

MAHARASHTRA MEDICAL PRACTITIONERS ACT, 1961

28 of 1961

[20th June, 1961]

CONTENTS

CHAPTER 1 :- CHAPTER

1. Short title, extent, and commencement
2. Definitions

CHAPTER 2 :- Constitution, functions and Powers of the Council

3. Establishment and incorporation of Council and dissolution of existing Board and Faculty; and Director to function as Administrator temporarily
- 3A. Constitution of Council
4. Procedure for election of members, President and Vice-President
5. Term of office
6. Casual vacancies
7. Resignation
8. Disqualification, disability and removal from office
9. Meeting of the Council
10. Proceedings of meetings and validity acts
11. Fees and allowances for meetings
12. Income and Expenditure of the the Council
13. .
14. Powers, duties and functions of the Council
15. .
16. Registrar and other employees of [the Council]
- 16A. Executive Committee of sir Council
- 16B. .

CHAPTER 3 :- Registration of Practitioners

17. Preparation of register
18. Enlisted practitioners deemed to be registered practitioners on 30th September, 1976
- 18A. Provisional registration for practice
19. Persons not entitled to registration
20. Removal of names from the register
21. Maintenance of register
22. .
23. Publication of list of registered practitioners

- 23A. Renewal of registration
- 24. No refund of fees
- 25. Rights of registered practitioners to practice

CHAPTER 4 :- Examinations held by [Council] Courses of Studies, Recognition of Institutions and Recognition of Qualification

- 26. Examination held by [Council] and courses of studies
- 27. Recognition of institutions
- 28. Withdrawal of recognition of institutions
- 29. Amendment of Schedule

CHAPTER 5 :- Miscellaneous

- 30. Rules
- 31. By-laws
- 32. Control of State Government

CHAPTER 6 :- General Provisions Applicable to all Medical Practitioners

- 33. Prohibition of medical practice by persons not registered
- 33A. Unregistered Persons not to hold certain appointments
- 34. Registered practitioners competent to give valid certificates or expert evidence
- 35. Conferring, granting or issuing colourable imitations of degrees, diplomas or licences to be an offence
- 36. Prohibition against addition of any title, description, etc., to name of any person, unless authorised to do so
- 37. Liberty to practise in rural areas
- 38. Cognizance of offences
- 39. Indemnity to persons acting under the Act

CHAPTER 7 :- Repeal and Transitional Provisions

- 40. Repeal and saving
- 41. Vesting of rights, duties etc., in the Council and saving
- 42. Dissolution of Faculty and Constitution of new Faculty
- 43. Provisions regarding Registrars
- 44. Provisions regarding examination
- 45. Provisions regarding recognised institutions
- 46. Vesting of rights, duties, etc
- 47. Power to remove difficulty

SCHEDULE 1 :- SCHEDULE

SCHEDULE 2 :- SCHEDULE

MAHARASHTRA MEDICAL PRACTITIONERS ACT, 1961

[20th June, 1961]

An Act to regulate the qualifications and to provide for the registration of practitioners of the Ayurvedic Siddha and Unani Systems of Medicine, with a view to encourage the study and spread of such systems, and to make certain provisions relating to medical practitioners generally, in the State of Maharashtra; and for that purpose to consolidate and amend the law relating thereto WHEREAS it is expedient to regulate the qualifications and to provide for the registration of practitioners of the Ayurvedic Siddha and Unani Systems of Medicine, with a view to encourage the study and spread of such systems, and to make certain provisions relating to medical practitioners generally, in the State of Maharashtra; and for that purpose to consolidate and amend the law relating thereto; It is hereby enacted in the Twelfth Year of the Republic of India as follows, namely

CHAPTER 1
CHAPTER

1. Short title, extent, and commencement :-

(1) This Act may be called the Maharashtra Medical Practitioners Act, 1961.

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

(3) The whole Act (except Chapter VI thereof) shall come into force on such [date as the State Government may, by notification in the Official Gazette appoint; and Chapter VI shall come into force on such date [being a subsequent date] as that Government may, by like notification, appoints.

2. Definitions :-

In this Act, unless the context otherwise requires, -

(a) "appointed day" means the date on which the whole Act except Chapter VI thereof comes into force;

(b)[*****]

(c)[* * * * *]

(d) "by-law" means by-law made under Section 31;

[(e) "Council" means the Maharashtra Council of Indian Medicine established under Section 3;

(f) "Director of Ayurved" means the Director of Ayurved, Maharashtra State;

(f-a) "Indian Medicine" means the system of Indian Medicine commonly known as Ashtang Ayurvedic or Siddha or Unani or Unani Tibb, whether supplemented or not by such modern advances as the Central Council from time to time by notification may declare under clause (e) of sub-section (1) of Section 2 of the Indian Medicine Central Council Act, 1970];

(g)[* * * * *]

(h) "Inspector" means an Inspector appointed by [the Council].

(i)[****]

(j) "member" means a member of [the Council];

(k) "President" means the President of [the Council];

(l) "recognized institution" means any institution recognized under Section 27;

(m) "register" except Chapter VI, means the register of practitioners prepared and maintained under Section 17;

(n) "registered practitioner" means a practitioner whose name is for the time being entered in the register;

(o) "Registrar" means the Registrar appointed under Section 16;

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

(q) "Schedule" means the Schedule appended to this Act;

(r) "State" means the State of Maharashtra ;

[(s)"Vice-President" means the Vice-President of the Council.]

(2) For the purposes of Chapter VI, a person shall be deemed to practise any system of medicine who holds himself out as being able to diagnose, treat, operate, or prescribe medicine or other remedy or to give medicine for any ailment, disease, injury, pain, deformity or physical condition or who, by any advertisement, demonstration, exhibition or teaching offers or undertakes, by any means or method whatsoever to diagnose, treat, operate or prescribe medicine or other remedy or to give medicine for any ailment, disease, injury, pain, deformity or physical condition.

Provided that a person who-

- (i) mechanically fits or sells lenses, artificial eyes, limbs or other apparatus of appliances; or
- (ii) is engaged in the mechanical examination of eyes for the purpose of constructing or adjusting spectacles, eye-glasses or lenses: or
- (iii) practices physio-therapy or electro-therapy or chiropody or naturopathy or hydropathy or yogic healing; or
- (iv) without personal gain furnishes medical treatment or does domestic administration of family remedies; or
- (v) being" registered under the Dentists Act, 1948. limits his practice to the art of dentistry; or
- (vi) being a nurse, midwife or health visitor registered or enlisted under the Bombay Nurses, Midwives and Health Visitors Act, 1954, or any other corresponding law for the time being in force in the State or a Dai attends on a case of labour, shall not be deemed to practise medicine;

Explanation:- this sub-section -

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

CHAPTER 2

Constitution, functions and Powers of the Council

3. Establishment and incorporation of Council and dissolution of existing Board and Faculty; and Director to function as Administrator temporarily :-

(1)

(a) On the date of commencement of Maharashtra Medical Practitioners (Amendment) Act, 1982, a Council to be called "the Maharashtra Council of Indian Medicine" shall be deemed to have

been established.

(b) The Council shall be a body corporate, by the name aforesaid, and have perpetual succession and a common seal, with power to acquire, hold and dispose of property and to contract, and may by the said name sue and be sued.

(2) Subject to the provisions of Section 41, the existing Board and the Faculty shall stand dissolved on and with effect from the date of

(3) Notwithstanding anything contained in this Act, on and with effect from the date of commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1982, the Director of Ayurved shall function as the Administrator, and he shall exercise all the powers and. perform all the functions of the Council established under subsection (1) during the period he holds the office of the Administrator under subsection (4).

(4) The term of office of the Administrator functioning under subsection (3) shall expire on the day immediately preceding the date of publication under Section 5 of the names of the members of the Council (including the President and the Vice-President) nominated, or as the case may be, elected in accordance with the provisions of Sections 3 A and 4.]

3A. Constitution of Council :-

The Council shall consist of the following members, including the President and the Vice-President,

(a) the Director of Ayurved, ex-Officio;

(b) five members to be nominated by the State Government, out of whom two shall be practitioners in Ashtang Ayurvedic or Siddha system of Medicine and two shall be practitioners in Unani or Unani Tibb system of medicine;

(c) nine members elected by registered practitioners as follows, that is to say,-

(i)[eight members] elected by registered practitioners whose names are entered in Part I of the register, from amongst themselves;

[(ii) one member elected by registered practitioners whose names are entered in Part II and Part III of the register, from amongst themselves:

(iii)[* * * * *]

[(d)

(i) two members elected by the Principals or Heads of Colleges or institutions affiliated to or, as the case may be, recognized by

(ii) two members elected by the Teachers (other than Principals or Heads) of such colleges or institutions, from amongst themselves, who are registered practitioners possessing any of the qualifications specified in the Schedule and for a period of not less than three years engaged in teaching in any of the systems of Indian Medicine in any such colleges or institutions.

Provided that, the members to be elected under sub-clauses (i) and (ii) of this clause shall be persons other than those nominated or elected under the preceding clauses.]

(2) If at any election, the electors fail to elect the requisite number of members of the Council, the State Government shall nominate such registered practitioners as it deems fit to fill the vacancies which remain unfilled after the election, and the practitioners so nominated shall be deemed to have been duly elected under sub-section (1).

(3) The President and the Vice-President of the Council shall be elected by the members from amongst themselves.]

4. Procedure for election of members, President and Vice-President :-

(1) The election of members of the Council, under Section 3, shall be held at such time, and at such place, and in such manner as may be prescribed by rules:

Provided that, for the purpose of any election under clause (c) of sub-section (1) of Section 3A, the list referred to in sub-section (1) of Section 23 (including any addendum or corrigendum thereto duly printed and published) and for the time being in force on such date as the State Government may, by general or special order, notify in this behalf (being a date not earlier than 30 days from the date of issue of such order) shall be the electoral roll.

(2)

(a) Within seven days after the nomination and election of members under the foregoing provisions, a meeting shall be called

for the election of the President and Vice-President on such date as the Director of Ayurved may fix. Such election shall be by ballot.

(b) The meeting called under clause (a) shall be presided over by the Director of Ayurved, and he shall have the right to vote. The Director presiding over such meeting (hereinafter referred to in this Section as "the Presiding Officer") may, for reasons recorded in writing which in his opinion are sufficient, refuse to adjourn such meeting, or as the case may be, adjourn such meeting.

(c) If in the election of the President or Vice-President, there is an equality of votes, the result of the election shall be decided by lot to be drawn in the presence of the Presiding Officer, in such manner as he may determine.

(d) In the event of a dispute arising as to the validity of the election of a President or Vice-President, the Presiding Officer may, within 30 days from the date of the election, refer the dispute to the State Government for decision. The decision of the State Government in such dispute shall be final and conclusive and shall not be questioned in any Court.]

5. Term of office :-

(1) The State Government shall, as soon as possible after the election held [in accordance with the provisions of Section 3A and 4] by notification in the Official Gazette, publish the names of the President, [the Vice-President and the members of the Council].

(2) The President and the [Vice-President] shall hold office for such period as the State Government may specify in the notification published under sub-section (1), provided that, such period shall not exceed the term of office of such President or [Vice-President] as a member under sub-section (3). The term shall commence from the date of the notification published under sub-section (1).

(3)

(a) [A member of the Council] whether elected or nominated, shall hold office for a period of five years commencing from the date of the notification published under sub-section (1).

(b)[* * *]

(4) The term of an outgoing President, [Vice-President] or member shall notwithstanding anything contained in sub-section (2) or (3)

be [Vice-President] or member is published under sub-section (1).

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

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

6. Casual vacancies :-

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

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

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

(3)[*****]

4. Any person nominated under sub-section (1) or (2) [***] to fill a vacancy shall, notwithstanding anything contained in Section 5, hold office only so long as the person in whose place he is nominated or elected would have held office, if the vacancy had not occurred.

7. Resignation :-

(1) An elected member may at any time resign his office by a notice in writing to the President [* *]. A nominated member, may at any time resign his office by a notice in writing to the State [* * *] the State Government, as the case may be.

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

resignation is accepted by the State Government.

8. Disqualification, disability and removal from office :-

(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 as a member.

(2) If any member-

(a) absents himself from three consecutive meetings of [the Council] as the case may be, without such reasons as may, in the opinion of the State Government in the case of the President and the [Vice-President] and in the opinion of the Board or the Faculty, as the case may be, in the case of any other member, be sufficient; or

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

(3) The State Government may, on the recommendation of [the Council], as the case may be, supported by at least two-thirds of the whole number of members, remove 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] under the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendations should not be made.

(4) The State Government may remove the President or the [Vice-President] if he has been guilty of misconduct in the discharge of his duties under this Act, or of any disgraceful conduct, or has become incapable of performing his duties as the President or, as the case may be, the Chairman:

Provided that, no such action shall be taken unless the President or, as the case may be, the Chairman is given a reasonable opportunity of showing cause why he should not be removed from office.

9. Meeting of the Council :-

(1) The meetings of [the Council] shall be convened, held and conducted in such manner as may be prescribed by rules.

[(2) Save as otherwise provided in sub-section (2) of Section 4, the President, when present, shall preside at every meeting of the Council. If at any meeting the President is absent, then the Vice-President, and in the absence of both, some other member elected by the members present, from amongst themselves, shall preside at such meeting.]

(3) 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 case of an equality of votes.

(5) [Eight members of the Council including the President and Vice-President] shall form a quorum. When a quorum is required but not present, the presiding authority shall adjourn the meeting to such hour on some future day as it 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 threat, shall be brought before the adjourned meeting, and may be disposed of at such meeting or any

10. Proceedings of meetings and validity acts :-

The proceedings of the discussions of every meeting of [the Council] be treated as confidential and no person shall, without the previous resolution 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 [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 a member or as the President or as

[the Vice-President] or as a presiding authority of a meeting shall of itself be deemed to vitiate any act or proceedings of [the Council] in which such person has taken part, whenever the majority of persons, parties to such act or proceedings, were entitled to vote.

(3) During any vacancy in [the Council] the continuing members may act as if no vacancy has occurred;

Provided that, the number of vacancies shall at any time not exceed six in number.

11. Fees and allowances for meetings :-

There shall be paid to the President, [the Vice-President] and other members of [the Council] [and to the members of their committees and to the Chairman and members of the appellate authority referred to in sub-section (7) of Section 17] such fees and allowances for attendance at meetings, and such reasonable travelling allowances as shall from time to time be prescribed by rules.

12. Income and Expenditure of the the Council :-

(1) The income of [the Council], shall consist of-

(a) fees received from practitioners;

[(a-1) fees received from examinees;

(a-2) any other fees collected by the Council];

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

[(c) donations and any other sums received by the Council];

(2) It shall be competent for [the Council] to incur expenditure for the following purposes namely :-

(a) salaries and allowances of the Registrar and the staff [including the Inspector] maintained by the Bord;

(b) fees and allowances paid to the members of Board [or a committee [including a board of studies] thereof or of the appellate authority referred to in sub-section (7) of Section 17];

[(b-1) remuneration paid to paper setters, examiners, moderators and other persons appointed by the Council for the conduct of examinations;

(b-2) other expenses for the conduct of examinations;]

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

13. . :-

Deleted by Mah. 23 of 1982, S. 15]

14. Powers, duties and functions of the Council :-

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

[(a) to provide for registration of practitioners and to maintain the register;]

(b) to hear and decide appeals from any decision of the Registrar;

(c) to prescribe a code of ethics for regulating the professional conduct of registered * * * practitioners;

(d) to reprimand a registered * * * * practitioner, or 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 hold examinations and to make all the necessary arrangements of such examinations;

(f) to conduct the course of training which were, immediately before the date of commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1982, conducted by the Faculty and such other courses as the Central Council, prescribes by regulations made under clause (i) of Section 36 of the Indian Medicine Central Council Act, 1970, leading to the examinations held by the Council, and to charge fee for such examinations;

(g) to provide for post-graduate training;

(h) to grant degrees, diplomas and marks of honour;

(i) to award stipends, scholarships, medals, prizes and other rewards;

(j) to recommend recognition of institutions for the purpose of giving instructions for the courses leading to the examinations held by the Council, or to recommend the cancellation of such recognition;

- (k) to recommend the inclusion of any degree, diploma, certificate or award in the Schedule or to recommend the removal of any degree, diploma, certificate or award from the Schedule;
- (l) to prepare, publish and prescribe text books, and to publish statements of prescribed courses of study;
- (m) to provide for the maintenance of an adequate standard of proficiency for the practice of the system of Indian Medicine;
- (n) to provide for research in the system of Indian Medicine;
- (o) to provide for the inspection of recognized institutions, and to require such institutions to furnish such information as may be necessary;
- (p) to provide for the inspection of any other institutions giving instructions for any of the qualifications included in the Schedule;
- (q) to appoint boards of studies and committees consisting of persons, who may or may not be members of the Council, but at least half of the number of such persons shall be medical practitioners registered under any of the laws mentioned in sub-section (1) of Section 34, and to lay down the constitution, the duties and the functions of such boards and committees.
- (r) subject to the approval of the State Government, to receive donations and to determine the conditions of acceptance of donations;
- (s) to exercise such other powers and perform such other duties and functions as are laid down in this Act or may be prescribed by rules].

15. . :-

(Section 15 was Deleted by Mah. 23 of 1982, S. 17)

16. Registrar and other employees of [the Council] :-

(1) The State Government shall, after consulting [the Council], appoint a Registrar, who shall be the Executive Officer of [the Council]. The salary, allowances and other conditions of service of the Registrar shall be such as may be prescribed by the State Government.

(2) [The Council] may from time to time grant leave to the Registrar;

Provided that, if the period of leave does not exceed two months, the leave may be granted by the President.

(3) During any such temporary vacancy in the office of the Registrar due to leave or any other reason [The Council] may, with the provisional sanction of the State Government, appoint another person to act in his place, and any person so appointed shall for the period of such appointment, be deemed to be the Registrar for the purposes of this Act:

(4) The State Government may, after consulting [The Council], suspend, dismiss or remove any person appointed as the Registrar, or impose any other penalty upon him.

(5) [The Council] shall, from time to time, appoint such other officers and servants as it deems necessary for carrying out its duties and performing its functions under this Act:

Provided that, the number and designations and the salaries, allowances and other conditions of service of such officers and servants shall be such as the State Government may from time to time determine.

(6) 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.

16A. Executive Committee of sir Council :-

(1) [The Council] shall, as soon as may be, constitute an Executive Committee consisting of the President, ex-officio and such number of other members, elected by [The Council] from amongst its members, as may be prescribed by rules.

(2) The term of office of the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committee shall be such as may be prescribed by rules.

(3) In addition to the powers, duties and functions conferred, imposed and entrusted by this Act, the Executive Committee shall exercise such powers, perform such duties and discharge such functions, of [The Council] as may be delegated to it by rules or entrusted to it, from time to time, by [The Council].

16B. . :-

(Section 16-B was deleted by Mah. 23 of 1982, S. 10).

17. Preparation of register :-

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

(2) The register shall be divided into [three parts] namely:

(i) Part I containing the names of practitioners who possess any of the qualifications specified in the Schedule;

[

(ii) Part II containing the names of practitioners, whose names were included in that part immediately before the 1st day of October, 1976;

(iii) Part III containing the names of practitioners, who on the 30th day of September, 1976 were enlisted practitioners and who are on that day deemed to have become registered practitioners under Section 18]; Each part shall consist of one or more sections as the State Government may specify in this behalf.

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

[(3A) Notwithstanding anything contained in any law for the time being in force, every person enrolled on the register maintained under the Indian Medicine Central Council Act, 1970, but not enrolled on the register maintained under this Act, shall, on an application and on payment of the fee as provided in sub-section (3), be entitled to have his name entered in the register maintained under this Act].

(4) The name of every person who on the day immediately proceeding the appointed day stood registered in any register kept under-

(a) the Bombay Medical Practitioners' Act, 1938, as in force in the Bombay area of the State; or

(b) the Central Provinces and Berar Ayurvedic and Unani Practitioners' Act, as in force in the Vidarbha region of the State; or

(c) the Medical Act, as in force in the Hyderabad area of the State; 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) Any person, not being a person qualified for registration under sub-section (3) or (4), who proves to the satisfaction of the Committee appointed under sub-section (6)-

(i) that he had been regularly practising the Ayurvedic or the Unani system of medicine in the Vidarbha region or the Hyderabad area of the State, for a period of not less than ten years immediately before the 23rd day of November, 1960; or

(ii) that he was on the 4th day of November, 1941 regularly practising the Ayurvedic or the Unani system of medicine in the Bombay area of the State, but his name was not entered in the register maintained under the Bombay Medical Practitioners' Act, 1938; [or

(iii) that his name has been entered in the list kept under Section 18 of the Bombay Medical Practitioners' Act, 1938, by virtue of paragraph (ii) or (iii) of sub-section (1) of Section 31C inserted in that Act by the Bombay Medical Practitioners' (Amendment) Act, 1949, and stood included, on the day immediately preceding the date of the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1964, in the list maintained under this Act, by virtue of clause (a) of sub-section (2) of Section 18] shall, on an application made in the form prescribed by rules, accompanied by a fee of ten rupees and such documents as may be prescribed by rules, [on or before the 31st day of March, 1965], be entitled to have his name entered in the register.

(6) All applications for registration under sub-section (5) shall be considered by a Committee of three members of [the Council] appointed by the State Government. The Committee shall make enquiry in such [The Committee shall not entertain any further application from a person, if an application made by him under clause (i) or (ii) of sub-section (5) has already been decided by it.]

(7)

[(a)] Any person aggrieved by the decision of the Committee appointed under sub-section (6) may, within a period of one month from the date on which such decision is communicated to him, on payment of a fee of five rupees, appeal to the appellate authority constituted by the State Government in this behalf. The appellate authority shall consist of a Chairman who has for at least seven years held judicial office not lower in rank than that of a District Judge, one member elected by [the Council] and the Director of Ayurved shall be ex-officio member. The decision of the appellate authority shall be final.

[(b) Notwithstanding anything contained in clause (a) any person aggrieved by such decision of the Committee, who has not already appealed to the appellate authority aforesaid before the date of the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1964, may, on or before the 31st day of March, 1965, on payment of a like fee of five rupees, appeal to the appellate authority.]

[(7A) If on an application for registration made under clause (in) of sub-section (5) or an appeal under sub-section (7). a person is found eligible for registration, then on his name being included in the register the entry of his name in the list shall be cancelled.]

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

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

(b) the date of his admission to the register maintained under this Act; and if he be a person who was registered on the day immediately preceding he appointed day, in a register kept under any of the Acts 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 the qualification and the authority which conferred or granted it; and

(d) such further particulars as may be prescribed by rules.

(9) When the register is prepared in accordance with the foregoing provisions, the Registrar shall publish a notice in the Official Gazette and such newspapers as [the Council] may select, about the register having been prepared, and the register shall come into

force from the date of the publication of such notice in the Official Gazette.

(10)

(a) Every registered practitioners shall b e given a certificate of registration in the form prescribed by rules. The registered practitioners shall display the certificate of registration in a conspicuous place in his dispensary, clinic or place of practice.

[(b) Such certificate shall be valid until it is duly cancelled and the name of the practitioner is removed from the register under the provisions of this Act; and every certificate of registration given before the commencement of the Maharashtra Medical Practitioners (Amendment) Act. 1972, which is valid on such commencement shall, subject to the provisions of Section 23-A, be valid likewise, and shall continue accordingly.]

[(c) Where it is shown to the satisfaction of the Registrar that a certificate of registration has been defaced, lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate certificate in such form as may be prescribed.]

18. Enlisted practitioners deemed to be registered practitioners on 30th September, 1976 :-

(1) Every person, who on the 30th day of September, 1976, that is, the day immediately preceding the date of coming into force of Section 17 of the Indian Medicine Central Council Act, 1970. was an enlisted practitioner under this Act, shall be deemed to have become a registered practitioner under this Act on that day and to have become a person enrolled on the State Register for the purposes of the said Section 17. His name shall be entered by the Registrar in the register maintained under this Act with effect from that day, without such person being required to make any application or to pay any fee.

(2) Every person whose name is entered in the register under subsection (1) shall be given a certificate of registration in the form prescribed by rules, on the payment of a fee of fifteen rupees.

18A. Provisional registration for practice :-

(1) If the courses of study to be undergone for obtaining any of the qualifications specified in the Schedule, include a period of training after a person has passed the qualifying examination, and before

such qualification is conferred on him, any such person shall, on an application made to the Registrar, in the form prescribed by rules and on payment of a fee of [seventy-five rupees], be granted a provisional registration in the register in order to enable him to practise Ayurvedic or Unani system of medicine in an approved institution for the purpose of such training, and for no other purpose, for the period aforesaid.

(2) Every person who is granted a provisional registration under sub-section (1) shall be given a certificate of provisional registration in the form prescribed by rules, which shall remain in force for such period as may be specified therein].

19. Persons not entitled to registration :-

* *] Notwithstanding anything contained in [section 17] no person, whose name has been removed from any register [* *] kept under-

(i) the Bombay Medical Practitioners' Act, 1938, as in force in the Bombay area of the State;

(ii) the Central Provinces and Berar Ayurvedic and Unani Practitioners' Act, 1947, as in force in the Vidarbha region of the State;

(iii) the Medical Act, as in force in the Hyderabad area of the State;

(iv) any other law for the time being in force in India or any part thereof regulating the registration of practitioners of medicine, for infamous conduct in a professional respect, shall be entitled to have his name entered in the register [* * *] unless his name is duly restored to the register [* * *] from which it was so removed.

20. Removal of names from the register :-

* * *]

(1) If a registered practitioner has been, after due inquiry held by [the Council] [or the Executive Committee] in the manner [the Council] the (Council) may:

(a) issue a letter of warning 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 permanently.

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

(i) the conviction of a registered practitioner by a criminal court for an offence which involved moral turpitude, and which is cognizable within the meaning of [the Code of Criminal Procedure, 1973]; or

(ii) the conviction under the Army Act, 1950, of a registered practitioner subject to military law for an offence which is cognizable within the meaning of [the Code of Criminal Procedure, 1973];

(iii) any conduct which, in the opinion of the [Council] is infamous in relation to the medical profession particularly under any code of ethics prescribed by the [Council].

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

[(a) the register maintained under the Maharashtra Medical Council Act, 1965;]

(b) the register or list maintained under the Bombay Homoeopathic and Biochemic practitioner's Act, 1959 or any other law for the time being in force in relation to the qualifications and registration of Homoeopathic or Biochemic practitioners in any part of the State; it shall be the duty of the Registrar to give intimation of such removal to the authority entitled to maintain the said register or the said list.

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

(4) The [Council] may, on sufficient cause being shown, direct at any subsequent date that the name of a practitioner removed under subsection (1) or [(3)] shall be re-entered in the register on such conditions and on the payment of such fees, as may be prescribed by rules.

(5) 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.

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

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

(b) compelling the production of documents;

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

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

(8)

(a) For the purpose of advising the [Council] [or the Executive Committee] on any question of law arising in any inquiry under this section, there may in all such inquiries be an assessor, who has been for not less than ten years -

(i) an advocate enrolled under [the Advocates Act, 1961, or];

(b) Where an assessor advises the [Council] [or the Executive Committee] on any question of law as to evidence, procedure or any other matter, he shall do so in the presence of every party, or person representing a party as to the inquiry who appears thereat, or if the advice is tendered after the [Council] [or the Executive Committee] has begun to deliberate as to their findings, every such party or person as aforesaid shall be informed what advice the assessor has tendered. Such party or person shall also be informed if in any case the [Council] [or the Executive Committee] does not accept the advice of the assessor on any such question as aforesaid.

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

(9)[* * * * *]

21. Maintenance of register :-

* * *].

(1) It shall be the duty of the Registrar to make entries in the

register, from time to time, to revise the same and to issue the certificates of registration [* * *] in accordance with the provisions of this Act, the rules made thereunder, and the orders of [the Council].

(2) The name of registered practitioners who die or whose names are directed to be removed from the register under Section 20 shall be removed therefrom.

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

[Provided that, where a registered practitioner whose name is entered in Part II or Part III of the register makes an application for entry of such additional qualification which involves change of his registration from Part II, or as the case may be Part III, to Part I of the register, such application shall be treated as an application for fresh registration, and it shall be accompanied by a fee of one hundred rupees. After the name of such registered practitioner is entered in Part I of the register, the entry of his name made in any of the other Part of the register earlier shall be cancelled.]

(4)[* * *]

22. :-

Renewal fee Deleted by Mah. 5 of 1972, S. 5

23. **Publication of list of registered practitioners :-**

(1) At such time after the publication of the notice under sub-section (9) of section 17 as [the Council] deems fit, and thereafter at such intervals as may be prescribed by rules, the Registrar shall cause to be printed and published a correct medical list of all persons for the time being entered in the register.

(2) Except in a year in which a list is published under sub-section (1), the Registrar shall cause to be printed and published annually on or before a date to be prescribed by rules, an addendum and a corrigendum to the 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 list already printed and published; and
- (b) the names of all practitioners included in any subsisting 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 list.

[(2A) Notwithstanding anything contained, in sub-section (2), when the election of members of [the Council] is to be held under [clause (c) of sub-section (1) of Section 3A] and any general or special [subsection (1) of Section 4] the Registrar shall review the subsisting list and if necessary cause to be printed and published, on the date immediately preceding the date notified under the said proviso, an addendum and corrigendum to the said list.]

(3) The form of the 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 rules.

(4) A copy of list referred to in 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. [Such certified copy may be issued by the Registrar on payment of such fee and in such form as may be prescribed.]

(5)[* ****]

23A. Renewal of registration :-

(1) Notwithstanding anything contained in Sections 17 and 23, after the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1972-

(a)

(i) the Registrar shall cause two general notices in the prescribed form to be published at an interval of not less than sixty days, in the Official Gazette and in such other manner as may be prescribed. The first such general notice shall be published on such date as the Registrar may, with the approval of the President, decide, calling upon all registered practitioners to make an application to the Registrar for the continuance of their names on the register, and drawing attention to their liability to pay to [the Council] a fee of fifty rupees therefore;

(ii) the Registrar shall, after the publication of the first general notice under sub-clause (i) of this clause, send an individual notice [under certificate of posting], enclosing therewith the prescribed form of application, to every registered practitioner at his address as entered in the register calling upon him to return the application to the Registrar duly filled in for the continuance of his name on the register along with a fee of fifty rupees, within forty-five days of the receipt of such individual notice. If any of the registered practitioners fails to return such application within the period specified in the individual notice along with a fee of fifty rupees, the Registrar shall, after the publication of the second general notice under clause (i), issue a further individual notice to such registered practitioner [under certificate of posting], enclosing therewith the prescribed form of application calling upon him to return the application to the Registrar for the continuance of his name on the register within thirty days of the receipt of the further individual notice together with a fee of fifty rupees, and an additional fee of five rupees;

(iii) if the application together with the fee is returned within the period specified in such individual notices, the Registrar shall inform the registered practitioner [under certificate of posting], that the fee has been received, and that the certificate of his registration shall, subject to the provisions of this section, continue in operation, unless such certificate is duly cancelled under this Act;

(iv) if the application together with the fee is not returned within the period specified in the further individual notice, the Registrar shall remove the name of the defaulting practitioner from the register and inform him of such removal [under certificate of posting]. The fact of such removal shall be published in the Official Gazette and in such other manner as may be prescribed. On such removal, the certificate of registration issued to the defaulting

practitioner shall be deemed to have been cancelled, and shall be liable to be withdrawn from the practitioner by the Registrar in the prescribed manner:

Provided that on an application made to the Registrar in that behalf within the prescribed period, the name so removed may be re-entered in the register on payment of a fee of fifty rupees together with an additional fee of fifteen rupees; and thereupon, the certificate of registration, if withdrawn, shall be returned to the practitioner and shall continue in

(b) and thereafter, every five years from the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1972, the Registrar shall likewise cause two general notices in the prescribed form to be published at an interval of not less than sixty days, in the Official Gazette, and in such other manner as may be prescribed calling upon all registered practitioners to make an application to the Registrar for continuance of their names on the register without payment of the fee of fifty rupees referred to in clause (a), and thereupon, the provisions of clause (a) shall, mutatis mutandis, apply for the continuance of the names of registered practitioners on the register.

[(c)

(i) and the Registrar shall, as soon as may be, after the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1973, send a notice under certificate of posting at the last known address along with the prescribed form of application to every person whose name has been removed from the register during the process of renewal which took place under Section 22 of this Act before the commencement of the Maharashtra Medical Practitioners (Amendment) Act. 1972, and call upon such person to return the application duly filled in for restoration of his name on the register along with a fee of fifty rupees together with arrears of dues, if any, payable to the Board before such commencement and an additional fee of fifteen rupees by way of penalty within sixty days from the date of receipt of such notice: Provided that, the Registrar may accept an application together with an additional fee of fifteen rupees after the expiry of the said period, if he is satisfied that the applicant was prevented by sufficient cause from returning the application along with fees and dues in time.

(ii) if the application together with the fees and dues, if any, is returned within the period specified in such notice, the Registrar shall inform such person under certificate of posting, that the fees and dues, if any, have been received, and that his name has been restored to the register and that the certificate of his registration shall, subject to the provisions of this section, continue in operation unless such certificate is duly cancelled under this Act].

[(2)

(a) Any registered practitioner to whom a certificate of registration is issued before the 9th day of November, 1972, and such certificate is still in operation, may, at any time, by an application in writing, accompanied by such certificate (in original) and a fee of five rupees, apply to the Registrar for issue of a fresh certificate of registration in lieu of the certificate issued earlier.

(b) On receipt of such application, the Registrar shall cancel such certificate and issue a fresh certificate of registration in the form prescribed by rules made under sub-section (10) of Section 17].

24. No refund of fees :-

Fees paid under Sections 17, 18, [18A,], 20, 21 [and 23 A] shall not be refunded.

25. Rights of registered practitioners to practice :-

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

(i) the expression "legally qualified medical practitioner" or "duly qualified practitioner" or any words importing a person recognised by law as a medical practitioner or member of the medical profession or as having a right to practice any system of medicine shall, in all Acts of the State Legislature and in all Central Acts (in their application to the State of Maharashtra), in so far as such Acts relate to any matters specified in List II or List III in the Seventh Schedule to the Constitution of India, include a practitioner whose name is entered in any part of the register maintained under this Act, whether before or on or after the 1st day of October 1976, that is, the date of coming into force of Section 17 of the Indian Medicine Central Council Act, 1970;

(ii) it shall be lawful for every practitioner whose name is entered in any part of the register maintained under the Act to use in full after his name the words "Registered Medical Practitioner";

(iii) a certificate, required by any Act from a medical practitioner or medical officer, shall be valid if such certificate has been given and signed by a practitioner registered under Part I or Part II of the register maintained under this Act,]

CHAPTER 4

Examinations held by[Council] Courses of Studies, Recognition of Institutions and Recognition of Qualification

26. Examination held by [Council] and courses of studies :-

The Council] shall by by-laws made under Sec. 31 prescribe the examinations to be held by it, the qualifications for admission to such examinations, the courses of studies for such examinations (including the subjects of medicine, surgery, midwifery and gynaecology), the standard of passing the degree, diploma, certificate or any other like award to be given to persons who pass the examinations, and such other matters in respect of such examinations as may be necessary or expedient.

27. Recognition of institutions :-

(1) Every institution recognised under this section shall, subject to such conditions as may be prescribed by the [Council] be entitled to train students for the examinations of the [Council].

(2) Any institution desirous of recognition under this Act shall send an application to the Registrar, giving full information in respect of the following matters, namely:-

- (a) the constitution and personnel of the managing body;
- (b) subjects and courses in which it gives or proposes to give instruction, and the examination for which it seeks recognition;
- (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 carried out by them;
- (e) fees levied or proposed to be levied, and the financial provision made for capital expenditure on buildings and equipment and for continued maintenance and efficient working of the institution:

Provided that, no application shall be entertained by the Registrar unless the institution agrees in writing to give all facilities to any Inspectors or visitors authorised by the [Council] to make an

inspection or enquiry or to attend any examination under sub-sections (3) to (9).

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

(4) After recording the report of such local inquiry and after making such further inquiry as may be necessary, the [Council] shall forward the application together with its report, to the State Government with its recommendations. The State Government may thereupon grant or refuse the recognition, or may grant it subject to such conditions as it deems fit. The State Government shall not grant recognition to any institution which does not provide such facilities for clinical training as may be prescribed under the by-laws. The decision of the State Government shall be final.

(5) It shall be the duty of the [Council] to secure the maintenance of an adequate standard of proficiency in the subjects of medicine, surgery, midwifery and gynaecology and for the practice of the Ayurvedic system of medicine or the Unani system of medicine. For the purpose of securing the maintenance of such standard, the Faculty shall have authority to call on the governing body or authorities of any recognised institution to permit inspectors or visitors appointed by the Faculty in this behalf, who may or may not be members of the [Council] inspect the recognised institution and the hospitals attached to it, and to attend and be present at all or any of the examinations held by the institution. Every recognised institution shall comply with the directions issued by the Faculty from time to time.

(6) The Inspectors, or visitors shall not interfere with the conduct of any examination, but it shall be their duty to report to the [Council] their opinion as to the sufficiency or insufficiency of every examination which they attend, and any other matters in regard to such institution on which the [Council] may require them to report.

(7) Every recognised institution and every examination held by such institutions shall be inspected by the Faculty through its Inspectors or visitors at least once in five years, and more frequently if the [Council] so desires.

(8) The [Council] shall forward a copy of every such report to the

authorities of the institution in respect of which the report was made, and

(9) An Inspector, or a visitor shall receive such remuneration to be paid as part of the expenses of the [Council] as may be prescribed by rules.

28. Withdrawal of recognition of institutions :-

(1) If it appears to the State Government on the report of the [Council] or otherwise that any recognised institution is not maintaining an adequate standard of training according to the requirements of the [Council], the State Government may ask the [Council] to direct the institution to take steps within such reasonable time as it may fix to bring the training upto the required standard.

(2) If the institution fails so to do within the stipulated time, the State Government may at any time withdraw the recognition granted to such institution.

29. Amendment of Schedule :-

If it shall appear to the State Government on the report of the [Council] or otherwise that the course of study and examinations prescribed by any university, body or institution conferring a degree, diploma, certificate or any other like award not entered in the Schedule, is such as to secure the possession, by persons obtaining such degree, diploma, certificate or award of the requisite knowledge and skill for the efficient practice of their profession, including the medicine, surgery, midwifery and gynaecology, it shall be lawful for the State Government from time to time by notification in the Official Gazette, to amend the Schedule and to direct the inclusion therein of any such degree, diploma, certificate or award subject to such conditions (if any) as may be specified in respect of any such degree, diploma, certificate or award.

(2) Any university, body or institution, desirous of having included in the Schedule any degree, diploma, certificate or award in the Ayurvedic system of medicine or the Unani system of medicine conferred by it, may apply to the [Council] in the manner provided in sub-section (2) of Section 27 and for the purposes of this section the [Council] shall have all the powers specified in sub-sections (3) to (9) of Section 27 as if the university, body or institution had applied for recognition under Section 27.

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

Provided that, no notification under sub-section (1) or this subsection shall be issued by the State Government without first consulting the [Council]:

Provided further that, before making any recommendation to the State Government under this sub-section to remove any degree, diploma, certificate or award from the Schedule, the [Council] shall require the university, body or institution to take such steps as may be directed by the [Council] and within such reasonable time as the [Council] may prescribe to bring the course of study of examination or such degree, diploma or award to the required standard.

CHAPTER 5

Miscellaneous

30. Rules :-

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

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-

(a) the time and place at which and the manner in which election to [Council] shall be held under sub-section (1) of Section 4];

(b) the manner in which the meetings of [Council] shall be convened, held and conducted under sub-section (1) of Section 9;

[(c) the fees and other allowances to be paid under Section 11];

[(d) the powers, duties and functions of the Council under clause

(s) of Section 14];

[(da) the number and term of office of, the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committees, and the powers duties and functions of [the Council delegated to the Executive Committee under Section 16 A];

(e) any further particulars to be entered in the register [* * * *];

[(f) the forms of application for registration and provisional registration under Sections 17 and 18A, and the documents to accompany such forms];

(g) the manner of making enquiry by the committee appointed under sub-section (6) of Section 17;

(h) the forms of certificate of registration [and provisional registration];

(i) the manner of holding enquiry under Section 20;

(j) the conditions and the fees for re-entering the name of the practitioner removed under Section 20;

(k) the remuneration to be paid to the assessor under clause (c) of sub-section (8) of Section 20;

(l) the fee chargeable for the entry of additional qualifications or change of name under sub-section (3) of Section 21;

(o) the interval at which the medical list shall be published under sub-section (1) of Section 23;

(p) the forms of the medical list, the supplementary list, the particulars to be included therein and the manner of publication under subsection (3) of Section 23;

(q) remuneration to be paid to an Inspector or visitor under subsection (9) of Section 27;

(r) any other matter which is to be or may be prescribed under this Act;

(s) the furtherance of any of the objects of 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, and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification 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 or omitted to be done under that rule.]

31. By-laws :-

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

- (a) the examinations to be held by it;
- (b) the qualifications for admission to and the courses of studies for the examinations;
- (c) the standard of passing;
- (d) the degree, diploma, certificate or other like award to be conferred upon those who pass the examinations and the manner of conferring such degree, diploma, certificate or award;
- (e) the language in which the examinations shall be conducted;
- (f) the conditions of appointment of examiners, paper-setters, moderators and other persons appointed and fees to be paid to them, the conduct of examinations and the fees to be charged for the conduct of examinations;
- (g) the conditions for the recognition of teachers in recognised institutions;
- (h) the number of students to be admitted to recognised institutions;
- (i) the language in which instructions shall be given in recognised institution;

(j) such other matters as may be necessary for the exercise of the powers and performance of duties and functions by the [Council] under this Act.

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

(3) All by-laws when sanctioned, shall be published in the Official Gazette by the State Government.

(4) The State Government may, by notification in the Official Gazette, cancel any by-law.

32. Control of State Government :-

(1) If at any time it appears to the State Government that [the Council] or its President [or Vice-President] has failed to exercise or has exceeded or abused any of the powers conferred upon it or him by or under this Act or has otherwise ceased to function, or has become incapable of functioning, the State Government may, if it considers such failure, excess or abuse, to be of a serious character, notify the particulars thereof to the [Council] or the President [or the Vice- President] as the case may be. If [the Council] or its President [or the Vice-President] fails to remedy such failure, excess or abuse within such [or Vice-President], or dissolve [the Council] and cause all or any of the powers, duties and functions of [the Council] to be exercised and performed by such persons and for such period not exceeding [two years] as it may think fit, and shall take steps to constitute a [new Council].

(2) Notwithstanding anything contained in this Act, or in the rules or by-laws, 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, in such manner and for such period not exceeding six months and subject to such conditions, as it thinks fit.

CHAPTER 6

General Provisions Applicable to all Medical Practitioners

33. Prohibition of medical practice by persons not

registered :-

(1) Notwithstanding anything contained in any law for the time being in force or in any judgment, decree or order of any Court, no person other than a medical practitioner whose name is entered in-

(i) the register maintained under this Act; or

(ii) the register or the list prepared and maintained under the Bombay Homoeopathic and Biochemic Practitioners' Act, 1959 or under any other law for the time being in force in relation to the qualifications and registration of Homoeopathic or Biochemic Practitioners in any part of the State; or

(iii) the register prepared and maintained under the Maharashtra Medical Council Act, 1965; or

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

Provided that, the State Government may, by notification in the Official Gazette, direct that subject to such conditions as it may deem fit to impose and the payment of such fee 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 any of the provisions of sub-section (1) shall, on conviction, be punished with rigorous imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees; and when the contravention is a continuing one, with further fine which may extend to two hundred rupees for every day during which such contravention continues after conviction for the first such contravention.]

33A. Unregistered Persons not to hold certain appointments :-

(1) [Notwithstanding anything contained in any law for the time being in force,] no person, who is not a practitioner registered under any of the Acts referred to [in section 33], shall after the commencement of this Chapter, hold any appointment as-

- (a) physician, surgeon, or other medical officer, in any hospital, infirmary or dispensary not supported wholly by voluntary contribution;
- (b) medical officer of health of any local authority;
- (c) teacher in medicine, surgery or midwifery .in any public institution.

[Explanation:- For the purposes of this sub-section a practitioner registered under this Act shall not include a practitioner registered under Part III of the register maintained under this Act.]

[

(2) Any person, who contravenes the provisions of sub-section (1), shall on conviction, be punished with rigorous imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees; and when the contravention is a continuing one, with further fine which may extend to two hundred

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

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

(i) Part I and Part II of the register maintained under this Act;]

[

(ii) the Maharashtra Medical Council Act, 1965;]

(iii) the Bombay Homoeopathic and Biochemic Practitioners Act, 1959 or any other law for the time being in force in relation to the qualifications and registration of Homoeopathic or Biochemic practitioners in any part of the State; or

(iv) the Indian Medical Council Act, 1956.

(2) [Notwithstanding anything contained in any law for the time being in force, no person] other than a practitioner registered

under any of the laws specified in sub-section (1) shall be qualified to give evidence at any inquest or in any Court of law as an expert under Section 45 of the Indian Evidence Act, 1872, on any matter relating to medicine, surgery or midwifery.

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

(1) No person other than-

(a) a University established by law;

(b) the [Council] constituted under this Act;

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

(d) the Court of Examiners constituted under the Bombay Homoeopathic and Biochemic Practitioners Act, 1959 or any other body constituted under any other law for the time being in force in relation to the qualifications and registration of Homoeopathic or Biochemic Practitioners in any part of the State;

[or which states or implies that the holder thereof is qualified to practise any system of medicine].

(2) Any person who contravenes the provisions of sub-section (1), and if the person so contravening is an association, every member of such association who, knowingly or wilfully authorises or permits the contravention shall, on conviction, be punished-

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

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

36. 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 of any other like award as his qualification to practise any system of medicine unless-

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

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

(i) is 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 35, or

(iii) has been recognised by the Medical Council of India; [or

(iv) has been recognised by the Central Council of Indian Medicine.

[

(2) Any person, who contravenes the provisions of sub-section (1), on conviction, be punished with rigorous imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees; and when the contravention is a continuing one,-with further fine which may extend to two hundred rupees for every day during which such contravention continues after conviction for the first such contravention.]

37. Liberty to practise in rural areas :-

Notwithstanding anything contained in this Chapter, a person may practise medicine in any rural area-

(i) if he has commenced practise in any village in the said area prior to a date on which a practitioner registered under the Bombay Medical Act, 1912, or under the Bombay Medical Practitioners' Act 1938 (or any law corresponding thereto) or under the Bombay Homoeopathic Act, 1951 (or other law in relation to the qualifications and registration of Homoeopathic or Biochemic practitioners) for the time being in force, has commenced, and is in regular practice of medicine in that village, and

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

Explanation:- For the purposes of this section "rural area" means-

(i) any local area in the Bombay area of the State, which was not within the limits of a municipal corporation, municipality Cantonment or notified area committee on 1st day of March, 1939; and

(ii) any local area in the rest of the State, which is not within the limits of a municipal corporation, municipality, municipal committee, town committee, Cantonment or notified area committee on the date of passing of this Act.

38. Cognizance of offences :-

All offences under this Act shall be cognizable.

39. 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 by-laws made thereunder.

CHAPTER 7

Repeal and Transitional Provisions

40. Repeal and saving :-

(1) Subject to the provisions of this Chapter, on the appointed day,-

(a) the Bombay Medical Practitioners' Act, 1938, in its application to the Bombay area of the State ;

(b) the Central Provinces and Berar Ayurvedic and Unani Practitioners' Act, 1947, in its application to the Vidarbha region of the State;

(c) the Medical Act, in its application to the Hyderabad area of the State, stand repealed.

(2) Subject to the provisions of sub-section (2) of Section 44 all or any of the rules, by-laws, regulations, orders or any other instruments made or issued under any of the Acts repealed under sub-section (1), relating, to any examinations held by any Faculty, Board or Medical Council or like body competent to hold such examinations under the said Acts, as the State Government may by order specify on the appointed day, shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made or issued under and for the purposes of the relevant provisions of this Act and be in force accordingly, unless and until superseded by any rules or by-laws or other orders made under this Act. All other rules, by-laws, regulations, orders or any other instruments made or issued under the said Acts shall on and from the appointed day cease to be in force.

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

(i) under the Bombay Medical Practitioners' Act, 1938, in its application to the Bombay area of the State; or

(ii) under the Central Provinces and Berar Ayurvedic and Unani Practitioners' Act, 1947 in its application to the Vidarbha region of the State; which are in force immediately before the appointed day, shall be deemed to be the register under this Act, until the register prepared under Section 17 comes into force under sub-section (9) thereof.

(4) The list kept or deemed to be kept under the Act repealed under clause (a) of sub-section (1) which is in force immediately before the appointed day, shall be deemed to be the list under this Act, until the list prepared under Section 18 comes into force under sub-section (3) of Section 18 read with sub-section (9) of Section 17.

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

41. Vesting of rights, duties etc., in the Council and saving
:-

On and with effect from the date of commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1982 (hereinafter in this section referred to as "the commencement date") the following consequences shall ensue, that is to say,-

(a) all rights of the Board and the Faculty dissolved under subsection (2) of Section 3 (hereinafter in this section referred to as "the dissolved Board and Faculty") shall on the commencement date vest in the Council established under sub-section (1) of Section 3 (hereinafter referred to as "the Council");

(b) all the property moveable or immovable which on the day immediately preceding the commencement date vested in the

dissolved Board and Faculty shall, subject to all limitations and conditions as were in force on that day, vest in the Council;

(c) all sums due to the dissolved Board and Faculty 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 Board and Faculty to take or institute if the Maharashtra Medical Practitioners (Amendment) Act, 1982, had not come into operation;

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

(e) all proceedings and matters pending before any authority or officer immediately before the commencement date shall be deemed to be

(f) all prosecutions instituted by or on behalf of or against the dissolved Board and Faculty and all suits and other legal proceedings instituted by or against the dissolved Board and Faculty or any officer or any such dissolved Board and Faculty on behalf of the dissolved Board and Faculty pending on the commencement date, shall be continued by or against the Council;

(g) the Registrar and all officers and servants in the employment of the dissolved Board and Faculty immediately before the commencement date, shall be the Registrar, officers and servants employed by the Council and shall receive salaries and allowances and be subject to the conditions of service or retirement benefits which they were entitled to or subject to on the commencement date:

Provided that-

(i) the service rendered by such Registrar, officers and servants before the commencement 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 as being surplus in view of the State Government sanctioning new pattern of staff with due reference to

the volume of work of the Council, or are not suitable to the requirements of services 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 the Maharashtra Medical Practitioners (Amendment) Act, 1982 had not been enacted, been entitled to receive on being invalidated out of service of the dissolved Board or Faculty and may receive such additional amount by way of compensation as the Council may with the sanction of the State Government determine;

(h) any appointment, notification, notice, order, rule, bye-law, register, registration certificate, recognition or form held, made, issued, maintained or granted under this Act and subsisting and in force immediately before the commencement date shall, in so far as it is not inconsistent with the provisions of this Act as amended by the Maharashtra Medical Practitioners (Amendment) Act, 1982, continue to be in force, unless and until superseded by any appointment, notification, notice, order, rule, bye-law, register, registration certificate, recognition or form held, made, issued, maintained or granted under this Act as amended by the Maharashtra Medical Practitioners (Amendment) Act, 1982.]

42. Dissolution of Faculty and Constitution of new Faculty :-
Deleted]

43. Provisions regarding Registrars :-
Deleted.]

44. Provisions regarding examination :-
Deleted.]

45. Provisions regarding recognised institutions :-
Deleted.]

46. Vesting of rights, duties, etc :-
Deleted.]]

47. Power to remove difficulty :-

If any difficulty arises in giving effect to the provisions of this Act [as amended by Maharashtra Medical Practitioners (Amendment) Act, 1982, during the period of one year from the date of commencement of the said amendment Act,] the State Government may as occasion requires, by order do anything which appears to it

necessary or expedient for the purpose of removing the difficulty.

SCHEDULE 1

SCHEDULE

SCHEDULE 1

(See Sections 17, 18, 21, 29 and 44)

Qualifications, the possession of which entitles a person to registration

PART A

Qualifications in the Ayurvedic System of Medicine with a course supplemented by modern advances with -

(a) the Inter Science (B Group) examination as qualification for admission; or

(b) the Matriculation or S.S.C. examination or its equivalent Examination as qualification for admission, provided the course is of a duration of six or more years.

Serial No.	Authority	Qualification	Abbreviation for registration and conditions of registration, if any
(1)	(2)	(3)	(4)
1.	Benaras Hindu University, Benaras.	(1) Ayurvedacharya with Bachelor of Medicine and Surgery. (1) Ayurvedacharya with Medicine and Surgery. (1) Ayurvedacharya with Modern Medicine and Surgery.	A.M.B.S. (Ben.) (This qualification shall be recognised only when granted in or after 1952). A.M.S. (Ben.) A.M.M.S. (Ben.)
2.	University of Poona.	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S. (Poona)
3.	Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Bombay Medical Practitioners' Act, 1938 and, on and after the 23rd October, 1961, the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine constituted under the	Graduate of the Faculty of Ayurvedic Medicine	G.F.A.M. (Bom.)

	Maharashtra Medical Practitioners Act, 1961		
4.	College of Indigenous Medicine, Madras.	Graduate of the College of Indigenous Medicine.	G.C.I.M. (Madras).
5.	Tilak Maharashtra Vidyapeeth, Poona.	Ayurvediya-Parangat	A.V.P. (Poona).
6.	Faculty of Ayurvedic and Unani Systems of Medicine, Gujarat	Graduate of the Faculty of Ayurvedic Medicine.	G.F.A.M. (Guj.)
7.	University of Kerala	Bachelor in Ayurvedic Medicine.	B.A.M. (Kerala)
8.	University of Gujarat	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S. (Guj.)
9.	University of Nagpur.	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S. (Nag.)
10.	Ravishankar University, Raipur	Bachelor of Ayurvedic Medicine and Surgery. (Ayurvedacharya)	B.A.M.S. (Ravi.) (This qualification shall be recognised only when granted to students admitted by the University on or after the 1 st day of June, 1968).
11.	Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine, Bombay.	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S. (Mah Faculty).
12.	Marathwada University, Aurangabad	Bachelor of Ayurvedic Medicine and Surgery	B.A.M. & S.
13.	Shivaji University, Kolhapur	Bachelor of Ayurvedic Medicine and Surgery	B.A.M. & S.
14.	University of Indore (Madhya Pradesh)	Ayurved Sankaya (Bachelor of Ayurved with Modern Medicine and Surgery).	B.A.M.S.
15.	University of Jabalpur (Madhya Pradesh).	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S.
16.	University of Kanpur (Uttar Pradesh)	'Ayurvedacharya' Bachelor of Ayurved with Modern	B.A.M.S. (Kanpur)

		Medicine and Surgery	
17.	University of Sagar (Madhya Pradesh)	'Ayurvedacharya' Bachelor of Ayurved with Modern Medicine and Surgery	B.A.M.S. (Sagar) (This qualification shall be recognised only when granted in or after 1972).
18.	Vikram University Ujjain (Madhya Pradesh)	Bachelor of Ayurved with Modern Medicine and Surgery	B.A.M.S. (This qualification shall be recognised only when granted to students admitted by the University before 1971).

SCHEDULE 2
SCHEDULE

SCHEDULE 2		
Name of Authority	Qualification	Abbreviation for registration and conditions for registration, if any.
(1)	(2)	(3)
University of Nagpur.	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Nag.) (The 5 years degree awarded to students admitted in 1971 and 1972 only).
University of Poona.	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Poona) (The 6 years degree awarded to students admitted in 1971 and 1972 only).
University of Bombay.	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Bom.) (The 7-years degree awarded to students in 1973 and thereafter).
University of Nagpur.	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Nag.) (The 7 years degree awarded to students admitted in 1973 and thereafter).
University of Poona.	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Poona) (The 7- years degree awarded to students admitted in 1973 and thereafter).
Marathwada University, Aurangabad. Shivaji University, Kolhapur	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery). "Ayurvedacharya"	B.A.M.S. (Marathwada) (The 7 years degree awarded to students admitted in 1973 and

		(Bachelor of Ayurvedic Medicine and Surgery).	thereafter). B.A.M.S. (Shivaji) (The 7 years degree awarded to students admitted in 1973 and thereafter).
1.	Gujarat Ayurved University Jamnagar (Gujarat).	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Jamnagar) (From 1982 onwards)
2.	Kurukshetra University, Kurukshetra (Haryana)	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Kurukshetra) (From 1982 onwards)
3.	Maharishi Dayanand University, Rohtak (Haryana)	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Rohtak) (From 1982 onwards)
4.	University of Mysore, Mysore (Karnataka).	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Mysore) (From 1982 onwards)
5.	Sambalpur University, Burla, Sambalpur, (Orissa)	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Sambalpur) (From 1980 onwards)
6.	Gurunanak Development University, Amritsar (Punjab)	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Amritsar) (From 1982 onwards)
7.	Punjab University, Patiala (Punjab)	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Patiala) (From 1976 onwards)
8.	Rajasthan University, Jaipur (Rajasthan)	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Jaipur) (From 1980 onwards)
9.	Lucknow University, Lucknow (Uttar Pradesh)	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Lucknow) (From 1982 onwards)
10.	University of Bihar, Muzaffarpur (Bihar)	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Muzaffarpur) (From 1981 onwards)
11.	Kameshwar Singh Darbhanga University, (Bihar)	Ayurvedacharya (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Darbhanga) (From 1981 onwards)