 particular of time and place of death and may charge the cost of such certificates and transmissions as an expense of his office.

20. Examination before Registration :-

Notwithstanding anything contained in sub-section (2) of section 16, on and after the expiry of two years from the date from which this Act comes into force, a person shall not be entered in the register as a registered practitioner unless he holds the qualifications mentioned in sub-section (1) of sec. 16.

21. Qualifying Examination :-

(1) The Board shall, by regulations

(a) recognise institutions as required under paragraph (3) of the Schedule.

(b) prescribe the course of training and qualifying examinations, including the course of training and examination prior to qualifying examinations. Such regulations shall, as far as possible, be given or held in the languages specified therein.

(2) A qualifying examination shall be an examination in the Indian Systems of Medicine, including Ayurvedic and Unani Systems, held for the purpose of granting a diploma, degree or certificate conferring the right of registration under this part by the Examining Body or by any of the Institutions which, on the recommendations of the Board, may be specified by the Chief Commissioner by a notification in the Official Gazette as being authorised to hold a qualifying examination.

(3) It shall be the duty of the Board to secure the maintenance of an adequate standard of proficiency for the practice of the Ayurvedic and Unani Systems of Medicine. For the purposes of securing such a standard, the Board shall have authority to call on the governing body or authorities of any institution giving instruction in the Ayurvedic or Unani Systems of Medicine and on any examining body, authorised by or desirous of being authorised under sub-section (2)

(a) to furnish such particulars as the Board shall require of any course of study prescribed by regulations or examination held by such body or authority or in such school or college with reference to the grant of any qualification; and

(b) to permit Inspectors appointed by the Board from amongst the registered practitioners in this behalf to attend and be present at all or any of the qualifying or prior examinations.

(4) The Inspectors shall not interfere with the conduct of any examination, but it shall be their duty to report to the Board their opinion as to the sufficiency or insufficiency of every examination which they attend and any other matters in relation to such examinations on which the Board may require them to report.

(5) Every qualifying examination and every prior examination leading upto it held by the bodies or institutions authorised under this section shall be inspected by the Inspectors at least once in three years and more frequently if the Board so directs.

(6) The Board shall forward a copy of every such report to the body which held the examination in respect of which the said report was made and shall also forward a copy of such report, together with any observation thereon made by the said body, to the Chief Commissioner.

(7) An Inspector shall receive such remuneration to be paid as part

of the expenses of the Board, as the Board with the previous sanction of the Chief Commissioner may determine.

22. Removal of Institutions Authorised to hold Qualifying Examinations :-

If it shall appear to the Chief Commissioner on the report of the Board that the course of the study and examinations prescribed by any of the institutions specified in the notification under section 21 are not such as to secure the maintenance of an adequate standard of proficiency for the practice of the Ayurvedic and Unani Systems of Medicine, as the case may be, it shall be lawful for the Chief Commissioner, from time to time, by notification in the official Gazette to direct that the said institution shall be removed from the said notification and shall not be authorised to hold a qualifying examination : Provided that, before any direction for the removal of an institution from the said notification is made under this section, the Board shall require the institution to take steps within such time as it thinks fit to provide that the course of study and examinations prescribed by the institution are of an adequate standard.

23. Exemption from Serving on Inquests :-

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 or as a juror or assessor under the Code of Criminal Procedure, 1898.

24. Fees Payable to Members of the Board :-

There shall be paid to the members of the Board such fees and allowances for attendance and such reasonable travelling allowances as shall, from time to time, be prescribed by rules.

25. Fees Received By the Board :-

All money received by the Board as fees under this Act shall be applied for the purposes of this Act in accordance with the rules.

26. Annual List of Practitioners :-

(1) The Registrar shall in every year, on or before a 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.

(2) In a proceeding 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.

27. False Assumption of Certificate or Diploma to be an Offence :-

Whosoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a diploma, or certificate conferred, granted or issued by any of the institutions specified in the notification under section 21, or that he is qualified to practise the Ayurvedic and Unani Systems of Medicine, or that he is a registered practitioner shall, on conviction, be punishable with fine which may extend to Rs. 2507- for the first offence and to fine which may extend to Rs. 500/- for every subsequent offence.

28. Alteration of the Schedule :-

It shall be lawful for the Chief Commissioner by notification in the official Gazette, Union Territory of Delhi, to alter the schedule.

29. Rules :-

(1) The Chief Commissioner may, after previous publication, make rules to carry out all or any of the purposes of this part.

(2) In particular and without prejudice to the generality of the foregoing power, the Chief Commissioner may make rules for any of the following matters :

(a) The time at which and the place and manner in which election shall be held under section 5.

(b) The manner in which vacancies shall be filled under section 7.

(c) The manner in which the meeting of the Board shall be convened and held.

(d) The salary, allowances and other conditions of service of the Registrar under section 14.

(e) The form of register and the particulars to be entered therein under section 15.

(f) Fees payable for registration, renewal, restoration and alteration of entries in the register.

(g) The manner in which appeals against the decision of the Registrar shall be heard by the Board under section 17.

(h) The application of fees.

(i) Fees and other allowances payable to members of the Board under section 24.

(j) The furtherance of any of the objects of the Board.

(k) The form of the certificate of registration mentioning therein the part in which the registered practitioner is registered and the manner of endorsement of renewal thereof.

1 (l) The term of office of the members of the Examining Body under sub-section (5) of section 31-A.

(m) The fees and other allowances payable to members of the Examining Body for attending meetings under sub-section (8) of section 31-A.

1. Substituted vide East Punjab Ayurvedic and Practitioners (Amendment) Act, 1964.

30. Regulations :-

(1) The Board may with the previous sanction of the Chief Commissioner, make regulations not inconsistent with this part of the rules

(a) The time and place at which the Board shall hold its meetings under section 12.

(b) The salary, allowances and other conditions of service of officers and servants of the Board other than the Registrar, under section 14.

[(c), (d), (e), (f) and (g) Omitted]

(h) All other matters which may be necessary for the purposes of carrying out the objects of this Act.

1 [(1-A) The Examining Body may, with the previous sanction of the Chief Commissioner, make regulations for :

(a) The time and place at which the Examining Body shall hold its meetings;

(b) The courses of study for training and qualifying examinations including the course of training and examinations prior to qualifying examinations;

- (c) The language in which the examinations shall be conducted and instruction shall be imparted;
- (d) The admission of students to the bodies or institutions authorised under sec. 21;
- (e) The conditions under which students shall be admitted to the diploma, licence or certificate course and to the qualifying and prior examinations;
- (f) The conditions of appointment of examiners and the conduct of examinations;
- (g) Any other matter which is required to be, or may be, prescribed by regulations.]

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

(3) The Chief Commissioner may, by notification in the official Gazette, cancel any regulation : Provided that in submitting regulations under '[sub-section (1-A) for sanction of the Chief Commissioner under this section, the "[Examining Body] shall send a copy of its proceedings relating to the passing of such regulations and shall state the number of its members representing either system of Indian Medicine who have voted for or against such regulations; or not voted in respect of such regulations : Provided further that in sanctioning the said regulations due consideration shall be given to the opinion of the members of either system of medicine as expressed in the said proceedings.

1. Substituted vide East Punjab Ayurvedic and Practitioners (Amendment) Act, 1964.

31. Control of Chief Commissioner :-

If at any time it shall appear to the Chief Commissioner that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this part or has failed to perform any of the duties conferred upon it by or under this part, the Chief Commissioner may, if he considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board, and if the Board fails to remedy such default, excess or abuse, within such time as the Chief Commissioner may fix in this behalf, the Chief Commissioner may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such person and for such period not exceeding two years as he may think fit.

31A. 31A :-

(1) The Chief Commissioner may, by notification in the official Gazette, constitute an Examining Body, to be known as the Examining Body for Ayurvedic and Unani Systems of Medicine, Delhi, for the purpose of holding qualifying examinations and examinations prior to qualifying examinations and prescribing the courses of study and training for such examinations and other related matters.

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

(3) The Examining Body shall consist of the following seven members, to be nominated by the Chief Commissioner, namely

(a) One member to represent the Ministry of the Central Government dealing with Health;

(b) One member to represent the Medical and Health Department of the Administration of Delhi;

(c) One member who shall be a professor of Modern Medicine or of Ayurvedic or Unani System of Medicine as the Chief Commissioner may determine;

(d) One member who shall be a professor of Ayurvedic System of Medicine;

(e) One member who shall be a professor of Unani System of Medicine;

(f) A practitioner of repute of the Ayurvedic System of Medicine;

(g) A practitioner of repute of the Unani System of Medicine;

(4) The provisions of sections 11, 12 and 13 shall apply to the Examining Body as they apply in relation to the Board, subject to the modifications that reference to the President therein shall be construed as reference to the Chairman and the reference to five members in sub-section (3) of section 13 shall be construed as a reference to three members.

(5) A member of the Examining Body shall hold office for such period as may be prescribed by rules by the Chief Commissioner :

Provided that the Chief Commissioner may for reasons to be recorded in writing, remove any member before the expiry of such terms : Provided further that no order for such removal shall be made unless the member concerned has been given a reasonable opportunity to show cause against such removal.

(6) A casual vacancy in the office of a member of the Examining Body

(7) Any member of the Examining Body may, at any time, resign his office by letter addressed to the Chief Commissioner and the resignation shall take effect from the date on which it is accepted by the Chief Commissioner.

(8) There shall be paid to the members of the Examining Body such fees and allowances for attending meetings as may be prescribed by rules by the Chief Commissioner.

(9) The Examining Body shall, with the previous approval of the Chief Commissioner, appoint a secretary and such number of other employees as it may deem necessary and they shall receive such salary and allowances and be subject to such conditions of service as the Examining Body may, with the approval of the Chief Commissioner, prescribe by regulations.

(10) The secretary and other employees of the Examining Body shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

(11) In the performance of its functions under this Act, the Examining Body shall be bound by such directions as the Chief Commissioner may give to it in writing from time to time.]

32. Court competent to try offence under this Act and cognizance of offences :-

(1) No Court other than the Court of Magistrate of the first class shall take cognizance of or try an offence under this Act.

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

PART 3

MEDICAL PRACTITIONERS GENERALLY

33. Powers of the Chief Commissioner to enforce the

provisions of Part III :-

The Chief Commissioner may, at any time after the expiry of one year from the date on which this Act comes into force by notification published in the official Gazette, apply the provisions of this part or any portion thereof to the whole or any part of the State from such date as is notified therein : Provided that the Chief Commissioner shall give wide publicity to the notification in such other manner also as he deems proper.

34. List of Practitioners :-

(1) After the publication of the notification mentioned in section 33, the Registrar shall prepare and maintain a list called a "List of persons in practice and belonging to the indigenous system" on date as is mentioned in the said notification.

(2) Every person, not being a person qualified or registered under this Act, who, within a period of one year from the date from which this part comes into force, proves to the satisfaction of the Registrar that he has been in regular practice of the Indian Systems of Medicine, Ayurvedic or Unani, in this Union territory on the date mentioned in the notification under sub-section (1), shall be entitled to have his name entered in the aforesaid list on payment of five rupees.

1 [(2-A) Notwithstanding anything contained in sub-section (2), every person shall be entitled to have his name entered in the aforesaid list on payment of five rupees within a period of six months from the date of commencement of the East Punjab Ayurvedic and Unani Practitioners (Delhi Amendment) Act, 1963, if he proves to the satisfaction of the Registrar that he, having been in regular practice of Ayurvedic or Unani System of Medicine in this Union territory on the date mentioned in the notification under sub-section (1), has been in regular practice since then.]

(3) The provisions of sub-sections (3) and (5) of section 15, sub-section (3) of section 16, section 16-A, and section 17 shall mutatis mutandis apply to this list.

1. Added vide East Punjab Ayurvedic and Practitioners (Amendment) Act, 1964.

35. Prohibition to practice of person not listed :-

No person other than a practitioner registered under part n of the Act or a person whose name is entered in the list mentioned in

section 34 shall practise or hold himself out, whether directly or by implication as practising or as being prepared to practise the Ayurvedic and Unani Systems of Medicine : Provided that the Chief Commissioner may by notification in the official Gazette, direct that the provisions of this section shall not apply to any class of persons or in a specified area.

36. Penalty :-

Any person who acts in contravention of the provisions of section 35 shall, on conviction for each offence, be punishable with fine, which may extend to two hundred rupees.

37. Examination before registration :-

Notwithstanding anything contained in any section of this Act, on and after the expiry of one year from the date from which part in comes into force, a person shall not be entered in the register as a registered practitioner unless he has passed a qualifying examination recognised by the Board.

[Provided that the provisions of this section shall not apply to the persons registered under the proviso to sub-section (2) of section 16.]

38. Savings :-

Nothing in section 35 and 36 shall apply to any person

- (a) who limits his practice to the art of dentistry, or
- (b) who being a nurse or midwife registered under any law for the time being in force, or a Dai who attends on a case of labour; or
- (c) who is entitled to registration under section 37 of this Act.

39. Conferring, granting or issuing diploma, licence, etc., by unauthorised person or institution :-

(1) No person other than an association or institution recognised or authorised by the Board under this Act shall confer, grant or issue or hold itself out as entitled to confer, grant or issue any diploma, licence, certificate or other document stating or implying that the holder, grantee, or recipient is qualified to practise the Indian Systems of Medicine.

(2) Whoever contravenes the provision of this section shall, on conviction, be punishable with fine, which may extend to five hundred rupees and if the person so contravening is an association,

every member of such association who knowingly and wilfully authorises or permits the contravention shall, on conviction, be punishable with fine, which may extend to two hundred rupees.

SCHEDULE 1

SCHEDULE

Persons who are entitled to have their names entered in the Register of Vaidys and Hakims : (1) Vaidyas or Hakims who hold a diploma or certificate of any Government Ayurvedic or Unani College or School within the Union territory of Delhi, or outside, or a degree in the Ayurvedic or Unani Systems of Medicine of any University established by law in India. But the registration of Vaidyas or Hakims who hold a diploma or certificate of any Government Ayurvedic or Unani College or School outside the Union territory of Delhi or who have passed the final examination held by any institution situated outside the Union territory of Delhi, will be held provided that the reciprocal facility for registration are available to the Vaidyas and Hakims who have passed the final examination held by the Board of Ayurvedic and Unani Systems of Medicine, Delhi, or the Examining Body of Ayurvedic and Unani Systems of Medicine, Delhi in the State/Union Territory where such college, school or institution is situated. (2) Vaidyas and Hakims who have passed the final examination held by the '[Examining Body]' of Ayurvedic and Unani System of Medicine, Delhi or from any institution in the Union Territory of Delhi or outside it, recognised by the 2[Examining Body], Ayurvedic and Unani Systems of Medicine, Delhi or by a Board of Faculty of Ayurvedic and Unani System of Medicine established by law anywhere in the Indian Union. But the registration of Vaidyas or Hakims who hold a diploma or certificate of any Government Ayurvedic or Unani College or School outside the Union Territory of Delhi or who have passed the final examination held by any institution situated outside the Union Territory of Delhi, will be held provided that the reciprocal facility for registration are available to Vaidyas and Hakims who have passed the final examination held by the Board of Ayurvedic and Unani Systems of Medicine, Delhi or the Examining Body for Ayurvedic and Unani Systems of Medicine, Delhi, in that State/Union Territory where such college, school or institution is situated. (3) Vaidyas or Hakims who have passed an examination from any Ayurvedic or Unani Institution in the Union Territory of Delhi or outside it recognised by the Board for the purpose of registration. (4) Vaidyas or Hakims who have been registered by a State Board of Ayurvedic or Unani Systems of Medicine established by law anywhere in the Indian Union by virtue of their having passed a qualifying examination from a recognised institution imparting four years regular training, provided reciprocal facilities for registration are available in that State to Vaidyas or Hakims registered with the Board.