

GUJARAT MEDICAL PRACTITIONERS' ACT, 1963

6 of 1964

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SCHEDULE 1 :- THE SCHEDULE

GUJARAT MEDICAL PRACTITIONERS' ACT, 1963

6 of 1964

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An Act to consolidate and amend the law regulating the qualifications, and providing for registration, of practitioners of the Ayurvedic and Unani systems of medicine and making certain provisions relating to medical practitioners generally, in the State of Gujarat. It is hereby enacted in the Fourteenth Year of the Republic of India as follows :-

CHAPTER 1 PRELIMINARY

1. Short title, extent and commencement :-

(1) This Act may be called the Gujarat Medical Practitioners' Act, 1963 .

(2) It extends to the whole of the State of Gujarat.

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

2. Definitions :-

(1) In this Act, unless the context otherwise requires,-

(a) "appointed day" means the date on which this Act comes into force;

(b) "Ayurvedic system of medicine" or "Ayurvedic system" means the Ash tang Ayurvedic system of medicine, whether supplemented or not by such modem advances as are consistent with the fundamental principles of Ayurveda ¹[X X X];

(c) "Board" means the Gujarat Board of Ayurvedic and Unani Systems of Medicine established and constituted under this Act;

²[(d) XXX]

³[(e)XXX]

(f) "enlisted practitioner" means a practitioner whose name is for the time being entered in the list;

⁴[(g)XXX]

(h) "Homeopathy" means the system of medicine founded by Dr. Samuel Hahnemann which includes the Bio-chemic therapy as propounded by Dr.Schussler and the expression "Homeopathic" shall be construed accordingly;

⁵[(i)XXX]

(j) "list", except in the expression "periodical list", means the list of practitioners prepared and maintained under Section 18 ;

(k) "member" means a member of the Board ⁶[XXX];

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

(m) "President" means the President of the Board;

7 [(n) XXX]

- (o) "recognized qualification" means any of the qualifications specified in the Schedule;
- (p) "registrar", means the registrar of practitioners prepared and maintained under Section 17 ;
- (q) "registered practitioner" means a practitioner whose name is for the time being entered in the register;
- (r) "Register" means the Registrar appointed under Section 16 ;
- (s) "rules" means rules made under Section 37 ;
- (t) "Schedule" means the Schedule appended to this Act;
- (u) "State" means the State of Gujarat;
- (v) "Unani system of medicine" or "Unani system" means the Unani system of medicine, **8** [X X X];

9 [(w) XXX]

(2) The expression "to practice any system of medicine" with all its grammatical variations and cognate expressions means to hold oneself out as being able to diagnose, treat, operate or prescribe medicine or any other remedy or to give medicine for any ailment, disease, injury, pain, deformity or physical condition or by any advertisement, demonstration, exhibition or teaching to offer or undertake by any means or method whatsoever to diagnose, treat, operate or prescribe medicine or any other remedy or to give medicine for any ailment, disease, injury, pain, deformity or physical condition :

Provided that, a person who,

- (i) mechanically fits or sells lenses, artificial eyes, limbs or other apparatus or appliances; or
- (ii) is engaged in the mechanical examination of eyes for the purpose of constructing or adjusting spectacles, eye-glasses of lenses: or
- (iii) practises physio-therapy or electro-therapy or chiropody or naturopathy or hydropathy or yogic healing; or
- (ix) without personal gain furnishes medical treatment or does

domestic administration of family remedies; or

(v) being registered under the Dentists Act, 1948 , (XVI of 1948) limits his practice to the art of dentistry : or

(vi) being a nurse, midwife or health visitor registered or enlisted under the Bombay Nurses, Midwives and Health Visitors Act, 1954, (Bom XIV of 1954) or any other corresponding law for the time being in force in the State, or a Dai, attends on a case of labour, shall not be deemed on that account only to practice any system of medicine.

Explanation.-In this sub-section-

(i) "advertisement" includes any word, letter, notice, circular, picture, illustration, model, sign, placard or other document and any announcement made orally or by any means of producing or transmitting light, sound, smoke, or other audible or visible representation; and

(ii) "physio-therapy" means treatment of any ailment, disease, injury, pain, deformity or physical condition by message or other physical means, but does not include bone-setting.

1. The words "and as the Faculty may from time to time have determined" were deleted by Act No. 40 of 1965.

2. Deleted by Act No. 40 of 1965.

3. Deleted by Act No. 40 of 1965.

4. Deleted by Act No. 40 of 1965.

5. Deleted by Act No. 40 of 1965.

6. The words "or the Faculty, as the case may be" were deleted by Act No. 40 of 1965.

7. Deleted by Act No. 40 of 1965.

8. The words "whether supplemented or not by such modern advances as the Faculty may from time to time have determined" were deleted by Act No. 40 of 1965.

9. Deleted by Act No. 40 of 1965.

CHAPTER 2

CONSTITUTION, FUNCTIONS AND POWERS OF THE BOARD 11 [X X X]

3. Constitution and incorporation of Board :-

(1) With effect from such date as the State Government may, by notification in the Official Gazette, notify there shall be established for the purposes of this Act, a Board to be called "The Gujarat Board of Ayurvedic and Unani Systems of Medicine". The Board shall be a body corporate and have perpetual succession and a

common seal, and may by the said name sue and be sued, and shall be competent to acquire and hold property, both moveable and immoveable, and to contract and do all things necessary for the purposes of this Act.

(2) The Board shall consist of eleven members including the President, and shall be constituted in the following manner, namely :-

(a) four members shall be nominated by the State Government, out of whom at least three shall be registered practitioners;

(i) three members shall be elected by registered practitioners who hold any of the recognized qualifications, from amongst themselves, and

(ii) four members shall be elected by the remaining registered practitioners, from amongst themselves :

Provided that, at the end of the expiration of every five years from the date of commencement of this Act, the State Government may, by order, so divide the number of members to be elected under paragraphs (1) and (ii) amongst the registered practitioners who hold any of the recognized qualification, and the remaining registered practitioners, as to be as near as possible in proportion to their numbers on the register at that time, so however that the total number of members elected under paragraphs (i) and (ii) shall remain seven :

Provided further that, any such order shall not affect the constitution of the Board which may be functioning at such time but shall apply to the Board to be constituted next thereafter.

(3) If at any election, the electors fail to elect the requisite number of members to the Board, the State Government shall nominate such registered practitioners as it deems fit, to fill the vacancies which remain unfilled after the election, and the practitioners so nominated shall be deemed to have been duly elected under sub-section (2).

(4) The President of the Board shall be elected by the members from amongst themselves.

(5) The election of members of the Board under this section shall be held at such time, and at such place, and in such manner as may be prescribed.

(6) Notwithstanding anything contained in the foregoing provisions of this section,-

(i) in respect of the constitution of the Board for the first time under this Act, the President and members thereof shall be nominated by the State Government;

(ii) the President and other members so nominated shall hold office for such period not exceeding three years in the aggregate as the State Government may, by notification in the Official Gazette, specify.

4. 4 :-

5. Term of office :-

(1) The State Government shall, as soon as possible after the election held under ¹[Section 3], by notification in the Official Gazette, publish the names of the President, ²[X], and the members of the Board ³[XX].

(2) Except in the case of the constitution of the Board ⁴[X] for the first time, the President ⁵[X] shall hold office for such period as the State Government may specify in the notification published under sub-section (1), provided that, such period shall not exceed the term of office of such President or Chairman as a member under sub-section (3). The term shall commence from the date of the notification published under sub-section (1).

(3) Except in the case of the constitution of the Board ⁶[x x x] for the first time-

(a) ⁷[subject to the provision of clause (b), the term of office of a member of the Board] shall be a period of five years commencing from the date of the notification published

⁸[(b) the members nominated under clause (a) of sub-section (2) of Section 3 shall hold office during the pleasure of the State Government.]

(4) Notwithstanding anything contained in sub-section (3), the State Government may, by notification in the Official Gazette, extend from time to time the term of office of the members of the Board for a further period not exceeding two years in the aggregate.

(5) The term of an outgoing President, ⁹[X] or members shall, not with standing anything contained in sub-section (6) of Section 3 , ¹⁰[X] and sub-section (2) and (3) of this section be deemed to extend to, and expire with, the day immediately preceding the day on which the name of the successor of such President, ¹¹ [X] or members is published under sub-section (1).

(6) An outgoing member shall be eligible for re-election or re-nomination.

1. Substituted Act No. 40 of 1965.
2. The words "the Chairman" were deleted by Act No. 40 of 1965.
3. The words "and of the Faculty" were deleted by Act No. 40 of 1965.
4. The words "and the Faculty" were deleted by Act No. 40 of 1965.
5. The words "and the Chairman" were deleted by Act No. 40 of 1965.
6. Deleted by Gujarat 40 of 1965.
7. Substituted by Gujarat Act 1 of 1999 19-3-1999
8. Inserted by Gujarat Act 1 of 1999 [9-3-1999].
9. The words "Chairman" were deleted by Act No. 40 of 1965.
10. The words, brackets and figures "sub-section (6) of section 4" were deleted by Act No. 40 of 1965.
11. The words "Chairman" were deleted by Act No. 40 of 1965.

6. Casual vacancies :-

(1) Any casual vacancy, previous to the expiry of the term in the office of the President ¹[X] or a member nominated by the due to his death, resignation, removal, disability disqualification or any other reason, shall be filled by nomination by the State Government.

(2) Any such vacancy in the office of a member of the Board elected by registered practitioners, shall be filled by the State Government by nomination of a person from a panel of three registered practitioners recommended by the Board :

Provided that if the Board falls to make a recommendation under this sub-section, within such time as the State Government may fix, the State Government may appoint any registered practitioner to fill the vacancy.

²[(3) XXX]

(4) Any person nominated under sub-section (1) or (2) ³ [X] to fill a vacancy shall, notwithstanding anything contained in Section 5 ,

hold office only so long as the person in whose place he is nominated or

1. The words "or the Chairman" were deleted by Act No. 40 of 1965.
2. Deleted by Act No. 40 of 1965.
3. The words, brackets and figures "or elected under sub-section (3)" were deleted by Act No. 40 of 1965.

7. Resignation :-

(1) An elected member may at any time resign his office by notice in writing to the President ¹[X]. A nominated member may at any time resign his office by a notice in writing to the State Government. Such resignation shall take effect from the date on which the resignation is accepted by the President ²[X] or the State Government, as the case may be.

(2) The President ³ [X] may at any time resign his office by a notice in writing to the State Government. The resignation shall take effect from the date on which such resignation is accepted by the State Government.

1. The words "or the Chairman, as the case may be" were deleted by Act No. 40 of 1965.
2. The words "or the Chairman" were deleted by Act No. 40 of 1965.
3. The words "or the Chairman" were deleted by Act No. 40 of 1965.

8. Disqualification, disability and removal from office :-

(1) No person-

(a) who is an undercharged insolvent:

(b) who has been adjudged to be of unsound mind by a competent court:

(c) whose name has been removed from the register: or

(d) who is a full time officer or servant of the Board ¹[X], shall be eligible to be elected or nominated or to continue as a member.

(2) If any member-

(a) absent himself from three consecutive meetings of the Board ²[X] without such reasons as may, in the opinion of the State Government, in the case of the President ³[X], and in the opinion

of the Board ⁴[X], in the case of any other member thereof, be sufficient: or

(b) becomes or is found to be, subject to any of the disqualifications specified in sub-section (1), the State Government shall declare his office to be vacant.

(3) The State Government may, on the recommendation of the Board ⁵[X], supported by at least two-thirds of the total number of members of the Board ⁶[X], remove from office as a member any member elected or nominated under this Act, if such member has been

Provided that, no resolution recommending the removal of any member shall be passed by the Board ⁷[X] unless the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

(4) The State Government may remove from office the President ⁸[X] if he has been guilty of misconduct in the discharge of his duties under this Act, or of any disgraceful conduct, or has become incapable of performing his duties as the President ⁹[X] :

Provided that, no such action shall be taken unless the President ¹⁰[X] is given a reasonable opportunity of showing cause why he should not be removed from office.

1. The words "or the Faculty" were deleted by Act No. 40 of 1965.
2. The words "or the Faculty, as the case may be" were deleted by Act No. 40 of 1965.
3. The words "and the Chairman" were deleted by Act No. 40 of 1965.
4. The words "or the Faculty, as the case may be" were deleted by Act No. 40 of 1965.
5. The words "or the Faculty, as the case may be" were deleted by Act No. 40 of 1965.
6. The words "or Faculty, as the case may be" were deleted by Act No. 40 of 1965.
7. The words "or the Faculty, as the case may be" were deleted by Act No. 40 of 1965.
8. The words "or the Chairman" were deleted by Act No. 40 of 1965.
9. The words "or the Chairman, as the case may be" were deleted by Act No. 40 of 1965.
10. The words "or, as the case may be, the Chairman" were deleted by Act No. 40 of 1965.

9. Meetings of Board 40[X] :-

(1) The meetings of the Board ¹[X] shall be convened, held and conducted in the prescribed manner.

(2) The President shall preside at meetings of the Board ²[X]. If the President ³[X], be absent, the members present at the meeting shall elect from amongst themselves one member to preside at the meeting.

(3) All questions at a meeting of the Board ⁴[X] shall be decided by a majority of the votes of the members present and voting at the meeting.

(4) The presiding authority at a meeting shall have and exercise a second or a casting vote in the case of an equality of votes.

(5) Five members of the Board including the President ⁵[X] shall form a quorum. When a quorum is required but not present, the presiding authority shall, after waiting for not less than twenty minutes for such quorum, adjourn the meeting to such hour on some ⁶ [X] and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting, and maybe disposed of at such meeting or any subsequent adjournment thereof, whether there a quorum present or not.

1. The words "and the Faculty" were deleted by Act No. 40 of 1965.

2. The words "and the Chairman at meetings of the Faculty" were deleted by Act No. 40 of 1965.

3. The words "or Chairman, as the case may be" were deleted by Act No. 40 of 1965.

4. The words "or the Faculty" were deleted by Act No. 40 of 1965.

5. The words "and five} members of the Faculty Including the Chairman, as the case may be " were deleted by Act No. 40 of 1965.

6. The words "or the Faculty, as the case may be" were deleted by Act No. 40 of 1965.

10. Proceedings of meetings and validity of acts :-

(1) The proceedings of the discussion of every meeting of the Board ¹[X] shall be treated as confidential and no person shall, without the previous permission of the Board ²[X] disclose any portion thereof :

Provided that nothing in this section shall be deemed to prohibit

any person from disclosing or publishing the text of any resolution adopted by the Board ³[X], unless the Board ⁴[X] directs such resolution also to be treated as confidential.

(2) No disqualification of, or defect in the election, nomination or appointment of, any person as a member, or as the President, ⁵[X] or as a presiding authority of a meeting, shall of Itself be deemed to vitiate any act or proceeding of the Board, ⁶[X] in which such person has taken part, whenever the majority of persons party to such act or proceedings were entitled to vote.

(3) During any vacancy in the Board ⁷ [X], the continuing members may act, as if no vacancy had occurred, unless the number of vacancies exceeds four number.

1. The words "and the Faculty" were deleted by Act No. 40 of 1965.
2. The words "or Faculty, as the case. may be" were deleted by Act No. 40 of 1965.
3. The words "or. as the case may be, Faculty" were deleted by Act No. 40 of 1965.
4. The words "or, as the case may be, the Faculty" were deleted by Act No. 40 of 1965.
5. The words "or as the Chairman" were deleted by Act No. 40 of 1965.
6. The words "or as the case may be. the Faculty" were deleted by Act No. 40 of 1965.
7. The words "or the Faculty" were deleted by Act No. 40 of 1965.

11. Fees and allowances to President, 54[X] and members :-

There shall be paid to the President, ¹ [X] and other members such fees and allowances for attendance at meetings and such reasonable travelling allowances as shall from time to time be prescribed.

1. The words "the Chairman" were deleted by Act No. 40 of 1965.

12. Income and expenditure of Board :-

(1) The income of the Board shall consist of-

- (a) fees received from practitioners:
- (b) grants received from the State Government, if any; and
- (c) any other sums received by the Board.

(2) It shall be competent for the Board to incur expenditure for the

following purposes, namely :-

- (a) salaries and allowances of the Registrar and the other staff maintained by the Board;
- (b) fees and allowances paid to the members of the Board;
- (c) such other expenses as are necessary for performing its duties and functions under this Act.

13. 13 :-

¹ [X X X]

1. Deleted by Act No. 40 of 1965.

14. Powers, duties and functions of Board :-

Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers and functions of the Board shall be-

- (a) to maintain the register, the list and to provide for the registration and enlistment of practitioners;
- (b) to hear and decide appeals from any decision of the Registrar;
- (c) to prescribe a code of ethics for regulating the professional conduct of registered and enlisted practitioners;
- (d) to reprimand a registered or an enlisted practitioner, to suspend or remove him from the register or the list, as the case may be, or to take such other disciplinary action against him as may, in the opinion of the Board, be necessary or expedient;
- (e) to exercise such other powers and perform such other duties and functions, as are laid down in this Act, or may be prescribed.

15. 15 :-

¹ [XXX]

1. Deleted by Act No. 40 of 1965.

16. Register and other employees of Board 58[X] :-

(1) The Board shall, with the previous approval of the State Government, appoint a Registrar. The Registrar shall be paid the prescribed salary and allowances. The Board may from time to time grant him leave and may appoint a person to act in his place and shall forthwith report any appointment so made to the State Government. Any person duly appointed to act as Registrar shall be

deemed to be the Registrar for all the purposes of this Act:

Provided that where the period of leave to be granted to the Registrar does not exceed one month the President may grant such leave.

(2) The Registrar shall be the Secretary and the executive officer of the Board ¹[X] and he shall attend all meetings of the Board ²[X].

(3) No orders suspending, dismissing or removing the Registrar from office or imposing any other penalty upon him shall be passed by the Board without the previous approval of the State Government.

(4) The Board ³ [X] may, from time to time, appoint such other officers and servants as may be deemed necessary for carrying out their duties and performing their functions under this Act:

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

(5) 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, 1860 (XLV of 1860).

1. The words "and of the Faculty" were deleted by Act No. 40 of 1965.

2. The words "and of the Faculty" were deleted by Act No. 40 of 1965.

3. The words "and the Faculty" were deleted by Act No. 40 of 1965.

CHAPTER 3

REGISTRATION AND ENLISTMENT

17. Preparation of register :-

(1) As soon as may be after the appointed day, the Registrar shall prepare and maintain thereafter a register of Ayurvedic and Unani practitioners for the State, in accordance with the provisions of this Act.

(2) The register shall be in the prescribed form and there shall be one register consisting of two parts. Part I shall include the names of registered practitioners possessing any of the recognized qualifications and Part II shall include the names of registered

practitioners other than those included in Part I.

(3) Every person who possesses any of the qualifications specified in the Schedule shall, at any time on an application made in the prescribed form to the Registrar and on payment of a fee of ten rupees, be entitled to have his name entered in the register.

(4) Notwithstanding anything contained in sub-section (3) the name of every person who on the day immediately preceding the appointed day stood registered in any register kept under the Bombay Medical Practitioners' Act, 1938 (Bom XXVI of 1938) in its application to the Bombay area of the State or the said Act as adapted and applied to the Saurashtra area of the State or under any other corresponding law shall be entered in the register prepared under this Act without such person being required to make an application or to pay any fee.

¹ [(5) Any person not being a person qualified for registration under sub-section (3) or (4) who proves to the satisfaction of the Committee appointed under sub-section (8) that he had been regularly practicing the Ayurvedic or Unani system of medicine-

(i) in the Bombay area of the State of Gujarat on the 4th November, 1941 but his name was not entered in the Bombay Medical Practitioners' Act, 1938 , (Bom XXVI of 1938) or

(ii) in the Saurashtra area of the State of Gujarat on the 1st November, 1951 but his name was not entered in the register maintained under the Bombay Medical Practitioners' Act, 1938 (Bom XXVI of 1938) as adapted and applied to the said area, shall, on an application made in the prescribed form within a period of four years from the appointed day and accompanied by a fee of ten rupees and the prescribed documents, be entitled to have his name entered in the register.]

(6) Any person not being a person qualified for registration under sub-section (3) or (4) who proves to the satisfaction of the Committee appointed under sub-section (8),-

(a) that he has been regularly practicing the Ayurvedic or Unani system of medicine in a merged territory or a merged area for a period of not less than ten years before the Act No. 40 of 1965.st May, 1956, or

(b) that he has been regularly practicing the Ayurvedic or Unani

system of medicine in the Kutch area of the State for a period of not less than ten years before the appointed day, shall, on an application made in the prescribed form within a period of one year from the appointed day and accompanied by a fee of ten rupees and the prescribed documents be entitled to have his name entered in the register.

Explanation.-In this sub-section,-

(1) the expression "merged territory" means the area of a merged State as defined in the Bombay Merged States (Laws) Act, 1950 (Bom. IV of 1950) and

(2) the expression "merged area" means any area included in the then existing province of Bombay by the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1947 or the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1948 or as the case may be the Bombay (Enlargement of Area and Alteration of Boundaries) (Amendment) Order, 1948 and Included in the State of Gujarat from the 1st May, 1960.

(7) Any person, not being a person qualified for registration under sub-section (3), (4) or (6) who proves to the satisfaction of the Committee appointed under sub-section (8)-

(a) that he has been regularly practicing the Ayurvedic or Unani system of medicine for a period of not less than ten years immediately before the appointed day and that his name continued to be included in the list kept under section 18 of the Bombay Medical Practitioners' Act, 1938 (Bom XXVI of 1938) in its application to the Bombay area of the State or of the said Act as adapted and applied to the Saurashtra area of the State for the period as aforesaid, or

(b) that he has been regularly practicing the Ayurvedic or Unani system of medicine as an enlisted practitioner, and-

(i) that he has been practicing that system as such practitioner for not less than ten years, in any part of the State, or

(ii) that the aggregate of the period for which he has been regularly practicing that system as such practitioner and the period for which he had been in regular practice of that system immediately before his name was entered in the list prepared under this Act, by virtue of his name having been entered in the list kept

under section 18 of the Bombay Medical Practitioners' Act, 1938 (Bom XXVI of 1938) in its application to the Bombay area of the State or of the said Act as adapted and applied to the Saurashtra area of the State, in any part of the State, is not less than ten years, shall, on the application made in the prescribed form and accompanied by the prescribed fee and the prescribed documents, be entitled to have his name entered in the register.

(8) All applications for registration under sub-section (5), (6) or (7) shall be considered by a Committee of three members of the Board appointed by the State Government. The Committee shall make inquiry in respect of such applications in the prescribed manner.

(9) Any person aggrieved by a decision of the Committee appointed under sub-section (8) may, within a period of one month from the date on which such decision is communicated to him on payment of a fee of Rs. 5 appeal to the appellate authority constituted by the State Government in this behalf. The appellate authority shall consist of a Chairman who has for at least seven years held judicial office not lower in rank than that of a District Judge, one member elected by the Board, and the Director of Ayurved, Gujarat State. The decision of the appellate authority shall be final.

Explanation.-In this sub-section the expression "District Judge" shall have the same meaning as is assigned to that expression in article 236 of the Constitution.

(10) The register shall include the following particulars, namely :-

(a) the full name and residential address of the registered practitioner;

(b) the date of his admission to the register maintained under this Act; and if he be a person who was, on the day immediately preceding the appointed day, registered in a register kept under any of the laws referred to in sub-section (4), the date of his admission to that register;

(c) the qualifications specified in the Schedule possessed by him, if any, and the date on which he obtained each qualification and the authority which conferred or granted it: and

(d) such further particulars as may be prescribed.

(11) When the register is prepared in accordance with the foregoing provisions, the Registrar shall publish in the Official

Gazette and such newspapers as the Board may select a notice stating that the register containing the names of practitioners entered therein up to the date specified in the notice has been prepared.

(12)

(a) Every registered practitioner shall be given a certificate of registration in the prescribed form. He shall display the certificate of registration in a conspicuous place in his dispensary, clinic or place of practice.

(b) Such certificate shall be valid only till the name of the registered practitioner is not removed from the register.

1. Subs, by Act No. 19 of 1966.

18. Preparation of list :-

(1) As soon as may be after the appointed day, the Registrar shall, in accordance with the provisions of this Act, prepare and maintain thereafter a list of persons not entitled to registration under S.17 of the Bombay Medical Act, 1912 (Bom. VI of 1912) or the said Act as adapted and applied to the Saurashtra area of the State or any corresponding law for the time being in force in any part of the State but who have been practicing any system of medicine other than the Homeopathic system of medicine.

(2) The list shall contain-

(a) the name of every person who on the 1st May, 1960 continued to be included in the list kept under section 18 of the Bombay Medical Practitioners' Act, 1938 in its application to the Bombay area of the State or the said Act as adapted and applied to the Saurashtra area of the State and whose name is not entered in the register under sub-section (5), (6) or (7) of Section 17 :

(b) the name of every person whose case is not covered by clause (a) but who makes an application to the Registrar in the prescribed form accompanied by a fee of Rs. 10 and the prescribed documents within a period of one year from the appointed day, and who proves to the satisfaction of the Committee appointed under sub-section (8) of Section 17 , that he has been practicing regularly any system of medicine (other than Homeopathic system of medicine),

(a) in a merged territory or a merged area from a period of not less than five years before the 1st May, 1956, or

(b) in the Kutch area of the State for a period of not less than five years before the appointed day.

Explanation.-For the purpose of paragraph (b) of this subsection, the expressions "merged territory" and "merged area" shall have the meanings assigned to them in sub-section (6) of Section 17 .

(3) The provisions of sub-sections (9) to (12) of Section 17 shall apply mutatis mutandis to the list prepared under this section.

(4) If the application of any person for registration under subsection (5) or (6) or clause (a) of sub-section (8) of Section 17 and the appeal, if any, under sub-section (9) of Section 17 are rejected, but the Committee appointed under sub-section (8) of Section 17 is satisfied that such person is entitled to have his name included in the list, the Committee shall include the name of such person in the list without such person being required to make a fresh application or to pay any additional fee.

19. Persons not entitled to registration or enlistment :-

Notwithstanding anything contained in Section 17 and Section 18 , no person, whose name has been removed, whether before or after the coming into force of this Act, from any register or list kept under-

(i) the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) as in force in the Bombay area of the State :

(ii) the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) as adapted and applied to the Saurashtra area of the State ;
or

(iii) any other law for the time being in force in India or any part thereof regulating the registration of practitioners of medicine, for infamous conduct in a professional respect shall be entitled to have his name entered in the register or the list, as the case may be, unless the Board, on sufficient cause being shown, directs his name to be entered therein on such conditions and on payment of such fees as may be prescribed.

20. Removal of names from register or list :-

(1) If a registered practitioner has been, after due Inquiry held by the Board (or a Committee appointed by the Board for that purpose) in the prescribed manner found guilty of any misconduct

by the Board, the Board may-

- (a) issue a letter of warning to such practitioner; or
- (b) direct the name of such practitioner either to be removed from the register for such period as may be specified in the direction, or to be removed from the register permanently.

Explanation.-For the purposes of this section, "misconduct" shall mean-

- (i) a cognizable offence by a registered practitioner which involves moral turpitude, and for which he is convicted by a criminal court, or
- (ii) a cognizable offence by a registered practitioner subject to military law, for which he has convicted under the Army Act, 1950 or (XLV of 1950),
- (iii) any conduct which, in the opinion of the Board, is infamous in relation to the medical profession, particularly under any code of ethics, if any, prescribed by the Board.

(2) If the name of any such practitioner is entered in-

(a) the register maintained under the Bombay Medical Act, 1912 (Bom VI of 1912) or any corresponding law for the time being in force in any part of the State: or

(b) the register or list maintained under any law for the time being in force in relation to the qualifications and registration of Homeopathic practitioners in any part of the State, it shall be the duty of the Registrar to give intimation of such removal to the authority entitled to maintain the register, or as the case may be, the list.

(3) If the name of a registered practitioner is also entered in the register or the list, as the case may be, maintained under any of the laws referred to in sub-section (2) and it is removed from such register or list, the Board shall, if such removal comes to its notice, also remove his name from the register under this Act.

(4) The Board may, on sufficient cause being shown, direct at any subsequent date that the name of a practitioner removed under sub-section (1) shall be re-entered in the register on such conditions and on payment of such fees, as may be prescribed.

(5) The Board may, of its own motion, or on the application of any person, after due and proper enquiry 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.

(6) In holding any inquiry under this section, the Board, or a Committee appointed by the Board, shall have the same powers as are vested in Civil Courts under the Code of Civil Procedure, 1908, (V of 1908) when trying a suit, in respect of the following matters, namely: -

(a) enforcing the attendance of any person, and examining him on oath;

(b) compelling the production of documents; and

(c) issuing of commissions for the examination of witnesses.

(7) All inquiries under this section shall be deemed to be judicial proceedings within the meaning of S.193 OF THE Bombay Medical Practitioners' Act, 1938, Section 219 of the Indian Penal Code, 1860 and 228 of Indian Penal Code, 1860 (XLV of 1860).

(8)

(a) For the purpose of advising the Board or a Committee appointed by it, on any question of law arising in any inquiry under this section, there may, in all such inquiries, be an assessor, who on the date of appointment is-

(i) an Advocate enrolled under the Indian Bar Councils Act, 1926, or the Advocates Act, 1961 (XXXVIII of 1926); or

(ii) an attorney of a High Court, (XXV of 1961) and has practiced as an advocate or attorney for not less than ten years.

(b) In every inquiry under this section, the advice to be tendered by an assessor to the Board or to the Committee, as the case may be, on any question of law, shall be tendered by him in the presence of the registered practitioner whose misconduct is under Inquiry or the person representing him at the inquiry and if the advice is tendered after the Board has begun to deliberate as to its findings, such practitioner or person shall be informed what advice the assessor has tendered. Such practitioner or person shall also be informed if in any case the Board does not accept the advice of the

assessor on any such question as aforesaid.

(c) Any assessor under this section may be appointed either generally, or for any particular inquiry or class of inquiries, and shall be paid such remuneration as may be prescribed.

(9) The provisions of sub-section(1) to (8) shall apply mutatis mutandis to the practitioners included in the list.

21. Maintenance of register and list :-

(1) It shall be the duty of the Registrar to keep and maintain the register or, as the case may be, the list correctly, as far as possible, and from time to time to make and revise the entries therein and to issue the certificates of registration or enlistment and renewal slips, in accordance with the provisions of this Act and the rules, and the orders of the Board.

(2) The names of registered practitioners or enlisted practitioners who die or whose names are directed to be removed from the register or list under sub-section (1) or sub-section (9) of Section 20 shall be removed therefrom.

(3) Any person whose name is entered in the register and who subsequent to his registration obtains any additional qualification which is specified in the Schedule, or desires any change in his name to be recorded in the register shall, on an application made in this behalf and on payment of such fee as may be prescribed, be entitled to have such qualification or change entered in the register.

(4) For the purpose of this section, the Registrar may at any time enquire of a registered practitioner or enlisted practitioner by writing to him a registered letter at the address which is entered in the register or list whether he has ceased to practice or has changed his residence and if no answer is received within six months after the delivery of the letter to him, the Registrar may remove the name of such practitioner from the register or list, as the case may be. Such Inquiry shall be made at least once not less than one year before the term of office of the members of the Board is due to expire.

(5) A practitioner whose name is removed from the register or the list under sub-section (4) may apply to the Registrar for re- entry of his name in the register or list stating the circumstances in which

the letter addressed to him under sub- section (4) could not be replied by him and if after holding an inquiry the Registrar is satisfied that such practitioner has not ceased to practice he shall re-enter his name in the register or the list on payment by the practitioner of the prescribed fees to the Board.

22. Renewal fee :-

(1) On the expiry or a period of one year from the date of publication of the notice under sub-section (11) of Section 17 , and every five years thereafter, every registered practitioner, shall be liable to apply to the Registrar and to pay to the Board the prescribed renewal fee for the continuance of his name on the register.

(2)

(a) If the renewal fee be paid on or before the due date, the Registrar shall issue to the registered practitioner a renewal slip in the prescribed form specifying the date upto which the validity of the certificate of registration has been extended.

(b) If the renewal fee be not paid by the due date, the Registrar shall remove the name of the defaulting practitioner from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled :

Provided that, the name so removed may be re-entered in the register on payment of the outstanding renewal fees, and such additional fee as may be prescribed. On receipt of such fees the Registrar shall issue a renewal slip as provided in clause (a).

(3) The provisions of sub-section (1) and (2) shall apply mutatis mutandis to the practitioners included in the list.

23. Publication of periodical list or registered and enlisted practitioners :-

(1) At such time after the publication of the notice under sub-section (11) of Section 17 as the Board deems fit, and thereafter at the prescribed intervals, the Registrar shall cause to be printed and published a periodical list of all persons for the time being entered in the register and shall also publish such periodical list in the Official Gazette.

(2) Except in a year in which a periodical list is published under sub-section (1), the Registrar shall cause to be printed and

published annually on or before the prescribed date an addendum and a corrigendum to the periodical list published under sub-section (1) showing :-

(a) the names of all persons for the time being entered or reentered in the register, and not included in any subsisting periodical list already printed and published; and

(b) the names of all practitioners Included in any subsisting periodical list, whose names have since been removed on account of any reason whatsoever from and not re-entered in the register; and

(c) any other amendments to the subsisting periodical list.

(3) The form of the periodical list published under sub-section (1), the particulars to be included therein, and the manner of its publication, shall be such as may be prescribed.

(4) A copy of the periodical list shall be evidence in all Courts, and in all judicial or quasi-judicial proceedings, that the persons therein specified are registered according to the provisions of this Act and the absence of the name of any person from such copy shall be evidence, until the contrary is proved, that such person is not registered according to the provisions of this Act:

Provided that, in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered under the list prepared and maintained under Section 18 .

(5) The provisions of sub-section (1) to (4) shall apply mutatis mutandis to the list prepared and maintained under Section 18 .

24. No refund of fees :-

Fees paid under Section 17 , Section 18 , Section 20 , Section 21 and Section 22 shall not be refunded.

25. Rights of registered practitioners :-

Notwithstanding anything contained in any law for the time being in force-

(i) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognized by law as a medical practitioner or a member of the

medical profession shall, in all Acts of the State Legislature in force in the State, and in all Central Acts (in their application to the State) in so far as such Acts relate to any matters specified in list II or list III in the Seventh Schedule to the Constitution of India include a practitioner whose name is entered in the register under this Act;

(ii) any certificate, required by or under any Act from any medical practitioner or medical officer shall be valid if such certificate has been signed by a registered practitioner;

(iii) it shall be lawful for every registered or enlisted practitioner, to use in full after his name the words "Registered Medical Practitioner", or "Enlisted Medical Practitioner", as the case may be;

(iv) every registered practitioner shall be exempt, if he so desires, from serving on an inquest;

(v) a registered practitioner shall be eligible to hold any appointment as a physician, surgeon, or other medical officer in any Ayurvedic or Unani dispensary, hospital, infirmary or lying-in-hospital, supported by, or receiving a grant from, the State Government and treating patients according to the Ayurvedic and Unani system of medicine or in any public establishment, body or Institution dealing with such system of medicine.

CHAPTER 4

RECOGNITION OF QUALIFICATIONS

26. 26 :-

¹ [XXX]

1. Deleted by Act No. 40 of 1965.

27. 27 :-

¹ [XXX]

1. Deleted by Act No. 40 of 1965.

28. 28 :-

¹ [XXX]

1. Deleted by Act No. 40 of 1965.

29. Amendment of Schedule :-

(1) If it appears to the State Government **¹**[X] that the courses of study and examinations prescribed by any university, body or

institution conferring any degree, diploma, certificate or any other like award not entered in the Schedule, are such as to secure the possession by its recipient of the requisite knowledge and skill for the efficient practice of the Ayurvedic or Unani system of medicine including surgery, midwifery and gynecology, the State Government may from time to time by notification in the Official Gazette amend the Schedule and include therein such degree, diploma, certificate or, as the case may be, award, subject to any conditions that may be specified in respect thereof.

(2) Any university, body or Institution desirous of the inclusion in the Schedule of any degree, diploma, certificate or award in the Ayurvedic or Unani system of medicine conferred by it, ²[may make an application in writing to the State Government in that behalf in the prescribed manner].

(3) If it appears to the State Government ³[X] that the course of study or examinations prescribed by any university, body or institution for any degree, diploma, certificate or award entered in the Schedule under this section are not such as to secure the maintenance of any adequate standard of proficiency for the practice of the Ayurvedic or Unani system of medicine, as the case may be. Including the practice of medicine, surgery, midwifery and gynecology, it shall be lawful for the State Government at any time, by notification in the Official Gazette, to remove any such degree, diploma, certificate or, as the case may be, award from the Schedule :

⁴ [Provided that before removing any degree, diploma, certificate or award from the Schedule, the State Government shall require the University, body or institution to take such steps and within such reasonable time as may be directed by the State Government, to bring the course of study or examinations for such degree, diploma or award to the required standard].

1. The words "on the report of the Faculty or otherwise" were deleted by Act No. 40 of 1965.

2. These words were subs. for the words, brackets and figures "may apply to the Faculty in the manner provided in sub-section (2) of section 27 and the provisions of that section shall apply mutatis mutandis in respect of such application" by Act No. 40 of 1965.

3. The words "on the report of the Faculty or otherwise" were deleted by Act No. 40 of 1965.

4. Substituted by Act No. 40 of 1965.

30. Prohibition of medical practice by persons not registered or enlisted :-

(1) Save as otherwise expressly provided in any special law for the time being in force, no person other than a medical practitioner whose name is entered in-

(i) the register or the list maintained under this Act:

(ii) the register or the list prepared and maintained under any law for the time being in force in relation to the qualifications and registration of Homeopathic practitioner in any part of the State, or

(iii) the register prepared and maintained under the Bombay Medical Act, 1912, (Bom VI of 1912) the said Act as adapted and applied to the Saurashtra area of the State or any other corresponding law for the time being in force in any part of the State; or

(iv) the Indian Medical Register prepared and maintained under the Medical Council Act, 1956 (II of 1956), shall practice any system of medicine in the State :

Provided that, the State Government may, by notification in the Official Gazette, direct that, subject to such conditions as it may deem fit to impose and the payment of such fees as may be prescribed, the provisions of this section shall not apply to any class of persons, or to any area, as may be specified in such notification.

(2) Any person who acts in contravention of the provisions of sub-section (1) shall, on conviction, be punished-

(i) for a first offence with fine which may extend to five hundred rupees:

(ii) for a second offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees: and

(iii) for every subsequent offence, with imprisonment for a term which may extend to two years and with fine which extend may to two thousand rupees.

31. Registered practitioners competent to give valid

certificates or expert evidence :-

(1) Notwithstanding anything contained in any law for the time being in force, a birth or a death certificate, or a medical or fitness certificate, or any other certificate required by any law to be signed or authenticated by a duly qualified practitioner, shall be valid only if it has been signed or authenticated by a practitioner registered under -

(i) this Act;

(ii) the Bombay Medical Act, 1912, (Bom. VI of 1912) or the said Act as adapted and applied to the Saurashtra area of the State or any other corresponding law for the time being in force in any part of the State;

(iii) any law for the time being in force in relation to the qualifications and registration of Homeopathic practitioners in any part of the State; or

(iv) the Medical Council Act, 1956 (II of 1956).

(2) No person other than a practitioner registered under any of the laws specified in sub-section (1) shall be qualified to give evidence at any Inquest or in any Court of law as an expert under s.45 of the Evidence Act, 1872 (I of 1872) on any matter relating to medicine, surgery or midwifery.

32. Conferring granting or issuing colourable imitations of degrees, diplomas or licences to be an offence :-

(1) Save as otherwise expressly provided in any special law for the time being in force, no person other than-

(a) a university established by law,

¹ [(b) XXX]

(c) an authority specified or notified under the Indian Medical Degrees Act, 1916 (VII of 1916),

(d) an authority authorised under any law for the time being in force in relation to the qualifications and registration of Homeopathic practitioners in any part of the State, or

(e) an authority empowered or recognized as competent, by the State Government, to confer, grant or issue any degree, diploma, licence, certificate or any other like award, shall confer, grant or

hold himself out as entitled to confer, grant or issue any degree, diplomas, licence, certificate or any other like award.

(i) which states or implies that the holder, grantee or replacement thereof is qualified to practise any system of medicine, or

(ii) which is Identical with, or is a colourable imitation of, any degree, diploma, licence, certificate or award granted by a body or institution specified in clause (a), (b), (c), (d) or (e) of this sub-section.

(2) Any person who contravenes the provisions of sub-section (1), and where any such contravention is committed by an association, every member of such association who knowingly or with fully authorises or permits the contravention, shall, on conviction, be punished-

(i) for a first offence, with fine which may extend to one thousand rupees:

(ii) for a subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

1. Deleted Act No 40 of 1965.

33. Prohibition against addition of any title, description etc., to name of any person unless authorised to do so :-

(1) No person shall add to his name any title, description, letters or abbreviations which imply that he holds a degree, diploma, licence, or certificate or any other like award as his qualification to practise any system of medicine, unless,

(a) he actually holds such degree, diploma, licence or certificate or any other like award, and

(b) such degree, diploma, licence or certificate or any other like award,

(i) is recognized by any law for the time being in force in India or in any part thereof, or

(ii) has been conferred, granted or issued by a body or institution referred to in sub-section (1) of Section 32 ,

(iii) has been recognised by the Medical Council of India.

(2) Any person who contravenes the provisions of sub-section (1) shall, subject to the provisions of any special law for the time being in force, be punished, on conviction,

(i) for a first offence, with fine which may extend to five hundred rupees:

(ii) for a subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.

34. Liberty to practice in rural areas :-

Notwithstanding anything contained in this Chapter a person may, subject to the payment of such fees as may be prescribed, practise any system of medicine other than Homeopathy in any rural area-

(a) if he has commenced practice in that system in any village in the said area prior to a date on which a practitioner registered under the Bombay Medical Act, 1912 (Bom. VI of 1912) or under the Bombay Medical Practitioners' Act, 1938 (Bom XXVI of 1938) (or any law corresponding thereto) for the time being in force, has commenced, and is in regular practice in, medicine in that village, and

(b) so long as he continues to so practise in that village as his principal place of practice.

Explanation 1.-For the purposes of this section "rural area" means any local area, which was not within the limits of a municipal corporation, municipal borough, municipal district, cantonment or notified area :-

(i) on the first day of March, 1939, if such local area forms part of the Bombay area of the State:

(ii) on the first day of March, 1951, if such local area forms part of the Saurashtra area of the State; or

(iii) on the 31st day of July 1949, if such local area forms part of the Kutch area of the State.

Explanation 2.-The term "notified area" in Explanation 1 means a notified area declared under the Bombay District Municipal Act, 1901 (Bom. III of 1901) or the said Act as adapted and applied to Saurashtra area of the State.

35. Offences under Act to be cognizable :-

All Offences under this Act shall be cognizable.

36. Indemnity to persons acting under the Act :-

No suit, prosecution or other legal proceedings shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, or under the rules or by-laws made there under.

CHAPTER 6

MISCELLANEOUS

37. Rules :-

(1) The State Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may be made :-

(a) for the whole or any part of the State, and

(b) to provide for all or any matters, expressly required or allowed by this Act to be prescribed by rules.

(3) All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid, or the session immediately following.

(4) Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall thereupon take effect.

38. 38 :-

¹ [XXX]

1. Deleted by Act No. 40 of 1965.

39. Control of State Government :-

(1) If at any time it appears to the State Government that the Board ¹[X] or its President ²[X] has, failed to exercise or has exceeded or abused any of the power conferred upon it or him by or under this Act, or has otherwise ceased to function, or has become incapable of functioning, the State Government may notify

the particulars thereof to the board ³[X] or the President ⁴[X] as the case may be. If the Board ⁵[X] or the President ⁶[X] fails to remedy such failure, excess or abuse within such reasonable time as the State Government may fix in this behalf, the State Government may ⁷[after giving the President or the Board] ⁸[X], as the case may be, an opportunity to render an explanation, remove the President ⁹[X] or, dissolve the Board ¹⁰[X] as the case may be, ¹¹[X] to be exercised and performed by such person or persons and for such period not exceeding one year as it may think fit and shall take steps to constitute a new Board ¹²[X].

(2) Notwithstanding anything contained in this Act, or in the rules ¹³[X] if at any time it appears to the State Government that the Board ¹⁴ [X] or any other authority empowered to exercise any of the powers or to perform any of the duties of functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person or persons, in such manner and for such period not exceeding six months and subject to such conditions, as it thinks fit.

1. The words "or the Faculty" were deleted by Act No. 40 of 1965.
2. The words "or Chairman" were deleted by Act No. 40 of 1965.
3. The words "or Faculty" were deleted by Act No. 40 of 1965.
4. The words "or the Chairman" were deleted by Act No. 40 of 1965.
5. The words "or the Faculty" were deleted by Act No. 40 of 1965.
6. The words "or the Chairman" were deleted by Act No. 40 of 1965.
7. These words were subs. for the words "after giving the President. Chairman. Board." by Act No. 40 of 1965.
8. The words "or Faculty" were deleted by Act No. 40 of 1965.
9. The words "or the Chairman" were deleted by Act No. 40 of 1965.
10. The words "or the Faculty" were deleted by Act No. 40 of 1965.
11. The words "or the Faculty" were deleted by Act No. 40 of 1965.
12. The words "or new Faculty as the case may be" were deleted by Act No. 40 of 1965.
13. The words "or by laws" were deleted by Act No. 40 of 1965.
14. The words "or the Faculty" were deleted by Act No. 40 of 1965.

CHAPTER 7

REPEAL AND TRANSITIONAL PROVISIONS

40. Repeal and saving :-

- (1) Subject to the provisions of this Chapter, with effect on and

from the date on which the Board is constituted under this Act, under sub-section (6) of Section 3 (hereinafter referred to as "the specified date")-

(a) the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) in its application to the Bombay area of the State of Gujarat:

(b) the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) as adapted and applied to the Saurashtra area of the State, and

(c) the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) in its application to Kutch area of the State, shall stand repealed.

(2) With effect on and from the specified date-

(a) the Board of Ayurvedic and Unani Systems of Medicine and the Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Bombay area of the State under sub-section(2) of section 3C of the Bombay Medical Practitioners' Act, 1938, (Bom. XXVI of 1938) and

(b) the Board of Indian System of Medicine and the Faculty of Indian System of Medicine constituted under section 3 of the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) as adapted and applied to the Saurashtra area of the State, shall stand dissolved and all the members thereof shall vacate office.

(3) The register and the list kept or maintained or deemed to be kept and maintained-

(a)

(i) under the Bombay Medical Practitioners' Act, 1938 , (Bom. XXVI of 1938) in its application to the Bombay area of the State of Gujarat: or

(ii) under the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) as adapted and applied to the Saurashtra area of the State, and

(b) in force immediately before the appointed day, shall be deemed to be the register and the list respectively under this Act, until the register and the list are prepared under Section 17 or Section 18 , as the case may be.

(4) Any appointment, notification, rule, by-law, regulation, notice, order, form or instrument made, issued or given under any of the Acts repealed under sub-section (1) and subsisting immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the relevant provisions of this Act and continue in force unless and until superseded by any appointment, notification, rule, by-law, regulation, notice, order, form or instrument made, issued or given under this Act.

41. 41 :-

¹ [XXX]

1. Deleted by Act No 40 of 1965.

42. 42 :-

¹ [XXX]

1. Deleted by Act No. 40 of 1965.

43. Provision regarding Registrar :-

(1) The Registrar appointed-

(a) under section 14 of the Bombay Medical Practitioners' Act. 1938 (Bom. XXVI of 1938) in its application to the Bombay area of the State; and

(b) under section 14 of the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938) as adapted and applied to the Saurashtra area of the State:

(2) The State Government may, by an order direct the absorption of any person who ceases to hold office of Registrar under sub-section (1) and who is not appointed as Registrar under Section 16, in a suitable post under the Board or the Faculty or may direct the termination of the employment of such person. Until such order is issued by the State Government the person so ceasing to hold office under sub-section (1) shall be paid by the Board such pay and allowances as he was drawing immediately before the appointed day. Any such person whose employment is terminated under this sub-section shall be entitled to receive from the Board such leave, pension, gratuity or other retirement benefits as he would have been entitled to receive on being invalided out of service of the respective Board and may receive such additional amount by way of compensation as the Board may with the

sanction of the State Government determine.

44. Vesting of rights, duties, etc. :-

Save as otherwise provided by or under this Act and unless there is anything repugnant in the subject or the context-

(1) all rights of the Boards dissolved under sub-section (2) of Section 40 (hereinafter in this section referred to as "the dissolved Boards") shall on the appointed day vest in the Board constituted under sub-section (6) of Section 3 (hereinafter in this section referred to as "the Board"):

(2) all the property, moveable or immoveable which on the day immediately preceding the appointed day vested in the dissolved Boards shall subject to all limitations and conditions as were in force on that day, vest in the Board;

(3) all sums due to the dissolved Boards on any account shall be recoverable by the Board which shall be competent to take any measure or institute any proceedings which it would have been open to the dissolved Boards to take or institute if this Act had not come into operation;

(4) all debts, liabilities and obligations incurred by or on behalf of the dissolved Boards, immediately before the appointed day and subsisting on the said day, shall be deemed to have been incurred by the Board in exercise of the powers conferred on it by this Act and shall continue in operation accordingly;

(5) all proceedings and matters pending before any authority or officer immediately before the appointed day under any of the Acts repealed under Section 40 shall be deemed to be transferred to and continue before the corresponding authority under this Act competent to entertain such proceedings and matters:

(6) all prosecutions instituted by or on behalf of or against any of the dissolved Boards and all suits and other legal proceedings instituted by or against any of the dissolved Boards or any officer of such Boards on behalf of the dissolved Boards, pending on the appointed day shall be continued by or against the Board:

(7) save as otherwise provided in Section 43 in respect of the Registrar, all other officers and servants in the employ of the dissolved Boards immediately before the appointed day, shall be officers and servants employed by the Board and shall, until

provision is otherwise made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service or retirement benefits which they were entitled to or subject to on the appointed day

Provided that-

(i) the service rendered by such officers and servants before the appointed day shall be deemed to be service rendered under the Board,

(ii) if in the opinion of the Board, the services of any officer or servant are not necessary or suitable to the requirements of service under it, it may, with the previous approval of the State Government, discontinue the services of any such officer or servant and any officer or servant whose services are so discontinued shall be entitled to receive from the Board such leave, pension, gratuity or other benefits as he would have, if this Act had not been passed, been entitled to receive on being Invalided out of service of the respective dissolved Boards and may receive such additional amount by way of compensation as the Board may with the sanction of the State Government determine.

(8) The provisions of clauses (1) to (7) shall mutatis mutandis apply to the Faculties dissolved under sub-section (2) of Section 40 as if, in the said clauses, there had been substituted, for the words "the dissolved Boards" and the words "the Boards", the words "the dissolved Faculties" and words "the Faculty of Ayurvedic and Unani System of Medicine", respectively in the application of the said clauses to the Faculties dissolved under sub-section (2) of Section 40 .

SCHEDULE 1

THE SCHEDULE

Qualification the possession of which entitles a person to registration. PART-1 Qualifications in the Ayurvedic system of medicine, Shuddha Ayurvedic Courses.

THE SCHEDULE

Qualification the possession of which entitles a person to registration.

PART-I

Qualifications in the Ayurvedic system of medicine,
Shuddha Ayurvedic Courses.

S.No.	Granting authority	Qualification	Abbreviations for registration and
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			condition for registration if any
1	2	3	4
1.	The Committee for Shuddha Ayurvedic Course appointed under Bombay Government Resolution in Local Self Government and Public Health Department No. ADR-1253, dt. 17-9-1953.	Ayurved Pravin styled as such under Bombay Government Resolution in L.S.G. and P.H.D. No. BMP-1054-H, dt. 12-7-1956 granted in 1957 and thereafter.	D.S.A.C. (Bom).
2.	The Committee for Shuddha Ayurvedic Course for the Gujarat State constituted under	Ayurved Pravin styled as such under Gujarat Government Resolution referred	D.S.A.C. (Guj.).
	Gujarat Government Resolution, Local Self Government & Public Health Department No. SAC- 1060- 19845-B-III, dt. the 28-9- 1960.	to in the preceding column.	
3.	Post Graduate Training Centre in Ayurved, Jam-nagar, constituted under Gujarat Government Notification Health & Industries Department No. ADR. 1159/ 5024-B-III, dt. 10-2-1961.	H.P.A. Certificate.	H.P.A. (Jam.)
4.	Rajkiya Sanskrit Maha Vidyalaya, Baroda State.	Ayurved-Visharad	
5.	M.S. University, Baroda	Ayurved-Visharad	
6.	Board of Indian Medicine, Saurashtra	Ayurved-Visharad	