

**KARNATAKA AYURVEDIC, NATUROPATHY, SIDDHA, UNANI
AND YOGA PRACTITIONERS' REGISTRATION AND MEDICAL
PRACTITIONERS' MISCELLANEOUS PROVISIONS ACT, 1961**

9 of 1962

[14th April, 1960]

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SCHEDULE 1 :- Qualifications for Registratic

KARNATAKA AYURVEDIC, NATUROPATHY, SIDDHA, UNANI AND YOGA PRACTITIONERS' REGISTRATION AND MEDICAL PRACTITIONERS' MISCELLANE OUSPROVISIONS ACT, 1961

9 of 1962

[14th April, 1960]

An Act to regulate the qualifications and to provide for the registration of practitioners of [Ayurvedic, Naturopathy, Siddha, Unani and Yoga] systems of medicine with a view to encourage the study and spread of such systems and to amend the law relating to medical practitioners generally in the State of Karnataka. Whereas, it is expedient to regulate the qualifications and to provide for the registration of practitioners of the [Ayurvedic, Naturopathy, Siddha, Unani and yoga] systems of medicine with a view to encourage the study and spread of such systems and to provide for the registration of practitioners of the Integrated system and to amend the law relating to medical practitioners generally; Be it enacted by the Karnataka State Legislature in the Twelfth Year of the Republic of India as follows

CHAPTER 1 **Preliminary**

1. Short title, extent and commencement :-

(1) This Act may be called the Karnataka [Ayurvedic, Naturopathy, Siddha, Unani and Yoga] Practitioners Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961.

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

(3)

(a) Chapters I and II of this Act shall come into force at once in the whole of the State of Karnataka; and

(b) Chapter III shall come into force on such date as the State Government may by notification appoint.

2. Definitions :-

In Chapters I and II of this Act, unless the context otherwise requires,

¹[(a) "Amendment Act" means the Karnataka Ayurvedic and Unani Practitioner's Registration and Medical Practitioner's Miscellaneous Provisions (Amendment) Act, 1992.]

²[(aa)] "Ayurvedic system of medicine" or "the Ayurvedic system", means the Ayurvedic system of medicine whether supplemented or not by such modern advances as the Board may from time to time determine;

(b) "Board" means the Board established and constituted under Section 3;

(c) "Chapter" means a chapter of this Act;

(d) "Inspector" means an Inspector appointed by the Board under Section 23;

(e) "Integrated system of medicine" or "integrated system" means a conjoint study, training and practice in indigenous medicine and modern medicine;

Explanation. In this Act "indigenous medicine" means one or all of the ³[five] systems of medicine, that is Ayurveda, ⁴[Naturopathy, Siddha, Unani and Yoga] systems of medicine, and "modern medicine" means modern scientific medicine including surgery and obstetrics;

(f) "List" means a list of practitioners prepared and kept under

Section 18;

⁵(ff) "Naturopathic system of medicine" or "Naturopathy" means the naturopathic system of medicine whether supplemented or not by such modern advance, as the Board may, from time to time, determine]

(g) "Notification" means a notification published in the official Gazette;

(h) "Practitioner" means a person who practises any system of medicine as his principal occupation;

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

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

(k) "Qualifying examination" means the examination held for the purpose of granting a degree or diploma conferring the right of registration under this Act;

(l) "Register" means the register of practitioners maintained under Section 15;

(m) "Registered practitioner" means a practitioner whose name is for the time being entered in the register under this Act;

(n) "Registrar" means the Registrar appointed under Section 14;

(o) "Regulations" means regulations made under Section 31;

(p) "Rules" means rules made under Section 30; ⁶

[(pp) "Siddha system" of medicine or "Siddha system" means the Siddha system of medicine whether supplemented or not by such modern advances as the Board may from time to time determine;]

(q) "System of medicine" or" ⁷["Naturopathy system of treatment, Siddha system of medicine, Unani system of medicine, Yoga system of treatment"] means the Ayurvedic system of medicine, the Integrated system of medicine, or the Unani System of medicine; and

(r) "Unani System of Medicine" or "Unani System" means the Unani System of Medicine whether supplemented or not by such modern advances, as the Board may from time to time determine;

⁸ [(s) "Yoga system of treatment" or "Yoga system" means Yoga

system of treatment whether supplemented or not by such

1. Clause (a) inserted by Act No. 11 of 1992, w.e.f. 24-4-1992
2. Existing clause (a) relettered as clause (aa) by Act No. 11 of 1992, w.e.f. 24-4-1992.
3. Substituted for the word "four" by Act No. 11 of 1992, w.e.f. 24-4-1992.
4. Substituted for the words "Siddha, Naturopathy and Unani" by Act No. 11 of 1992, w.e.f. 24-4-1992.
5. Clause (ff) deemed to have been inserted by Act No. 7 of 1977, w.e.f. 5-3-1977
6. Clause (pp) inserted by Act No. 11 of 1992, w.e.f. 24-4-1992.
7. Substituted for the words "or the Unani system of medicine" by Act No. 11 of 1992, w.e.f. 24-4-1992.
8. Clause (s) inserted by Act No. 11 of 1992, w.e.f. 24-4-1992

CHAPTER 2

CHAPTER

3. Establishment, constitution and incorporation of the Board :-

(1) The State Government shall, by notification establish as soon as may be practicable, one Board jointly for the ¹[six] systems of medicine.

(2) The Board established under this section may be called by such name as the State Government may direct and it shall be a body corporate having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may sue or be sued in its corporate name.

(3) The Board established under sub-section (1) shall consist of ²[nineteen] members who shall be appointed in the following manner namely:

[(a) ten members nominated by the State Government, of whom one shall be the Director, Indian System of Medicine];

(b) ³ [nine] members elected by the registered practitioners from amongst themselves:

Provided that the members to be elected under clause (b) shall, in the case of the first constitution of the Board, be nominated by the State Government from persons who, in the opinion of the State Government, are eligible to have their names entered in the Register.

(4) The seats of members elected under clause (b) of sub-section (3) shall be so divided amongst the registered practitioners of different systems of medicine as to be in the proportion of the number of their members on the register:

Provided that in determining the said proportion, a fraction of one-half or less shall be neglected and fraction of more than one-half shall be counted "as one:

Provided further that the number of members representing registered practitioners of any system of medicine shall not at any time be less than two:

Provided also for the purposes of the proviso to sub-section (3), the State Government shall nominate the practitioners of each of such systems

(5) The President of the Board shall be elected by the members from amongst themselves in such manner as may be prescribed: Provided that in the case of the first constitution of the Board, the President shall be appointed by the State Government.

1. Substituted for the word "four" by Act No. 11 of 1992, w.e.f. 24-4-1992.

2. Substituted for the word "thirteen" by Act No. 11 of 1992, w.e.f. 24-4-1992.

3. Substituted for the word "seven" by Act No. 11 of 1992, w.e.f. 24-4-1992.

4. Nomination of members in default of election :-

If any of the members is not elected under Section 3, the State Government may nominate such registered practitioners as it deems fit and the practitioners so nominated shall, for the purpose of this Chapter, be deemed to have been duly elected under Section 3.

5. Election of members :-

(1) The election of practitioners entitled to be the members of the Board under clause (b) of sub-section (3) of Section 3, shall be held [x x x x x] in such manner as may be prescribed.

(2) The election under clause (b) of sub-section (3) of Section 3 shall be held according to the distributive system of voting. Explanation. Distributive system of voting means a system of voting in which every voter shall be entitled to give as many votes as there are seats to be filled:

Provided that no voter shall give more than one vote to any one candidate:

Provided further that no voting paper shall be deemed to be valid unless the voter has recorded all the votes which he is entitled to give.

6. Term of office :-

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

Provided that the term of office of members appointed to the Board constituted immediately after this Chapter comes into force ¹[and the members elected for the first time and nominated under sub-section (3) of Section 3] shall be for a period of [four years] from the date on which the first meeting of such Board is held.

² [(2) Where the term of office of the members has expired, and a new Board has not for any reason been constituted, the State Government may, by order appoint an Administrator for such Board for such period as may be specified in the order, who shall exercise all the powers and discharge all the duties conferred and imposed on the Board by or under this Act or any other law.]

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

(4) Any member may at any time resign his office by letter addressed to the President.

1. Inserted by Act No. 11 of 1992, w.e.f. 24-4-1992

2. Sub-section (2) shall be and shall be deemed always to have been substituted by Act No, 7 of 1977, w.e.f. 5-3-1977.

7. Vacancies :-

When a vacancy occurs in the office of a member of the Board through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled by election or nomination, as the case may be, in accordance with the provisions of Section 3. Any persons nominated or elected to fill the vacancy shall, notwithstanding anything contained in Section 6, hold office only so long as the

member in whose place he is nominated or elected would have held office if the vacancy had not occurred.

8. Validity of proceedings :-

(1) No disqualification, or defect in the election or nomination, of any person acting as a member of the Board or as the President or presiding authority of a meeting shall be deemed to vitiate any act or proceeding of the Board, in which such person has taken part.

(2) No act done by the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board.

9. Disqualifications :-

A person shall be disqualified for being chosen as, and for being, a member of the Board

(a) if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has by order, which the State Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence;

(b) if he is an undischarged insolvent;

(c) if he is of unsound mind and stands so declared by a competent court;

(d) if he is a whole-time officer or servant of the Board.

10. Disabilities for continuing as member :-

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

(a) absents himself, without excuse sufficient in the opinion of the State Government, from three consecutive ordinary meetings of the Board, or

(b) in the case of a member elected under clause (b) of sub-section (3) of Section 3, ceases to be a registered practitioner, or

(c) becomes subject to any of the disqualifications mentioned in Section 9,

the State Government shall declare his office to be vacant.

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

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

12. Procedure at meetings of the Board :-

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

(2) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present in the meeting. Seven members of the Board shall form a quorum.

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

13. Other powers and functions of the Board :-

The Board shall also exercise such other powers and perform such other functions as may be prescribed by or under this Act, or as the State Government may direct, for carrying out the purposes of this Act.

14. Registrar and other officers and servants :-

(1) The Board shall, with the previous approval of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances and shall be subject to such conditions of service as may be prescribed. The Board may from time to time grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all the purposes of this Act: Provided that where the period of leave to be granted to the Registrar does not exceed one month, the President may grant such leave.

(2) The Board may appoint such other officers and servants as may be necessary for the purposes of this Act: Provided that the number and designations of such officers and servants, and their salaries and allowances shall be subject to the previous approval of the

State Government.

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

15. Duties of Registrar :-

(1) Subject to the provisions of this Chapter and subject to any general or special order of the Board, it shall be the duty of the Registrar

(i) to keep the register and list,

(ii) to attend the meetings of the Board, and

(iii) to perform generally the duties of the Secretary to the Board.

(2) The Registers shall be in such form as may be prescribed. The Registrar shall maintain the register in separate parts, each of which shall contain separately the names of practitioners qualified to practise in each of the [six] systems of medicine. Each part of the Register, shall contain the name, residence and qualifications of every registered practitioner, together with the date on which such qualifications were acquired.

(3) The Registrar shall keep the Register correct as far as possible and may from time to time enter therein any material alteration in the address or qualifications of the practitioner. The names of registered practitioners who die or whose names are directed to be removed from the Register under sub-section (3) of Section 16 shall be removed from the Register.

(4) The State Government may direct that any alteration in the entries as respects additional qualification shall not be made unless on payment of such fee as may be prescribed.

16. Registration and removal from register :-

(1) Every person who has passed a qualifying examination may apply to the Registrar giving a correct description of his qualifications with the dates on which they were granted and present his degree, diploma or licence along with 2[a fee of rupees three hundred for being registered for life time under this Act]. The Registrar shall, if satisfied that the applicant is entitled to be registered enter his name in the register: Provided that the Registrar shall on application and on payment of a fee of two

rupees enter in the register the names of the medical

(2) Notwithstanding anything contained in sub-section (1) every person who [before the expiry of the 31st day of December 1981] produces such proof as may be prescribed, to prove to the satisfaction of the Registrar that he has been in regular practice in the State of Karnataka as a practitioner for a period of not less than ten years preceding the date on which this Chapter comes into force [and that he has completed twenty five years of age on the said date] for being registered as a practitioner this under Chapter shall be entitled to have his name entered in the Register on payment of a fee of fifteen rupees: Provided that any person whose name has been removed from the Register kept under any Central Act or State Act or from the Register of any country where he was practising, for infamous conduct in a professional respect shall not be entitled to have his name entered in the register except with the previous approval of the State Government and the Board.

[(2-A) Notwithstanding anything contained in sub-sections (1) and (2), but subject to the proviso to sub-section (2), every person who within a period of one year from the date of commencement of the Amendment Act, produces such proof, as may be prescribed, to prove to the satisfaction of the Registrar that he has been in the regular practice in the State of Karnataka, as a Practitioner of Naturopathy System of Treatment, Siddha System of Medicine and Yoga System of Treatment for a period of not less than ten years preceding the date on which the Amendment Act comes into force and that he has completed thirty-five years of age on the said date for being registered as a practitioner under this Chapter, shall be entitled to have his name entered in the Register on payment of fee specified in sub-section (1).]

(3) If a practitioner has been after due inquiry by the Board found guilty of any misconduct, the Board may.

(a) issue a letter of warning addressed to such practitioner, or

(b) direct the name of such practitioner

(i) to be removed from the register for such period as may be specified in the direction, or

(ii) to be removed from the register without specifying the period of such removal.

Explanation. For the purposes of this sub-section "mis-conduct" shall mean.

(a) the conviction of the practitioner by a criminal court for an offence which involves moral turpitude and which is cognizable as dennded in the Code of Criminal Procedure, 1898 (Central Act V of 1898), or any other law for the time being in force;

(b) any conduct which, in the opinion of the Board, is infamous in any professional respect. The Board may, on sufficient cause being shown, and with the approval of the State Government, direct that the name of the practitioner so removed shall be re-entered in the register.

(4) Any person aggrieved by any order of the Board removing the name of a person from the register under sub-section (3) may within ninety days from the date of communication of the order to the person concerned, appeal to the State Government.

17. Appeal to Board from the decision of Registrar :-

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

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

(3) The Board may, on its own motion or on the application of any person, after due 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.

(4) Any person aggrieved by any order of the Board under sub-section (3) may, within ninety days from the date of communication of the order to the person concerned, appeal to the State Government.

18. Maintenance of list of persons in practice 1[not qualified for registration under this Act]. :-

¹[

(1) The Registrar shall also prepare in accordance with the provisions of [sub-sections (2) and (2-A) a list of persons entitled to have their names entered under the said ²[sub-section] in a list

called a list of persons in practice on the date of commencement of this Chapter.

(2) Subject to the provisions of sub-section (3), every person not being a person qualified for registration under this Act, who,⁴[before the expiry of the 31st day of December 1981] proves to the satisfaction of the Registrar that he has been in regular practice in the State of Mysore for at least five years prior to the commencement of this Chapter in the Ayurvedic or Unani system of medicine, or any of their branches, ³[and that he has completed twenty years of age on the date of commencement of this chapter] shall be entitled to have his name entered in the aforesaid list on payment of ten rupees:

Provided that any person whose name has been removed from the Register kept under any Central Act or State Act or from the Register of any country where he was formerly practising, for infamous conduct in a professional respect, shall not be entitled to have his name entered in the list. ⁴[(2-A) Subject to the provisions to sub-section (2) and the provisions of sub-section (3), every person not being qualified for registration under this

(3) Every person whose name is entered in the list under ⁵ [sub-sections (2) and (2-A)] shall, within a period of five years from the date of entry in the list pass an examination conducted by the Board for the purpose and the names of persons who do not pass such examination shall be removed from such list.

(4) The provisions of sub-sections (3) and (4) of Section 15, sub-sections (3) and (4) of Section 16, and Section 17 shall mutatis mutandis apply to the list maintained under this section.

1. Sub-section (1) substituted by Act No. 9 of 1966 and shall be deemed to have come into force w.e.f. 15-3-1962.

2. Substituted for the words, bracket and figure "sub-section (2), a list of persons entitled to have their names entered under the said sub-section" by Act No. 11 of 1992, w.e.f. 24-4-1992.

3. Inserted by Act No. 3 of 1968 and shall be deemed always to have been inserted.

4. Sub-section (2-A) inserted by Act No. 11 of 1992, w.e.f. 24-4-1992.

5. Substituted for the words, brackets and figure "sub-section (2)" by Act No. 11 of 1992, w.e.f. 24-4-1992.

19. Renewal fee :-

(1) Notwithstanding anything contained in Section 16 or 18, each

Medical Practitioner [other than a Medical Practitioner whose name is entered in the Register under sub-section (1) of Section 16 or continued in the Register or List under the proviso to this sub-section] shall pay to the Board on or before the thirty-first day of December of the year, succeeding the year in which his name is entered in the register or list, and of every [XXX] year thereafter a renewal fee of [twenty] rupees for the continuance of his name on the register or list, as the case may be: [Provided that a medical practitioner registered under this Act, before the commencement of the Karnataka Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions (Amendment) Act, 1991, may pay a renewal fee of rupees two hundred for the continuance of his name on the register or list as the case may be for life time.]

(2) If the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register or list, as the case may be:

Provided that the name so removed may be re-entered in the register or list on payment of the renewal fee in such manner and subject to such conditions, as may be prescribed.

20. Privileges of registered practitioners :-

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

(1) the expression 'legally qualified medical practitioner' or 'duly qualified medical practitioner' or any word or expression importing a reference to a person recognised by law as a medical practitioner or member of the medical profession shall, in all laws in force in the State of Karnataka in so far as such laws relate to any of the matters specified in List II or List III of the Seventh Schedule to the Constitution of India, be deemed to include a registered practitioner;

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

(3) a registered practitioner shall be eligible to hold an appointment as a medical officer in any medical institution of any system of medicine in which he is registered;

(4) a registered practitioner may possess and prescribe the

poisonous drugs of the system or systems of medicine to which he belongs.

21. Qualification for registration :-

(1) Save as otherwise provided in Section 16 and subject to the provisions of Sections 23 and 25 on and after the expiry ¹ [the 31st day of December 1981] the name of any person shall not be entered in the register as a registered practitioner, unless he has passed a qualifying examination as specified in the Schedule to this Act. [(1-A) Notwithstanding anything contained in sub-section (1) and save as otherwise provided in Section 16 and subject to the provisions of Sections 23 and 25, after the expiry of one year from the commencement of the Amendment Act, the name of any person shall not be entered in the register as a Registered Practitioner in Naturopathic System of treatment or Siddha System of Medicine or Yoga System of Treatment, unless he has passed a qualifying examination, as specified in the Schedule to this Act.]

[(2) The State Government, after consultation with the Board, may, by notification, amend the schedule in such manner as it deems fit, and when any examination is added to the schedule the State Government may declare that it shall be qualifying examination only when granted after a specified date.]

1. Substituted for the words, brackets and figures "four years from the date on which the Registrar is appointed under sub-section (1) of Section 14" by Act No. 46 of 1981, w.e.f. 1-10-1981

22. Recognition of Institutions :-

(1) Any institution applying for recognition under this Act for the purpose of giving instructions in any

(a) the constitution and personnel of the managing body;

(b) subjects and courses in which it gives or proposes to give instructions;

(c) accommodation, equipment and the number of students for whom provision has been or is proposed to be made;

(d) the strength of the staff, their salaries, qualifications and the research work done by them;

(e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for

the continued maintenance and efficient working of the institution.

(2) The Registrar shall place the application before the Board and the Board may direct the Registrar to call for any further information which it may deem necessary. The Board may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.

(3) After recording the report of such local enquiry and after making such further inquiry as may be necessary, the Board shall forward the application together with its report to the State Government stating its opinion whether the recognition asked for should or should not be granted. The State Government may thereupon grant or refuse the recognition or, may grant it subject to such conditions as it deems fit, and the decision of the State Government shall be final.

23. Qualifying examination :-

(1) The Board shall, by regulations, prescribe the course of training and qualifying examinations including the course of training and examinations prior to qualifying examinations. Such regulations may provide that instruction and examination shall, as far as possible, be given or held in such languages as may be specified in such regulations.

(2) A qualifying examination shall be an examination in any system of medicine held for the purpose of granting a diploma conferring the right of registration under this Chapter by any of the institutions which on the recommendation of the Board may be specified by the State Government by a notification as being authorised to hold a qualifying examination.

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

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

(b) and to permit Inspectors appointed by the Board to attend and be present at all or any of the qualifying or prior examinations.

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

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

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

(7) An Inspector shall receive such remuneration to be paid as part of the expenses of the Board, as the Board, with the previous sanction of the State Government, may determine.

24. Visitors at examinations :-

(1) The Board may appoint such number of visitors as it may deem requisite to attend at any or all of the qualifying examinations held by any institution.

(2) Any person, whether he is a member of the Board or not may be appointed as a visitor under this section but a person who is appointed as an inspector under section 23 for any examinations shall not be appointed as a visitor for the same examination.

(3) Visitors appointed under this section shall not interfere with the conduct of any examination but they shall report to the President of the Board on the efficiency of every examination which they attend and on any other matters in regard to which the Board may require them to report.

(4) The report of a visitor shall be treated as confidential unless in any particular case the President of the Board otherwise directs: Provided that if the State Government requires a copy of the report by a visitor, the Board shall furnish the same.

25. Withdrawal of recognition :-

(1) When upon a report by the Board or by a visitor appointed under Section 24, it appears to the State Government that the course of study and examination prescribed by any institution for passing any qualifying examination or that the standards of proficiency required from candidates at any qualifying examination are not such as to secure to persons passing such examination, the knowledge and skill requisite for the efficient practice of the system of medicine concerned, the State Government shall forward such report along with such remarks as it may choose to make, to the institution concerned with the intimation of the period within which such institution may submit its explanation to the State Government.

(2) On the receipt of the explanation or where no explanation is submitted within the period fixed, then on the expiry of that period, the State Government, after making such further enquiry, if any, as it may think fit, may by notification, direct that an entry shall be made in the schedule against the said examination that it shall be a qualifying examination only when granted before a specified date.

26. Exemption from serving on inquests, etc :-

Notwithstanding anything contained in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on any inquest or as a juror under the Code of Criminal Procedure, 1898 (Central Act V of 1898).

27. Fees payable to members of the Board :-

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

28. Income and expenses of the Board :-

(1) The income of the Board shall consist of (a) fees received under this Chapter; (b) grants received from the Government; (c) donations and other sums received by the Board.

(2) The expenses of the Board shall include the salaries and allowances of the Registrar, the staff appointed by the Board including Inspectors, fee and allowances paid to members of the Board and such other expenses as are necessary for carrying out the purposes of this Act.

29. Publication of the list of Practitioners :-

(1) The Registrar shall every year on or before the 30th day of June publish in the official Gazette a correct list of the names and qualifications of all practitioners entered in the register on the first day of January of that year.

(2) A copy of the list published under sub-section (1) 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 on the register shall be evidence that such person is registered under the provisions of this Act.

30. Rules :-

(1) The State Government may, after previous publication, by notification make rules to carry out all or any of the purposes of this Chapter.

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

(a) the manner in which the election of the President shall be held under sub-section (5) of Section 3;

(b) the [XXX] manner in which elections shall be held under Section 5;

(c) the manner in which the meetings of the Board shall be convened and held;

(d) the salary, allowances and other conditions of service of the Registrar under Section 14;

(e) the form of the register and the particulars to be entered therein under Section 15;

(f) fees chargeable under sub-section (4) of Section 15 for making entries in the register;

(g) the manner in which appeals against the decision of the Registrar shall be heard by the Board under Section 17;

(h) fees for applications;

(i) the manner in which and the conditions subject to which the name of a practitioner can be re-entered in the register or list on payment of renewal fee under Section 19;

(j) fees and other allowances payable to members of the Board under Section 27;

(k) the furtherance of any of the objects of the Board.

[(2-A) Any rule under this Act may be made to have effect retrospectively and when any such rule is made a statement specifying the reasons for making such a rule shall be laid before both Houses of the State Legislature along with the rule under sub-section (3). All these rules made under this Act shall, subject to any modification made under sub-section (3), have effect as if enacted in this Act.]

(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

31. Regulations :-

(1) The Board may, with the previous sanction of the State Government, by notification, make regulations not inconsistent with this Chapter or the rules, for any of the following matters, namely:

(a) the time and place at which the Board shall hold its meetings under Section 11;

(b) the salary, allowance and other conditions of service of officers and servants of the Board other than the Registrar, under Section 14;

(c) all other matters which may be necessary for the purposes of carrying out the objects of this Chapter.

(2) It shall be lawful for the State Government by notification to cancel or alter any regulation made under this Act.

32. Control :-

(1) If at any time it shall appear to the State Government that the Board has failed to exercise, or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform

(2) When the State Government has dissolved the Board under sub-section (1), it shall take steps as soon as may be convenient to constitute a new Board under Section 3 and thereupon the property and funds referred to in sub-section (1) shall revest in the Board so constituted.

(3) Notwithstanding anything contained in this Act, rules or regulations, if, at any time, it shall appear to the State Government that the Board or any other authority empowered to exercise any of the powers or to perform any of the 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 in such manner and for such period not exceeding six months and subject to such conditions as it thinks fit.

33. Repeal and power to remove difficulties :-

(1) The Medical Act, 1312 Fasli (Hyderabad Act 1 of 1312-F), as in force in the Hyderabad area, and the Bombay Medical Registration Act, 1938 are hereby repealed.

(2) If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement of this Act, the State Government, may, by notification, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

CHAPTER 3

Medical Practitioners Miscellaneous Provisions

34. Medical practitioners not registered under this Act or under certain laws not to practise, etc :-

(1) No person other than (i) a practitioner registered under Chapter II of this Act or (ii) a practitioner registered under the Karnataka Medical Registration Act, 1961 or the Karnataka Homeopathic Practitioners Act, 1961 or a practitioner whose name is for the time being borne on the Indian Medical Register maintained under the Indian Medical Council Act, 1956 or (iii) a person whose name is entered in the list mentioned in Section 18, shall practise or hold himself out, whether directly or by implication, as practising for personal gain any system of medicine, surgery or midwifery.

(2) A person shall be deemed to practise any system of medicine within the meaning of sub-section (1) who holds himself out as being able to diagnose, treat, operate or prescribe medicine or other remedy or to give medicine for any human disease, pain, injury, deformity or physical condition or who by any advertisement, demonstration, exhibition or teaching, offers or undertakes, by any means or methods whatsoever to diagnose, treat, operate or prescribe medicine or other remedy or to give medicine for any human disease, pain, injury deformity or physical condition:

Provided that any person who mechanically fits or sells lenses, artificial eyes, limbs, or other apparatus or appliances or is engaged in the mechanical examination of eyes for the purpose of construction or adjusting spectacles, eye glasses or lenses or practises physio-therapy, or chiropody or who without personal gain furnishes medical treatment or does domestic administration of family remedies shall not be deemed to practise within the meaning of this section.

Explanation. For the purpose of sub-section (2),

(a) 'advertisement' includes any word, letter, notice, circular, picture, illustration, model, sign, placard, board 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

(b) 'physio-therapy' means treatment of human disease, pain, injury, deformity or physical condition by massage or other physical means but does not include bone-setting.

35. Medical practitioner not registered under this Act, etc., not to sign birth or death certificate, etc :-

Notwithstanding anything contained in any law for the time being

in force, no person other than a practitioner registered under Chapter II of this Act or a practitioner registered under the Karnataka Medical Registration Act, 1961, or the Karnataka Homeopathic Practitioners Act, 1961, or a practitioner whose name is for the time being borne on the Indian Medical Register maintained under the Indian Medical Council Act, 1956,

(a) shall sign or authenticate a birth or death certificate required by any law or rules to be signed or authenticated by a duly qualified medical practitioner;

(b) shall sign or authenticate a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner; or

(c) shall be qualified to give evidence at any inquest or in any court of law as an expert under Section 45 of the Indian Evidence Act, 1872, or any matter relating to medicine, surgery or midwifery.

36. Penalty :-

Any person who acts in contravention of the provisions of Section 34 or 35 shall, on conviction, be punished with fine which may extend to one hundred rupees for the first offence, to five hundred rupees for the second offence, and to imprisonment for a term not exceeding two years and a fine not exceeding one thousand rupees for every subsequent offence after his conviction for such second offence.

36A. Prohibition of Couching :-

(1) ¹ Notwithstanding anything contained in any law for the time being in force, no person other than a practitioner referred to in Section 35 shall couch or attempt to couch or agree to offer by physical means or interference with the eye, to give vision to a person suffering from cataract, with or without that person's consent.

(2) Whoever contravenes the provisions of sub-section (1) or abets the contravention of the said provisions shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

(3) Any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable

under sub-section (2).

(4) A magistrate may take cognizance of an offence under section,

(a) on a report of a police officer; or

(b) on the information of any other persons; or

(c) upon his own knowledge or suspicion that such an offence has been committed: Provided that no cognizance shall be taken where offence alleged was - committed more than six months after the date the offence is said to have been committed.]

1. Section 36-A inserted by Act No. 32 of 1966, w.e.f. 22-12-1966.

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

(1) No person other than a body or institution authorised under Section 22 of this Act or under any Central Act or State Act for the time being in force, shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, certificate or licence which is identical with or is a colourable imitation of any degree, diploma, certificate or licence granted by a body or institution authorised under this Act or under any Central Act or State Act for the time being in force, as the case may be.

(2) Whoever contravenes the provisions of this section shall, on conviction, be punished with fine which may extend to one thousand rupees.

(3)

(i) If the person committing an offence under this section is a company, the company as well as every person incharge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(ii) Notwithstanding anything contained in clause (i), where an offence under this section has been committed by a company and it

is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation. For the purposes of this sub-section,

(a) "company" means any body corporate and includes a firm or other association of individuals, and

(b) "director" in relation to a firm means a partner in the firm.

38. 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 as his qualification to practise any system of medicine unless

(a) he actually holds such degree, diploma, licence or certificate; and

(b) such degree, diploma, licence or certificate

(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 sub-section (1) of Section 37, or

(iii) in cases not falling under sub-clause (i) or (ii), has been conferred, granted or issued by an authority empowered or recognised as competent by the State Government to confer, grant or issue such degree, diploma, licence or certificate.

(2) Whoever contravenes the provisions of sub-section (1), shall on conviction, be punished in the case of a first conviction with fine which may extend to two hundred and fifty rupees and in the case of subsequent conviction, with fine which may extend to five hundred rupees.

39. Saving :-

Nothing in Sections 34 and 36 shall apply to any person

(a) who limits his practice to the art of dentistry, or

(b) who being a nurse, midwife or health visitor registered under any Central Act or State Act, or a dai, attends on a case of labour, or renders such other services as are required of her in the course of such work.

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

(1) No court other than the court of a magistrate of the first class shall take cognizance of, or try, an offence under this Act.

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

41. 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, rules or regulations.

42. Jurisdiction of Civil Courts :-

No act done in the exercise of any power conferred by or under this Act on the State Government or the Board or the Registrar shall be questioned in any civil court.

SCHEDULE 1

Qualifications for Registratic