

GUJARAT VETERINARY PRACTITIONERS ACT, 1969

15 of 1973

[July 10, 1973]

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GUJARAT VETERINARY PRACTITIONERS ACT, 1969

15 of 1973

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1. For Statement of Objects and Reasons see. Gujarat Government Extraordinary Gazette, Part V, dated the 18th June, 1969, pp. 82-83. An Act to consolidate and amend the law regulating the qualifications, and providing for registration, of veterinary practitioners in the State of Gujarat It is hereby enacted in the Twentieth 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 Veterinary Practitioners Act, 1969.

(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 :-

In this Act, unless the context otherwise requires.

- (a) "appointed day" means the date on which this Act comes into force;
- (b) "Council" means the Gujarat Veterinary Council established and constituted under this Act;
- (c) "Director" means the Director of Animal Husbandry, Gujarat State and includes any officer authorised by the State Government to exercise the powers and discharge the duties of the Director of Animal Husbandry, Gujarat State;
- (d) "hospital" means an institution in the State where animals are treated by methods approved by the Council;
- (e) "member" means a member of the Council who is a recognised veterinary practitioner;
- (f) "prescribed" means prescribed by rules or regulations, as the case may be, made under this Act;
- (g) "President" means the President of the Council;
- (h) "recognised qualification" means any of the qualification specified in the Schedule;
- (i) "register" means the register of veterinary practitioner prepared and maintained under section 14;
- (j) "registered veterinary practitioner" means a veterinary practitioner who holds a recognised qualification or is otherwise entitled to have his name registered under this Act and whose name is for the time being entered in the register;
- (k) "Registrar" means the Registrar appointed under section 13;
- (l) "regulations" means the regulations made by the Council under section 30;
- (m) "rules" means the rules made by the State Government under section 29;
- (n) "Schedule" means the Schedule appended to this Act;
- (o) "Veterinary College" means a college referred to in the Schedule.

3. Constitution and incorporation of Council :-

(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 Council to be called "The Gujarat Veterinary Council." The Council shall be a body corporate and having 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 movable and immovable, and to contract and do all things necessary for the purpose of this Act.

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

(a) the Director shall be an ex-officio member and the President;

(b) one member, who shall be the Principal of a veterinary college, shall be nominated by the State Government;

(c) one member, not being a Principal of a veterinary college, shall be elected, by members of all the facilities of veterinary science, by whatever name called, in the statutory universities in the State of Gujarat, dealing with veterinary education from amongst themselves;

(d) three members shall be elected by the veterinary practitioners, residing in the State of Gujarat, who are registered under this Act, from amongst themselves.

(3) If at any election, the electors fail to elect the requisite number of members to the Council, the State Government shall nominate such registered veterinary 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 election of members of the Council under this section shall be held at such time, and at such place, and in such manner as may be prescribed by rules.

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

(i) in respect of the constitution of the Council for the first time

under this Act, all the members thereof other than the ex-officio member shall be nominated by the State Government.

(ii) the 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, from time to time, specify.

(6) The names of members nominated or elected under this section shall be published in the Official Gazette by the State Government.

4. Term of office of members :-

(1) Except in the case of the constitution of the Council for the first time, the term of office of a member of the Council, other than the ex-officio member, whether elected or nominated, shall be a period of five years commencing on the date of the publication of his name in the Official Gazette under sub-section (6) of section 3:

Provided that, the State Government may, by notification in the Official Gazette, extend from time to time the term of office of the members of the Council for a further period not exceeding two years in the aggregate.

(2) The term of an outgoing, member shall, notwithstanding anything contained in sub-section (5) of section 3 and sub-section (1) 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 member is published under sub-section (6) of section 3.

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

5. Casual Vacancies :-

(1) Any casual vacancy, previous to the expiry of the term, in the office of a member due to his death, resignation, removal, disability or disqualification or any other reason shall be filled within three months of the occurrence of the casual vacancy, by nomination or election according as the seat vacated by the member of liable to be filled by nomination or election under section 3.

(2) On the occurrence of a vacancy referred to in sub-section (1), the President shall forthwith report the fact of such vacancy to the State Government.

(3) Any person nominated or elected under sub-section (1) to fill a vacancy shall, notwithstanding anything contained in section 4, hold office, only so long as the person in whose place he is nominated or elected would have held office, had the vacancy not occurred.

6. Resignation :-

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

7. , disability and removal from office :-

Disqualification.

(1) No person

(a) who is an undischarged 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 Council, shall be eligible to be elected or nominated or to continue as a member.

(2) If any Member,

(a) fails to accept office within one month of the date of his nomination or election; or

(b) absents himself from three consecutive meetings of the Council, without such reason as may in the opinion of the Council be sufficient; or

(c) dies or has his resignation accepted during the term of his office; or

(d) ceases to represent the faculties of veterinary science, if he is a member elected under clause (c) of sub-section (2) of section 3; or

(e) 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 Council, supported by at least two-thirds of the total number of its members, remove from Office as a member any member elected or nominated under this Act, if such member has been guilty of misconduct in the discharge of his duties as a member, or of any disgraceful conduct, or has become incapable of performing his duties as a member:

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

8. Meetings of Council :-

(1) Subject to the provisions of this Act and the rules, the meetings of the Council shall be convened, held and conducted in the manner prescribed by regulations. Until the regulations are made in this behalf, the President may convene and hold a meeting of the Council at such time and place as he thinks fit, after informing each member about it.

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

(3) Save as otherwise provided by this Act, all questions at a meeting of the Council 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) Three members of the Council including the President 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 future day as he may notify on the notice board at the office of the Council, 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 may be disposed of at such meeting or at any subsequent adjournment thereof, whether there be a quorum present or not.

9. Proceedings of meeting and validity of acts :-

(1) The proceedings of the discussion of every meeting of the Council shall be treated as confidential and no person shall, without the previous permission of the Council, 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 Council, unless the Council 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 member or as a presiding authority of a meeting, shall of itself be deemed to vitiate any act or proceeding of the Council, in which such person has taken part, whenever the majority of persons party to such act or proceeding were entitled to vote.

(3) During any vacancy in the Council the continuing members may act, as if no vacancy had occurred, unless the number of vacancies exceeds two in number.

10. Fees and allowances to members :-

There shall be paid to the members such fees and allowances for attendance at meetings and such reasonable travelling allowances as may from time to time be prescribed by regulations made by the Council.

11. Income and expenditure of Council :-

(1) The income of the Council shall consist of

(a) fees received from veterinary practitioners.

(b) Grants received from the State Government, if any; and

(c) any other sums received by the Council.

(2) It shall be competent for the Council to incur expenditure for the following purpose, namely :

(a) salaries and allowances of the Registrar and the, other staff maintained by the Council;

(b) fees and allowances paid to the members of the Council;

(c) such other expenses as are necessary for performing its duties and functions under this Act.

12. Powers, duties and functions of Council :-

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

- (a) to maintain the register and the periodical list and to provide for the registration of veterinary practitioners;
- (b) to hear and decide appeals from any decision of the Registrar;
- (c) to prescribe a code of ethics for regulation the professional conduct of registered veterinary practitioners;
- (d) to reprimand a registered veterinary practitioner, to suspend or remove him from the register or to take such other disciplinary action against him as may, in the opinion of the Council, 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 by rule.

13. Registrar and other employees of Council :-

(1) The Council shall, with the previous sanction of the State Government, appoint a Registrar. The Registrar shall be paid such salary and allowances, if any, as the Council may determine with the previous sanction of the State Government.

(2) The Council shall have power to grant leave to the Registrar.

(3) For the period of leave of the Registrar or when a temporary vacancy occurs in the office of the Registrar for, any other reason, the Council may, subject to the provisions of sub-section (1) appoint a person to act as Registrar and until such appointment is made, the Council may nominate any of its officers to carry on the current duties of the office of the Registrar.

(4) The Registrar shall be the Secretary of the Council.

(5) The Council may appoint such other officers and servants as it may consider necessary for the purposes of this Act. An officer or servant so appointed shall be paid such salary and allowances, if any, as the Council may determine.

(6) Save as expressly provided in this section, the conditions of service (including those relating to disciplinary action) of the

Registrar and other officers and servants of the Council shall be such as may be prescribed by regulations:

Provided that no order suspending, dismissing or removing the Registrar from office or imposing any other penalty on him shall be passed without the previous sanction of the State Government :

Provided further that where in the course of any disciplinary action against any other officer or servant of the Council, any penalty is imposed on such officer or servant by the Council, such officer or servant shall be entitled to prefer an appeal against the order imposing such penalty to the State Government within a period of thirty days from the date of the communication of the order to him.

(7) The Registrar and other officer and servants appointed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

CHAPTER 3 REGISTRATION

14. Preparation of Register :-

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

(2) The Register shall be in the form prescribed by rules and there shall be one register consisting of two parts. Part I shall include the name of registered veterinary practitioners possessing any of the recognised qualifications and Part II shall include the names of registered veterinary practitioners other than those included in Part I.

(3) Every person who possesses any of the qualifications specified in the Schedule or is for the time being registered under any law for the registration of veterinary practitioners in force in any other State in India with whom reciprocity of registration of veterinary practitioners has been arranged by the State Government, shall, at any time on an application made in the form prescribed by rules to the Registrar and on payment of a fee prescribed by the regulations be entitled to have his name entered in the register :

Provided that the Registrar shall refuse to register the name of a veterinary practitioner who in the opinion of the Council, is not fit

to be registered on account of his past misconduct as defined for the purpose of section 16.

(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 Veterinary Practitioners Act, 1953 (Bom. LXVIII of 1953) in its application to the Bombay 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.

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

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

(b) the date of his admission to the register maintained under this Act and in the case of a veterinary practitioner registered in any other State, the date of his admission to the register maintained under the law of that State 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 by rules.

(6) When the register is prepared in accordance with the foregoing provisions, the Registrar shall publish in the Official Gazette and such newspapers as the Council 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.

(7)

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

(b) Such certificate shall subject to the renewal thereof under the provisions of this Act, be valid only up to the date specified therein.

15. Persons not entitled to registration :-

Notwithstanding anything contained in section 14 no person, whose name has been removed, whether before or after the coming into force of this Act, from any register kept under

(i) the Bombay Veterinary Practitioners Act, 1953 (Bom. LXVIII of 1953) as in force in the Bombay areas of the State; or

(ii) any other law for the time being in force in India or any part thereof regulating the registration of veterinary practitioners, for commission of any offence or infamous conduct in a professional respect shall be entitled to have his name entered in the register, unless the Council, on sufficient cause being shown, direct his name to be entered therein on such conditions and on payment of such fees as may be prescribed by regulations.

16. Removal of names from register :-

(1) if a Registered veterinary practitioner has been, after due inquiry held by the Council in the manner prescribed by rules found guilty of any misconduct by the Council, the Council may

(a) issue a letter of warning to such veterinary practitioner; or

(b) direct the name of such veterinary 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 purpose of this section, "misconduct" shall mean

(i) a cognizable offence by a registered veterinary practitioner which involves moral turpitude, and for which he is convicted by a criminal court, or

(ii) a cognizable offence by a registered veterinary practitioner subject to military law for which he is convicted under the Army Act, 1950 (XLVI of 1950), or

(iii) any conduct which, in the opinion of the Council is infamous in relation to the veterinary profession, particularly under a code of ethics of, if any, prescribed by the Council :

Provided that the adoption by a registered veterinary practitioner of a theory of veterinary medicine or surgery which is not in accordance with the theory accepted for the time being shall not be deemed to be misconduct nor shall the association of a registered

veterinary practitioner with an unregistered practitioner be deemed to be misconduct, so long as such unregistered veterinary practitioner

(a) is in possession of a recognised qualification, and

(b) is not a person whose name has been removed from the register under clause (b) or to whom the provisions of section 15 apply.

(2) The Council may, on sufficient cause being shown, direct at any subsequent... date that the name of a veterinary 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 by regulations.

(3) The Council 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 Council, such entry was fraudulently or incorrectly made.

(4) Any person aggrieved by an order of the Council under sub-section (1) or (3) may, appeal in the manner prescribed by rules to the State Government within ninety days from the date on which the order is communicated to him.

(5) In holding any inquiry under this section, the Council, 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 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 commission for the examination of witnesses.

(6) All inquiries under this section shall be deemed to be judicial proceedings within meaning of sections 193, 219 and 228 of the Indian Penal Code (XLV of 1860).

17. Maintenance of register :-

(1) It shall be the duty of the Registrar to keep and maintain the register correctly, as far as possible, and from time to time to make

and revise the entries therein and to issue the certificates of registration and renewal slips, in accordance with the provisions of this Act and the rules, and the order of the Council.

(2) The name of registered veterinary practitioners who die or whose names are directed to be removed from the register under sub-section (1) of section 16 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 by regulations be entitled to have such qualification entered or change recorded in the register.

(4) Any person aggrieved by an order of the Registrar rejecting an application under sub-section (3) may appeal in the manner prescribed by regulations to the Council within ninety days from the date on which the order is communicated to him.

(5) For the purpose of this section, the Registrar may at any time enquire of a registered veterinary practitioner by writing to him a registered letter at the address which is entered in the register whether he has ceased to practise 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. Such inquiry shall be made at least once not less than one year before the term of office of the members of the Council is due to expire.

18. Renewal fee :-

(1) On the expiry of a period of one year from the date of publication of the notice under sub-section (6) of section 14 and every five years thereafter, every registered veterinary practitioner shall be liable to apply to the Registrar and to pay to the Council the renewal fee prescribed by regulations 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 veterinary practitioner a renewal slip in the form prescribed by rules 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 veterinary 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 by regulations. On receipt of such fees the Registrar shall issue a renewal slip as provided in clause (a).

19. Publication of periodical list of registered veterinary practitioners :-

(1) At such time after the publication of the notice under sub-section (6) of section 14 as the Council deems fit, and thereafter at the intervals prescribed by regulations 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 date prescribed by regulations 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 re-entered in the register, and not included in any subsisting periodical list already printed and published; and

(b) the names of all veterinary 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 by regulations.

(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 this Act.

20. No refund of fees :-

Fees paid under sections 14, 16, 17, and 18, shall not be refunded.

21. Rights of registered veterinary practitioners :-

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

(i) any expression importing a person recognised by law as a veterinary practitioner 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 III in the Seventh Schedule to the Constitution of India include, a veterinary practitioner whose name is entered in the register under this Act;

(ii) any certificate, or prescription required by or under any law from any veterinary practitioner shall be valid if such certificate or prescription has been signed by a registered veterinary practitioner;

(iii) it shall be lawful for every registered veterinary practitioner, to use in full after his name the words "Registered Veterinary Practitioner";

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

(v) a registered veterinary practitioner shall be eligible to hold any appointment as a veterinary physician, surgeon or other veterinary officer in any veterinary dispensary, hospital or infirmary supported by, or receiving a grant from the State Government or in any such public establishment, body or institution dealing with the practice of veterinary science.

22. Notice of death :-

Every Registrar of Deaths on receiving notice of the death of a

registered veterinary practitioner shall forthwith transmit, by post, to the Registrar, a certificate under his own hand together with the particulars of the time and place of death and may charge the cost of transmission of such certificate as an expense of his office.

23. Unregistered persons not to hold certain appointments

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No person shall, except with the sanction of the State Government, hold any appointment for the performance of veterinary duties in any veterinary dispensary, hospital or infirmary which is supported partially or wholly by public funds or is not supported entirely by voluntary contributions or which belongs to a local authority or in any public establishment, body or institution, unless he is registered under this Act.

24. Prohibition of veterinary practice by Persons not registered :-

(1) Save as otherwise expressly provided in any special law for the time being in force, no person other than a veterinary practitioner whose name is entered in the register maintained under this Act, shall practise any veterinary science 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 by rules, 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 the first offence with fine which may extend to two hundred and fifty rupees; and

(ii) for the second or subsequent offence with fine which may extend to five hundred rupees.

25. Registered practitioners competent to give valid certificates or expert evidence :-

(1) Notwithstanding anything contained in any law for the time being in force, any certificate required by any law to be signed or authenticated by a duly qualified veterinary practitioner shall be valid only if it has been signed or authenticated by a veterinary

practitioner registered under this Act.

(2) No person other than a veterinary practitioner registered under this Act shall be qualified to give evidence in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 (I of 1872) on any matter relating to veterinary science.

26. 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 veterinary science 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 recognised 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 the Schedule.

(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, with fine which may extend to three hundred rupees.

27. Offences under Act to be cognizable :-

All offences under this Act shall be cognizable.

28. Indemnity to persons acting under the Act :-

No suit, prosecution or other legal proceeding 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 regulations made thereunder.

CHAPTER 4

MISCELLANEOUS

29. 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 purpose 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 of the 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.

30. Regulations :-

(1) The Council may, with the previous sanction of the State Government, make regulations not inconsistent with the provisions of this Act or the rules made thereunder for the following matters, namely :

(a) the manner in which the meeting of the Council shall be convened, held and conducted under section 8;

(b) the fees and allowances which may be paid to the members of the Council under section 10;

(c) the honoraria which may be paid by the Council to the officers of the State Government for additional work done by them on its behalf with the previous permission of the State Government;

(d) the conditions of service of the officers and servants appointed under section 13;

(e) the fees which shall be payable by a person for having his name entered in the register under sub-section (3) of section 14, or under section 15 or for qualification entered or change recorded in the register under sub-section (3) of section 17;

(f) the conditions and fees for re-entry of the name of a veterinary practitioner in the register under sub-section (2) of section 16;

(g) the manner of preferring an appeal under sub-section (4) of section 17;

(h) the renewal fee or the additional fee for re-entry of name in the register payable under section 18;

(i) the form of the periodical list, the particulars to be included therein and the manner of its publication under sub-section (3) of section 19;

(j) the procedure to be followed in the conduct of inquiries by the Council and in the filing and hearing of appeals made to it;

(k) any other matter which is to be, or may be, prescribed by regulations.

(2) The State Government may, on receiving the draft regulations, sanction or refuse to sanction them or sanction them subject to such modifications as it may think fit, or return them to the Council for further consideration.

(3) All regulations, when sanctioned, shall be published in the Official Gazette.

31. Budget estimates of Council and re-appropriation of funds :-

(1) The Council shall have prepared annually on or before such date, and in such form and manner, as may be prescribed by rules in this behalf a budget estimate of its income and expenditure for the next year.

(2) The Council shall as soon as may be after the said date consider the budget estimate so prepared and approve the same with or without modifications as it thinks fit.

(3) The Council may, if necessary at any time during the year for which a budget estimate has been approved, cause a revised or supplementary budget estimate to be prepared and shall consider it and get it approved in the same manner as if it were an original annual budget estimate.

(4) Re-appropriation of funds in a budget estimate may be made from time to time subject to the same approval as is required for the budget estimate.

32. Copy of budget estimate to be forwarded to State

Government :-

A copy of every budget estimate and a statement of every reappropriation as finally approved under section 31 shall be forwarded by the Council without delay to the State Government. A copy of the annual budget estimate shall be so forwarded not later than the 18th February every year.

33. Accounts and their audit :-

(1) Accounts of the income and expenditure of the Council shall be kept in such form and manner as may be prescribed by rules and shall be balanced annually on the first day of April every year.

(2) The accounts of the Council shall be audited by a chartered accountant every year and also on such other date, if any, as may be prescribed by rules.

(3) A copy of every audit report shall be furnished by the Council to the State Government and to the Accpuntant General, Gujarat, within one month from the date on which the audit report is received by the Council.

34. Control of State Government :-

(1) If at any time it appears to the State Government that the Council has failed to exercise or has exceeded or abused any of the powers conferred upon it, 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 Council. If the Council 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, after giving the Council an opportunity to render an explanation, dissolve the Council and cause all or any of the powers, duties and functions of the Council 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 Council, on the expiration of such period.

(2) Notwithstanding anything contained in this Act, or in the rules or regulations, if at any time, it appears to the State Government that the Council or any other authority empowered to exercise any of the powers or to perform any of the duties or 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.

35. Amendment of Schedule :-

(1) If it appears to the State Government on the report of the Council or otherwise 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 veterinary science, 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 veterinary science conferred by it may apply to the Council in the manner prescribed by the Rules. The Council shall submit its report thereon to the State Government which may take such action thereon as it thinks fit.

(3) For the purpose of submitting its report under sub-section (2), the Council shall have the authority to call on the governing body or authorities of the university, body, or as the case may be, institution to which sub-section (2) applies to furnish such reports, returns or other information as the Council may require or to provide facilities to enable a member of the Council appointed by the Council in this behalf to attend and be present at any of the examinations held by such university, body or institution.

(4) If it appears to the State Government on the report of the Council or otherwise that the courses 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 veterinary science, 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 :

Provided that, no such notification shall be issued without

consulting the Council.

CHAPTER 5

REPEAL AND TRANSITIONAL PROVISIONS

36. Repeal and saving :-

(1) Subject to the provisions of this Chapter, with effect on and from the date on which the Council is constituted under sub-section (5) of section 3 (hereinafter referred to as "the specified date"), the Bombay Veterinary Practitioners Act, 1953 (Bom. LXVIII of 1953) shall stand repealed.

(2) With effect on and from the specified date, the Council established under the Act so repealed shall stand dissolved and all the members thereof shall vacate office.

(3) The register prepared or maintained or deemed to have been prepared or maintained under the Act so repealed, and in force immediately before the appointed day shall be deemed to be the register prepared under section 14, until a register is prepared under that section.

(4) Any appointment, notification, rule, regulation, notice, order, form or instrument made, issued or given under the Act so repealed, and subsisting immediately before the specified date 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, regulation, notice, order, form or instrument made, issued or given under this Act.

37. Vesting of rights, duties, etc :-

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

(1) all rights of the Council dissolved under sub-section (2) of section 36 (hereinafter in this section referred to as "the dissolved Council") shall, on the specified date vest in the Council constituted under sub-section (5) of section 3 (hereinafter in this section referred to as "the Council");

(2) all the property, movable or immovable, which on the day immediately preceding the specified date vested in the dissolved Council shall, subject to all limitations and conditions as were

inforce on that day, vest in the Council;

(3) all sums due to the dissolved Council on any account shall be recoverable by the Council which shall be competent to take any measure or institute any proceedings which it would have been open to the dissolved Council 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 Council, immediately before the specified date and subsisting on the said date, shall be deemed to have incurred by the Council 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 office immediately before the specified date under the Act repealed under section 36 shall be deemed to be transferred to and continue before the corresponding authority of office under this Act competent to entertain such proceedings and matters;

(6) all prosecutions instituted by or on behalf of or against the dissolved Council and all suits and other legal proceedings instituted by or against the dissolved Council or any officer thereof on behalf of the dissolved Council pending on the specified, date shall be continued by or against the Council;

(7) all officers and servants in the employ of the dissolved Council immediately before the specified date, shall be officers and servants employed by the Council 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 to which they were entitled or subject on the specified date:

Provided that

(i) the service rendered by such officers and servants before the specified date shall be deemed to be service rendered under the Council;

(ii) if in the opinion of the Council 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 Council 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 dissolved Council and may receive such additional amount by way of compensation as the Council may with the sanction of the State Government determine.

SCHEDULE 1

Recognised Veterinary Qualifications

PART

Recognised Veterinary Degrees and Diploma granted by Institutions in India

PART

Recognised Veterinary Qualifications granted by Institutions outside India