

## **Maharashtra Medical Practitioners Act, 1961**

**28 of 1961**

**[10 June 1961]**

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#### **SCHEDULE 1 :-** SCHEDULE

**Maharashtra Medical Practitioners Act, 1961**

**[10 June 1961]**

**PREAMBLE**

An Act to regulate the qualifications and to provide for the registration of practitioners of the Ayurvedic, 2[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, 3[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 :-

**NOTES**

In the Bombay area of the Maharashtra State the Bombay Medical Practitioners Act, 1938 was in force, in the Vidarbha Region and the Hyderabad area the Central Provinces and Berar Ayurvedic and Unani Practitioners Act, 1947 and the Medical Act, 1312 Fasli, respectively, were In force. With a view to enact a single law relating to the Ayurvedic and Unani practitioners for the State of Maharashtra this Act was enacted which also includes certain provisions which apply to all medical practitioners irrespective of the system of medicine they may be practising.- Statement of Objects and Reasons.

1. For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1960, Part V, pages 411-414 ; for Report of the Joint Committee, See *ibid.*, 1961,
2. The word "Siddha" was inserted by Mah. 30 of 1979, section 2.
3. The word "Siddha" was inserted, *ibid.*, section 3.

**CHAPTER 1 PRELIMINARY**

**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 1date as the State Government may, by notification in the Official Gazette, appoint; and Chapter VI shall come into force on such other date 2[being a subsequent date] as that Government, by like notification, appoints.

#### NOTIFICATIONS

G.N., U.D.P.H. & H.D., NO. MMP. 1072/68025-H,

dated 20th February, 1974

(M.G., Pt. IV-B, p. 452)

In exercise of the powers conferred by sub-section (2) of Section 1 of the Maharashtra Practitioners (Amendment) Act, 1973 (Mah. XLIV of 1973), the Government of Maharashtra hereby appoints the 20th day of February, 1974, to be the date on which the said Act, shall come into force.

No. Act 1076/3491/II PH-10 :-In exercise of the powersconferred by sub-section (2) of Section I of the Maharashtra Medical Practitioners (Amendment) Act, 1952 (Mah. XXIII of 1982), the Government of Maharashtra hereby appoints the 30th day of June, 1982, to be the date on which the said Act shall come into force.

M.G.G., Pt. IV-B, dt. 30.6.82. p. 698.

G.N., U.D. & P.H.D., No. MMP. 1061-(a)/Unification,

dated 21st October. 1961

(M.G., Pt. IV-B, p. 1014)

In exercise of the powers conferred by sub-section (3) of Section 1 of the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 196 11, the Government of Maharashtra hereby appoints the 23rd day of October, 1961 to be the date on which the whole of the said Act (except Chapter VI there of I shall come into force.

G.N., U.D. & P.H.D., NO. MMP. 1164/51495-H,

dated 1st September, 1966

(M.G., Pt. IV-B, p. 1608)

In exercise of the powers conferred by sub-section (31 of Section 1 of the Maharashtra Medical Practitioners Act, 196 1 (Mah. XXVIII of 196 11, the Government of Maharashtra hereby appoints the 1st day of November 1966, to be the date on which Chapter VI of the said Act shall come into force.

No. CIM. 1091/CR-184/91/ACT, dated 20th May, 1993.-In exercise of the powers conferred by sub-section (2) of section 1 of the Maharashtra Medical Practitioners (Amendment] Act, 1992 (Mah. XXI of 19931 the Government of Maharashtra hereby.appoints the 20th day of May, 1993 to be the date on which the provisions of the said Act shall come into force.

(M.G.G., Pt. IV-B, p. 866.)

G.N.. U.D. & P.H.D., NO. CIM. 2000/CR-93/2000/ACT,  
dated 14th January, 2001

In exercise of the powers conferred by sub-section (2) of section 1 of the Maharashtra Medical Practitioners (Amendment) Act, 2000 (Mah. IX of 2001) the Government of Maharashtra hereby appoints the 13th day of March, 2001 to be the date on which the said Act shall come into force.

1. 23rd day of October, 1961, vide G.N., U.D. & P.H.D., No. MMP. 1061-(a)/Unification, dated 21st October, 1961.

2. 1st day of November, 1966, vide G.N., U.D. & P.H.D., No. MMP. 1164/51495-H, dated 1st September, 1966.

## **2. Definitions :-**

(1) 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;

1[\* \* \*]

2[\* \* \*]

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

3[(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];

4[\* \* \*]

(h) "Inspector" means an Inspector appointed by 5[the Council].

(i) 6[\* \* \*]

(j) "member" means a member of 7[the Council]

(k) "President" means the President of 8[the Council];

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

(m) "register, except in 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;

9[(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 chiripody 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 :- In 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 message or other physical means, but does not include bone-setting.

1. Clause (b) was deleted by Mah. 23 of 1982, section 2(a).

2. Clause (c) was deleted, *ibid.*, section 2(b).

3. Clause (e), (f) & (fa) were substituted for the original, *ibid.*, section 2(c).
4. Clause (g) was deleted by the Mah. 23 of 1982, section 2(d).
5. Substituted, *ibid.*, section 2(e).
6. Clause (1) was deleted by Mah. 30 of 1979, section 4(b).
7. Substituted by Mah. 23 of 1982, section 2(f).
8. Substituted, *ibid.*, section 2(g).
9. Clause (s) was substituted, *ibid.*, section 2(h).

## **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 :-**

#### CHAPTER II

#### CONSTITUTION, FUNCTIONS AND POWERS OF 1[THE COUNCIL]

2[(1) (a) On the date of commencement of the 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 the 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 commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1982, and all members of the aforesaid Board and Faculty shall vacate office.

(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 sub-section (1) during the period he holds the office of the Administrator under sub-section (4).

(4) The term of office of the Administrator functioning under sub-section (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 3A and 4.]

## NOTES

Objects of the amendments.-It was considered necessary to amend the Maharashtra Medical Practitioners Act, 1961, for the following purposes :-

(i) Under Section 3(2)(b) of the principal Act, ten seats on the Board to be filled by registered practitioners were divided equally between the registered practitioners possessing the scheduled qualifications and the remaining registered medical practitioners. The first proviso to this section empowered Government to vary this proportion, on the basis of the number of practitioners of each class on the register. The intention was that for the first election of the Board the proportion of members to be elected by registered medical practitioners holding scheduled qualifications and other registered medical practitioners should be as laid down in Section 3(2)(b), and the first proviso should operate from the second election of the Board. Under Section 41 (3), the original term of the existing nominated Board was three years, but it was extended by six months and it was further necessary to extend it for three years in the aggregate. It was, therefore, possible that the existing nominated Board would continue for more than five years. In view of the possibility of the existing nominated Board continuing for some more years, a consequential amendment had become necessary to carry out the intention aforesaid.- Statement of Objects and Reasons.

The Maharashtra Board of Ayurvedic and Unani Systems of Medicine, and the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine, constituted under Section 3 and 4 of the Maharashtra Medical Practitioners Act, 1961, respectively, are two separate corporate bodies functioning independently. Certain number of members (including the President of the Board and the Chairman of the Faculty) are elected and some members, are nominated by the State Government. They hold office for a period of five years from the date of publication of their names in the Official Gazette. The financial position of the Board is self-sufficient. However, the financial position of the Faculty has always been in deficit. The main function of the Faculty is to hold the examinations in the prescribed courses of studies on Ayurvedic and Unani Systems of Medicines and to award degrees, diploma, certificates etc. On account of the changes in the courses or study, there is practically little work left for the Faculty due to the upgradation of the Ayurvedic education to the University level from 1971 onwards.



There is, therefore, no propriety in maintaining the Faculty as an independent corporate body, which is in constant financial deficit and causing recurring burden on the State exchequer. It is, therefore, necessary to amalgamate the Faculty and the Board, and in their place to constitute only one corporate body to be called Maharashtra Council of Indian Medicine" without further delay, so as to minimise the expenditure and to make the Council of self-supporting authority.

The existing Board and the Faculty were constituted on the 30th December, 1974, and the normal term of the members thereof expired on the 29th December, 1979. Under sub-section (6) of Section 5 of the Maharashtra Medical Practitioners Act, 1961, before its amendment by the Maharashtra Medical Practitioners (Amendment) Act, 1981 (Mah. LXVI of 1981), the terms of office of the members could be extended beyond the normal period of five years by a further period not exceeding two years in the aggregate. The terms of office of the present members of the Board and the Faculty were extended from time to time upto the 29th December, 1981. After the amendment of Section 5(6) of the Act by Maharashtra Act LXVI of 1981 the terms of office of the members can be extended beyond the normal term of office of five years by a further period of three years in the aggregate. The terms of office of these present members has accordingly now been extended for a further period upto the 30th June, 1982. After the Act is further amended by this Act so as to constitute the proposed Maharashtra Council of Indian Medicine, the rules framed under the Act for holding election to the existing Board and the Faculty will have also to be suitably amended for holding the elections to the proposed new Council. It will not be possible to establish a new Council and to hold elections to the Council before the 30th June 1982. It was, therefore, necessary to establish the proposed Council immediately to replace the existing Board and the Faculty, and to appoint an Administrator temporarily to exercise the powers and carry out the functions of the Council until its elections are held and nominations are made and the names of the President, Vice-President and members of the Council are duly published in the Official Gazette. It was also necessary to carry out a few other amendments to the Act which had been found expedient in the working of the Act.- Statement of Objects and Reasons.

1. Substituted by Mah. 23 of 1982, section 3.
2. Substituted, *ibid.*, section 4.

### **3A. Constitution Of Council :-**

1[(1) 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 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) 2[eight members] elected by registered practitioners whose names are entered in Part I of the register, from amongst themselves;

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

4[\* \* \*]

5[\* \* \*]

6[(d) (i) two members elected by the Principals or Heads of Colleges or institutions affiliated to or, as the case may be, recognised by any statutory university in the State of Maharashtra and which are imparting education in Indian Medicine for appearing at the examinations held by any such university, from amongst themselves, and

(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 to 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.]

## NOTES

Statement and Objects and Reasons.-The Maharashtra Medical Practitioners Act, 1961 is enacted to regulate the qualifications and to provide for the registration of practitioners of the Ayurvedic, Siddha and Unani Systems of Medicine and to make certain provisions relating to medical practitioners generally, in the State of Maharashtra. The Maharashtra Council of Indian Medicine is a body corporate established under the Act. Under section 3A(1) of the Act, the said Council shall consist of totally nineteen members which include, inter alia nine members elected by registered practitioners. Out of the said nine members, five members are to be elected by the registered practitioners whose names are entered in Part I and four members are to be elected by the registered practitioners whose names are entered in Part II of the register prepared and maintained under the Act. The registered medical practitioners are classified in the Register in three parts, Part I containing names of medical practitioners holding recognised qualifications, Part II containing names of medical practitioners whose names were included in that Part immediately before the 1st day of October, 1976, and Part HI containing 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. The enlisted medical practitioners have been redesignated as registered medical practitioners in 1979, with retrospective effect, from 30th September, 1976. But, unlike the registered practitioners in Part I and Part II of the register, they have not been given any representation in the Council by electing their representative on the Council. In order to enable them to have a representation on the Council and to participate in the deliberations of the Council directly or indirectly and thereby to ensure safeguarding of their interests, it is considered expedient to give them right to elect their representative on the Council. Accordingly, clause (c) of sub-section (1) of section 3A of the Act is being amended so as to provide for representation on the Council of the registered medical practitioners registered in Part III of the Register. It is also proposed to rationalise the number of representatives of the medical practitioners whose names are registered in Part I and those in Parts II and III to maintain a ratio as proposed by National Integrated Medical Association (Maharashtra State Branch).- [Mah. Act No. 21 of 1993.]

1. Clause (3A) was inserted, by Mah.23 of 1982, section 5.

2. These words were substituted for the words "five members" by Mah. 21 of 1993, section 2(a).
3. Sub-clause (ii) was substituted, *ibid.*, section 2(b).
4. First proviso was deleted, *ibid.*, section 2(c).
5. Second proviso was deleted by Mah. 21 of 1993, section 2(c).
6. Clause (d) was substituted by Mah. 34 of 1986, section 2.

#### **4. Procedure For Election Of Members, President And Vice-President :-**

1[(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.]

#### **NOTES**

1. Under Section 4(2)(d), the Board had a right to elect two

members on the Faculty, but no reciprocal right was conferred on the Faculty. It had thus become necessary to make a provision in this regard.

2. It was felt necessary to make the Director of Ayurved ex officio member of the Faculty.- Statement of Objects & Reasons.

#### NOTIFICATIONS

G.N., U.D., P.H. & H.D., No. MMP. 1174/52104-H,  
dated 30th December, 1974  
(M.G., Pt. IV-B, 1975, p. 68)

In exercise of the powers conferred by sub-sections (1) and (2) of Section 4 of the Maharashtra Medical Practitioner Act, 1961 (Mah. XXVIII of 1961), the Government of Maharashtra hereby constitutes with effect from the 31st December, 1974, "the Maharashtra Faculty of Ayurvedic and Unani System of Medicine" consisting of the members specified below :-

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Sr. No.	Name	Address
	Members nominated by the State Government.	
	The Director of Ayurved, Maharashtra State - Ex-Officio	
1 to 6.	[Not printed]	
	Members elected by the Principals or the Heads of Recognised Institutions.	
7 to 10.	[Not printed]	
	Members elected by the teachers in Recognised Institutions	
11 to 16.	[Not printed].	

\*No. CIM. 1587/450/86/87/ACT, dated 29th January, 1997.-

In exercise of the powers conferred by the proviso to sub-section (1) of section 4 of the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961), the Government of Maharashtra hereby notifies the 31st day of December, 1996 to be the date for the purposes of the proviso to sub-section (1) of the said section 4.

No. CIM. 1587/450/86/87/ACT, dated 2nd January, 1999.-

In exercise of the powers conferred by the proviso to sub-section (1) of section 4 of the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961) and in supersession of the Government Notification, Medical Education and Drugs Department No. CIM.1587/450/86/87/ACT, dated 29th January, 1997, the Government of Maharashtra hereby notifies the 31st day of December, 1998 to be the date for the purposes of the proviso to sub-section (1) of the said section 4.-

M.G.G., Pt. IV-B, dt. 11.2.1999, p. 156.

\*No. CIM. 1587/450/86/87/ACT, dated 25th February, 1997.-

Whereas for the purpose of electing members on the Maharashtra Council of Indian Medicine, general elections are to be held under sub-section (1) of section 4 of the Maharashtra Medical Practitioners Act, 1961 (Mah.XXVIII of 1961) (hereinafter referred to as "the said Act");

And whereas, under Government Notification, Medical Education and Drugs Department No. CIM. 1587/450/86/87/Act, dated the 29th January, 1997, the 31st day of December, 1996 has been notified as the date for the purposes of the proviso to sub-section (1) of section 4 of the said Act;

Now, therefore, in exercise of the powers conferred by section 4 of the said Act read with sub-rule (2) of rule 5 of the Maharashtra Council of Indian Medicine (Election) Rules, 1967, the Government of Maharashtra hereby calls upon , -

1. the registered practitioners included in Part I of the Register to elect eight members from amongst themselves; and

2. the registered practitioners included in Part II and III of the Register to elect one member from amongst themselves, for the purposes of the said rule 5.

In exercise of the powers conferred by the proviso to sub-section (1) of section 4 of the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961), the Government of Maharashtra hereby notifies the 30th day of November, 2005, to be the date for the purposes of the proviso to subsection (1) of the said section 4.

(Published in M.G.G., Pt. IV-B, dt. 30.12.2005, p. 1192).

1. Substituted by Mah 23 of 1982, section 6.

\*. This Notification has been superseded by the following Notification.

\*. Published in M. G. G., Pt. IV-B, dated 17.4.1997, p. 506.

## **5. Term Of Office :-**

(1) The State Government shall, as soon as possible after the election held 1[in accordance with the provisions of Section 3A and 4] by notification in the Official Gazette, publish the names of the President, 2[the Vice-President and the members of the Council].

(2) The President and the 3[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 3[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) 4[A member of the Council] whether elected or nominated, shall hold office for a period of five years commencing from the date of notification published under sub-section (1).

5[\* \* \*]

(4) The term of an outgoing President, 6[Vice-President] or member shall notwithstanding anything contained in sub-section (2) or (3) be deemed to extend to and expire with the day immediately preceding the day on which the name of the successor of such President, 6[Vice-President] or member is published under sub-section (1).

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

(6) Notwithstanding anything contained in the 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 7[the Council] for a further period not exceeding 8[three years] in the aggregate.

#### NOTES

Under the provisions of the Maharashtra Practitioners Act, 1961, two separate corporate bodies, namely, the Maharashtra Board of Ayurvedic and Unani Systems of Medicines, and the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicines, have been last constituted under two separate Government Notifications, Urban Development, Public Health and Housing Department, No. MMP-1174-52104-H, dated the 30th December, 1974. Under sub-section (3) of Section 5 of the said Act, the normal term of office of the members of the Board and the Faculty is for a period of five years commencing from the date of these notifications. The normal terms of the existing Board and Faculty has expired on the 29th December, 1979. Under sub-section (6) of the said Section 5, the State Government is empowered to extend the term of office of such members for a further period not exceeding two years in the aggregate. The term of office of the members of the existing Board and Faculty has been extended from time to time upto the 29th December, 1981 and it is not possible to extend it further, unless the Act is suitably amended for the purpose.

It is noticed by Government that the financial position of the Board is self-sufficient. However, the financial position of the Faculty has always been in deficit. The main function of the Faculty is to hold the examinations in the prescribed courses of study in Ayurvedic and Unani Systems of Medicines and to award degrees, diplomas, certificates, etc. On account of the changes in the courses of study there is practically little work left for the Faculty due to the upgradation of the Ayurvedic education to the University level from 1971 onwards. There is, therefore, no propriety in maintaining the Faculty as an independent corporate body which has been in constant financial deficit and causing recurring burden on the State exchequer. Therefore, a proposal to amalgamate the Faculty and the Board, and in their place to constitute only one corporate body to be called "the Maharashtra Council of Indian Medicine", so as to minimise the expenditure and to make the Council a self-supporting authority is under consideration of Government. This proposal involves extensive amendments to the Maharashtra Medical Practitioners Act, 1961 and it will take some time to promote such

comprehensive legislation for amending the Act. In the meantime, therefore, it is considered necessary to make power to extend the term of office of the members of the existing Board and Faculty further for a period not exceeding one year beyond the 29th December, 1981 and for that purpose to amend the Maharashtra Medical Practitioners Act, 1961 suitably.- Statement of Objects and Reasons.

#### NOTIFICATIONS

No. STB. 1279/531/PH-10 :-In exercise of the powers conferred by sub-section (6) of Section 5 of the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961), the Government of Maharashtra hereby extends the term of office of the members of the Maharashtra Board of Ayurvedic and Unani Systems of Medicine constituted under Government Notification. Urban Development, Public Health and Housing Department, No. MHP. 1174/52104/H, dated the 30th December 1974, which expired on the 29th December, 1979, and which was further extended upto and inclusive of the 31st day of December, 1980 under Government Notification. Urban Development and Public Health Department, No. STD. 1279/531/ PH-10, dated the 30th June, 1980, for a further period upto and inclusive of the 30th day of June, 1981. [M.G.G., Pt. IV-B, Dt. 29.12.1980, p. 46].

No. STB. 1279/531/PH-10.-In exercise of the powers conferred by sub-section (6) of Section 5 of the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961), the Government of Maharashtra hereby extends the term of office of the members of the Maharashtra Board of Ayurvedic and Unani Systems of Medicine constituted under Government Notification, Urban Development, Public Health and Housing Department, No. MMP 1174/52104-H, dated the 30th December, 1974, which expired on the 29th December, 1979, and which further extended from time to time upto and inclusive of 30th June, 1981 for a further period upto and inclusive of the 29th day of December, 1981.- [M.G.G., Pt. IV-B, Dt. 24.6.1981, p. 1523].

No. STB. 1273/531-PH-10.-In exercise of the powers conferred by sub-section (6) of Section 5 of the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961), the Government of Maharashtra hereby extends the term of office of the members of the Maharashtra Board of Ayurvedic and Unani Systems of Medicine constituted under Government Notification, Urban Development, Public Health and Housing Department, No. MMP 1174/52104-H, dated the 30th December, 1974, which expired on the 29th



December, 1979, and which further extended from time to time upto and inclusive of 29th December, 1981 for a further period from the 30th December, 1981 upto the 30th June, 1982 (both inclusive).- [M.G.G., Pt. IV-B, Dt. 28.12.1981, p. 63].

1. Substituted by Mah. 23 of 1982, section 7(a)(i).
2. Substituted, by Mah. 23 of 1982, section 7(a)(ii).
3. Substituted, *ibid.*, section 7(b).
4. Substituted *ibid.*, section 7(c)(1).
5. Deleted, *ibid.*, section 7(c)(ii).
6. Substituted, *ibid.*, section 7(d).
7. Substituted, *ibid.*, section 7(e).
8. Substituted by Mah. 66 of 1981, section 2.

## **6. Casual Vacancies :-**

(1) Any casual vacancy, previous to the expiry of the term, in the office of the President or the 1[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 2[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 2[the Council] :

Provided that, if 2[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[(3) \* \* \*]

(4) Any person nominated under sub-section (1) or (2) 4[\* \* \*] 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.

1. Substituted by Mah. 23 of 1982, section 8(a).
2. Substituted, *ibid.*, section 8(b).
3. Clause (3) was deleted, *ibid.*, section 8(c).
4. Deleted by Mah. 23 of 1982, section 9(a)(1).

## **7. Resignation :-**

(1) An elected member may at any time resign his office by a notice in writing to the President 1[\* \* \*] A nominated member,

may at any time resign his office by a notice in writing to the State Government. Such resignation shall take effect from the date on which the resignation is accepted by the President or 2[\* \* \*] the State Government, as the case may be.

(2) The President or 3[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.

1. Deleted by Mah. 23 of 1982, section 9(a)(i).

2. Deleted, by Mah. 23 of 1982, section 9(a)(ii).

3. Substituted, *ibid.*, section 9(b).

## **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 1[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 2[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 3[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 4[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 5[the Council] unless the member to whom it relates has been given a reasonable opportunity for showing cause why such recommendation should not be made.

(4) The State Government may remove the President or 6[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.

1. Substituted, *ibid.*, section 10(a).
2. Substituted, *ibid.*, section 10(b)(i).
3. Substituted, *ibid.*, section 10(b)(ii).
4. Substituted by Mah. 23 of 1982, section 10(c)(i).
5. Substituted, *ibid.*, section 10(c)(ii).
6. Substituted, by Mah. 23 of 1982, section 10(d).

## **9. Meeting Of The Council :-**

Meeting of 1[the Council]

(1) The meetings of the 2[the Council] shall be convened, held and conducted in such manner as may be prescribed by rules.

3[(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 4[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) 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 6[the Council]; and the business which would have been brought before the original meeting, had there been a quorum present, shall be brought before the adjourned meeting, and may be disposed of at such meeting or any subsequent adjournment thereof, whether there be a quorum present or not.

1. Substituted, *ibid.*, section 11(e).

2. Substituted, *ibid.*, section 11(a).
3. Sub-section (2) was substituted, *ibid.*, section 11(b).
4. Substituted, *ibid.*, section 11(c).
5. Substituted by Mah. 23 of 1982, section 11(d)(i).
6. Substituted, *ibid.*, section 11(d)(ii).

## **10. Proceedings Of Meetings And Validity Of Acts :-**

(1) The proceedings of the discussions of every meeting of 1[the Council] be treated as confidential and no person shall, without the previous resolution of the 2[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 3[the Council] unless 3[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 4[the Vice-President] or as a presiding authority of a meeting shall of itself be deemed to vitiate any act or proceedings 5[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 6[the Council] the continuing members may act as if no vacancies shall at any time not exceed six in number.

1. Substituted, by Mah. 23 of 1982, section 12(a)(i).
2. Substituted, *ibid.*, section 12(a)(ii).
3. Substituted, *ibid.*, section 12(a)(iii).
4. Substituted, *ibid.*, section 12(b)(i).
5. Substituted, *ibid.*, section 12(b)(ii).
6. Substituted, *ibid.*, section 12(c).

## **11. Fees And Allowances For Meetings :-**

Fees and allowances 1[for meetings]

There shall be paid to the President, 2[the Vice-President] and other members of 3[the Council] 4[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.

1. These words were substituted for the words "to President,

Chairman and Members" by Mah. 19 of 1962, section 2(b).

2. Substituted by Mah. 23 of 1982, section 13(a).

3. Substituted by Mah. 23 of 1982, section 13(b).

4. These words, brackets and figures were inserted by Mah. 19 of 1962, section 2(a).

## **12. Income And Expenditure Of The Council :-**

Income and Expenditure of the 1[Council]

(1) The income of the 2[the Council] shall consist of-

(a) fees received from practitioners;

3[(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

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

(2) It shall be competent for 5[the Council] to incur expenditure for the following purposes namely :-

(a) salaries and allowances of the Registrar and the staff 6[including the Inspector] maintained by the Board;

(b) fees and allowances paid to the members of Board 7[or a committee 8[including a board of studies] thereof or of the appellate authority referred to in sub-section (7) of Section 17];

9[(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 examination;]

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

1. Substituted by Mah. 23 of 1982, section 14(c).

2. Substituted, *ibid.*, section 14(a)(i).

3. Inserted *ibid.*, section 14(a)(ii).

4. Substituted, by Mah. 23 of 1982, section 14(a)(iii).

5. Substituted, *ibid.*, section 14(b)(i).

6. Inserted *ibid.*, section 14(b)(ii).

7. Inserted by Mah. 17 of 1965, section 3.

8. Inserted by Mah. 23 of 1982, section 14(b)(iii).

9. Inserted *ibid.*, section 14(b)(iv).

## **13. [Omitted] :-**

[Deleted by Mah. 23 of 1982, Sec. 15].

## **14. Powers, Duties And Functions Of The Council :-**

Powers, duties and functions of 1[the Council]

Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers, duties and functions of 2[the Council] shall be,-

3[(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 4[\* \* \*] practitioners;

(d) to reprimand a registered 5[\* \* \*] practitioner, or to suspend or remove him from the register 6[\* \* \*] or to take such other disciplinary action against him as may, in the opinion of 7[the Council] be necessary or expedient;

8[(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 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 recognised 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].

1. Substituted *ibid.*, section 16(d).
2. Substituted by Mah. 23 of 1982, section 16(a).
3. Clause (a) was substituted for the original by Mah. 30 of 1979, section 5(a).
4. The words "and enlisted" were deleted, *ibid.*, section 5(b).
5. The words "or an enlisted" were deleted, *ibid.*, section 5(c).
6. The words "or the list, of the case may be," were deleted, *ibid.*
7. Substituted by Mah. 23 of 1982, section 16(b).
8. Substituted *ibid.*, section 16(c).

### **15. [Omitted] :-**

[Section 15 was deleted by Mah. 23 of 1982, Sec. 17].

### **16. Registrar And Other Employees Of The Council :-**

Registrar and other employees of 1[the Council]

(1) The State Government shall, after consulting 2[the Council], appoint a Registrar, who shall be the Executive Officer of 3[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) 4[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. 5[The Council] may, with the provisions 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 :

Provided that, when the period of such vacancy does not exceed two months, the appointment may be made by the President, who shall forthwith report such appointment to the State Government.

(4) The State Government may, after consulting 6[The Council], suspend, dismiss or remove any person appointed as the Registrar, or impose any other penalty upon him.

(5) 7[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.

1. Substituted by Mah. 23 of 1982, section 18 (f)
2. Substituted, *ibid.*, section 18(a)(i).
3. Substituted, *ibid.*, section 18(a)(ii).
4. Substituted, *ibid.*, section 18(b).
5. Substituted, *ibid.*, section 18(c).
6. Substituted by Mah. 23 of 1982, section 18(d).
7. Substituted, *ibid.*, section 18(e).

#### **16A. Executive Committee Of Council :-**

1[(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 2[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 2[Council] as may be delegated to it by rules or entrusted to it, from time to time, by the 2[Council].

1. Sections 16A and 16B were inserted by Mah. 19 of 1962, section



5.

2. Substituted by Mah. 23 of 1982, section 19.

**16B. [Omitted] :-**

[Section 16-B was deleted by Mah. 23 of 1982, Sec. 10].

**CHAPTER 3 REGISTRATION OF PRACTITIONERS**

**17. Preparation Of Register :-**

CHAPTER III

1[REGISTRATION OF PRACTITIONERS]

(1) As soon as maybe after the appointed day, the Registrar shall prepare and maintain thereafter a register of 2[practitioners of Indian Medicine] for the State, in accordance with the provisions of this Act.

(2) The register shall be divided into 3[three parts], namely:

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

4[(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 3rd 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 a fee of 5[five hundred rupees] be entitled to have his name entitled in the register.

6[(3A) Not with standing 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 a n 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, 1947 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; 7[or

(iii) that his name had 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 of rupees and such documents as may be prescribed by rules, 8[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 9[the Council] appointed by the State Government. The Committee shall make enquiry in such manner as may be prescribed by rules. 10[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) 11[(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 12[the Council] and the Director of Ayurved shall be the ex-officio member. The decision of the appellate authority shall be final.

13[(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.]

14[(7A) If on an application for registration made under clause (iii) of sub-section (5) or on 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 the appointed to in sub-section (4), the date of his admission to that register;

(c) the qualification 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 provision, the Registrar shall publish a notice in the Official Gazette and such newspapers as 15[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 practitioner shall be given a certificate of registration in the form prescribed by rules. The registered practitioner shall display the certificate of registration in a conspicuous place in his dispensary, clinic or place of practice.

16[(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.]

17 [(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.]

#### NOTES

Objects of the amendments.-Under Sections 17(5) and 18(2)(b), persons could apply for registration or enlistment by virtue of their practice for a specified period on a specified date. The last date for making such applications had expired on the 23rd October, 1963. It was represented to Government that some of the practitioners particularly in the rural areas could not apply within the time-limit laid down in the Act. It was, therefore, proposed to extend the time limit to give a further chance to all. Similar opportunity was also to be given to persons to make the appeal now, if they so desired.

It was presented to Government that when the Bombay Medical Practitioners Act, 1938, was amended in 1949 by Bom. XXXIII of 1949 for giving a chance of registration or enlistment to the practitioners displaced from Pakistan and to the practitioners from the merged State, only those who possessed scheduled qualifications were registered, while others were enlisted. They were not given a chance of getting registration on the strength of practice for any specified period on a specified date. It was further represented that even after the enactment of the Maharashtra Medical Practitioners Act, 1961, such of these enlisted practitioners as were practising in Western Maharashtra could not avail of the fresh chance of getting registration afforded under Section 17(5) as they were required to prove that they had been in practice on the 4th November, 1941 which obviously was not possible in their case. On the other hand, the practitioners of the same class who settled in territories now falling in Vidarbha or Marathwada could avail of the fresh chance of registration as they were required to prove that they were practising for a period not less than ten years on the 23rd November, 1960. It was, therefore, proposed to remove this anomaly by making a provision to give a chance of registration to these practitioners.

It was also felt necessary to provide that the first renewal of

registration or enlistment should be made within a period of three months from the date on which the new register was prepared and came into force, so that the persons who had ceased to practise or were not practising in the State of Maharashtra were weeded out and an up-to-date register became available before holding elections to the Board. Thereafter renewal would have to be done at the expiration of every five years.

It was felt that unregistered practitioners should be debarred from holding certain appointments and that a breach of this provision should be punishable with fine which may extend to five hundred rupees.

As it would not be possible to hold elections to constitute a Board and Faculty under Sections 2, 3 and 4 of the Act, unless the register is prepared, it is necessary to extend the term of the existing Board.

The Maharashtra Medical Practitioners Act, 1961 did not contain a provision to empower the Board and the Faculties to constitute Executive Committees. As such Committees were necessary for the more convenient administration of the Board and the Faculty, it was necessary to amend the Act. It was also considered expedient to take power to the State Government to make rules for the payment of fees and allowances to the Members of Committees of the Board and the Faculty and of the appellate authority referred to in Section 17(7) and to prescribe matters of detail in respect of the Executive Committees.- [Statement of Objects & Reasons, M.G.G., Pt. V, 1962, p. 56].

Under Section 17 of the Maharashtra Medical Practitioners Act, 1961, every person who possessed any of the qualifications specified in the Schedule to the Act, was required to pay a fee of rupees ten to have his fee entered in the register of practitioners maintained under the Act. Under Section 22 of that Act, every person registered under Section 17, or enlisted under Section 18, was required to renew his registration or enlistment, after every five years on payment of the prescribed fee of rupees ten. It was proposed to provide for permanent registration of the practitioners seeking registration and also of those persons who had already been registered or enlisted under the Act on payment of a fee of rupees fifty, once for all. In order to maintain the register or list up-to-date, it was also proposed to provide for calling of applications for continuance of registration or enlistment, after every five years without payment of any such fee.

As both Houses of the Legislature of the State were not then in

session and it was necessary to take immediate action to amend the Act, for the imposes aforesaid the Governor of Maharashtra promulgated the Maharashtra Medical Practitioners (Amendment) Ordinance, 1972.- [Statement of Objects & Reasons].

The Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961), provided for registration of practitioners of Ayurvedic and Unani Systems of Medicine. In 1970, Parliament has passed the Indian Medicine Central Council Act, 1970 (48 of 1970), to provide for constitution of a Central Council of Indian Medicine and the maintenance of a Central Registers of Indian Medicine. Section 17 and Section 23 to 31 of this act have been brought into force by the Central Government on the 1st October, 1976. Section 17(2) inter alia provides that, no person other than a practitioner of Indian Medicine, who possesses a qualification included in Second, Third or Fourth Schedule to that Act and is enrolled in the State Register or the Central Register of Indian Medicine shall practise Indian Medicine in any State. The qualifications given in the Schedule to the Maharashtra Medical Practitioners Act, 1961 and in the Schedules to the Central Act are in certain respects different and therefore, a person, who may possess a qualification given in the Schedule to the Maharashtra Act which was not now be able to practise Indian Medicine in this State. There is a saving provision Section 17(3) of the Central Act that nothing contained in Section 17(2) shall effect the right of a practitioner enrolled on the State Register merely on the ground of not possessing any qualification recognised by the Central Act or affect any privilege conferred by the State law on a practitioner enrolled on the State Register. This saving provision will be useful to those who already stand registered on the 1st October, 1976, but would not be useful to those who might be registered in future in the State register merely on the ground of possessing State qualifications and to a large number of enlisted practitioners who were also entitled to practise before but would not now be able to practise, because they were not registered practitioners on the date on which Section 17 of the Central Act came into force. To remove the difficulties experienced by such practitioners and to make certain changes consequential to the passing of the Central Act, 1961, with retrospective effect from the 1st October, 1976, the date on which Section 17 of the Central Act came into force.- [Statement of Objects & Reasons].

Statement of Objects and Reasons.-The existing rates of registration fees to enter the name in the register and for

provisional registration for practice are not sufficient to meet the expenditure at present incurred by the Maharashtra Council of Indian Medicine and there is no other source of income to the said Council. Therefore, opportunity is also taken to amend sections 17 and 18-A of the Act to increase the rates of fees suitably.- [Man. Act No. 21 of 1993.]

Registration of Practitioners :-The provisions of Sec. 17(5)(ii) of the Act has no rational nexus with the object of the Legislature to ensure that medical practitioners who were not fully qualified but who were too old to choose alternative means of livelihoods should not be deprived of their practice. The provision violates Article 14 of the Constitution.- A. T. Zamburem v. Kartar Krishna Shastri, AIR 1981 SC 796 : (1981) 1 SCC 561 : (1981) 2 SCR 398.

Person enrolled on State register has right to practice only in the State.-In the case of Nageshwar Basantram Dubey v. Union of India & Ors., 2007 (2) All M.R. 612 : 2007 (3) Mah. L.J. 275, the High Court held that if a person is registered with the State Register, he can practice in that State only but if he is enrolled with the State Register and also holds recognised qualifications he can be enrolled in the Central Register. Once he is enrolled on the Central Register he can practice in any part of the country. But if his name is not enrolled under Central Register he cannot practice in any part of the country except State in which he is enrolled.

1. This heading was substituted for the original heading Registration and Enlistment by Mah. 30 of 1979, section 6.
2. Substituted by Mah. 23 of 1982, section 21(a).
3. These words were substituted for the words "two parts" by Mah. 30 of 1979, section 7(a)(1).
4. Clauses (ii) and (Hi) were substituted for the original clause (ii), *ibid.*, section 7(a) (ii).
5. These words were substituted for the words "one hundred rupees" by Mah. 19 of 1993, section 3.
6. Sub-section (3A) was inserted by Mah. 30 of 1979, section 7(b).
7. Clause (iii) was inserted by Mah. 17 of 1965, section 5(a)(i).
8. These words were substituted for the word "within a period of two years from the appointed day", *ibid.*, section 5(a)(ii).
9. Substituted by Mah. 23 of 1982, section 21(c).
10. This portion was Inserted by Mah. 17 of 1965, section 5(b).
11. This clause was renumbered as clause (a) and clause (b) was inserted, *ibid.*, section 5(c).
12. Substituted by Mah. 23 of 1982, section 21(d).
13. This clause was renumbered as clause (a) and clause (b) was

inserted, *ibid.*, section 5(c).

14. Sub-section (7A) was inserted by Mah. 23 of 1982, section 5(d).

15. Substituted by Mah. 23 of 1982, section 21(e).

16. Clause (b) was substituted by Mah. 5 of 1972, section 2(b).

17. Clause (c) was Inserted by Mah. 21 of 1966, section 2.

**18. Enlisted Practitioners Deemed To Be Registered Practitioners On 30Th September, 1976 :-**

1[(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 sub-section (1) shall be given a certificate of registration in the form prescribed by rules, on the payment of a fee of fifteen rupees.

1. Section 18 was substituted for the original Section 18 by Mah. 30 of 1979, section 8.

**18A. Provisional Registration For Practice :-**

1[(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 2[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 granated 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].

1. Sections 18A was substituted for the original Section 18 by Mah.



30 of 1979, section 8.

2. These words were substituted for the words "fifteen rupees" by Mah. 21 of 1993, section 4.

### **19. Persons Not Entitled To Registration [\* \* \*] :-**

Persons not entitled to registration 1[\* \* \*]

Notwithstanding anything contained in 2[Section 17] no person, whose name has been removed from any register 3[\* \* \*] 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 4[\*\*\*] unless his name is duly restored to the register 5[\* \* \*] from which it was so removed.

1. The words "or enlistment" were deleted by Mah. 30 of 1979, section 9(c).

2. The word and figures "section 17" were substituted for the words and figures "Sections 17 and 18", *ibid.*, section 9(a).

3. The words "or list" were deleted, *ibid.*, section 9(b).

4. The words "or the list respectively" were deleted, by Mah. 30 of 1979, section 9(b).

5. The words "or the list" were deleted, *ibid.*

### **20. Removal Of Names From The Register [\* \* \*] :-**

Removal of names from the register 1[\* \* \*]

(1) If a registered practitioner has been, after due inquiry held by 2[the Council] 3[or the Executive Committee] in the manner prescribed by rules, found guilty of any misconduct by the 2[Council] the 2[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 4[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 4[the Code of Criminal Procedure, 1973];

(iii) any conduct which, in the opinion of the 2[Council] is infamous in relation to the medical profession particularly under any code of ethics prescribed by the "2[Council].

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

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

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

(4) The 2[Council] may, on sufficient cause being shown, direct at any subsequent date that the name of a practitioner removed under sub-section (1) or 3[(3)] shall be re-entered in the register or such conditions and on the payment of such fees, as may be prescribed by rules.

(5) The 2[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 2[Council] such entry was fraudulently or incorrectly made.

(6) In holding any inquiry under this section, the 2[Council] 4[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 2 [Council] 6[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 7[the Advocates Act, 1961, or];

(ii) an attorney of a High Court.

(b) Where an assessor advises the 2[Council] 8[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 2[Council] 9[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 of the 2[Council] 9[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) 10[\* \* \*]

#### NOTES

Complaint before Medical Council :-Medical Council is under obligation to act fairly, impartially and openly so that complainant before it can repose confidence in it. Thus proceeding must administer that Medical Council has acted in the manner conducive to fair administration of justice so far as cause of complainant before it is concerned. The High Court held that the Medical Council has to maintain standards, professional conduct, professional etiquette, professional ethics, and professional morality. The High Court quashed and set aside the order passed by the Respondent No. 1 on present petitioner.- Smt. Archana Sudhir @ Ravindra Shende v. Maharashtra Medical Council and another, 2006 (2) All M. R. 108.

1. The word "list" was deleted by Mah. 30 of 1979, section 10(c).
2. Substituted by Mah. 23 of 1982, section 22(a).
3. These brackets and words were substituted for the brackets and words "(or a committee appointed by the Board for that purpose)" by Mah. 19 of 1962, section 6(a).
4. Substituted by Mah. 23 of 1982, section 22(b).
5. Clause (a) was substituted for the original by Mah. 19 of 1962, section 10(a).
6. This was substituted for "(2)" by Mah. 5 of 1972, section 3.
7. These words were substituted for the words "or a Committee appointed by the Board" by Mah. 19 of 1962, section 6(b).
8. These words were substituted for the words "or a Committee appointed by it", *ibid.*, section 6(c)(i).
9. These words were substituted for the words "or a Committee appointed by the Board" by Mah. 19 of 1962, section 6(b).
10. These words were substituted for the words "or Committee" by Mah. 19 of 1962, section 6(c)(ii).

## **21. Maintenance Of Register [\* \* \*] :-**

Maintenance of register 1[\* \* \*]

(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 2[\* \* \*] in accordance with the provisions of this Act, the rules made thereunder, and the orders of 3[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 :

4[Provided that, where a registered practitioner whose name is entered in Part II or Part III of the register makes an application for entry on 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) 5[\* \* \*]

1. The words "and list" were deleted by Mah. 30 of 1979, section 11(b).

2. The words "and renewal slip" were deleted by Mah. 5 of 1972, section 4.

3. Substituted by Mah. 23 of 1982, section 23(a).

4. Inserted by Mah. 23 of 1982, section 23(b).

5. Sub-section (4) was deleted by Mah. 30 of 1979, section 11(a).

## **22. [Omitted] :-**

[Renewal fee] Deleted by Mah. 5 of 1972, section 5.

## **23. Publication Of List Of Registered [\* \* \*] Practitioners :-**

Publication of list of registered 1[\* \* \*] practitioners

(1) At such time after the publication of the notice under sub-section (9) of section 17 as 2[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.

3[(2A) Notwithstanding anything contained in sub-section (2), when the election of members of 4[the Council] is to be held under 5[clause (c) of sub-section (1) of Section 3A] and any general or special order is issued by the State Government under the proviso to 6[sub-section (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. 7[Such certified copy may be issued by the Registrar on payment of such fee and in such form as may be prescribed.]

(5) 8[\* \* \*]

#### NOTES

It was found necessary to remove following difficulties in the working of the Maharashtra Medical Practitioners Act, 1961 :-

As a registered practitioner is required to display a certificate of his registration, it was necessary to make provision for the issue of a duplicate certificate in case the original was defaced, lost or destroyed.

Section 23(4) of the principal Act provided for issue of a certified copy of the entry of the name of any person in the register, which served as evidence of registration. It was necessary to prescribe by rules the fee payable for such certified copy and the form thereof.

It was intended to prohibit unauthorised bodies from granting certificates, etc., which implied that the holder was qualified to practice.

A doubt was felt whether the regulations which were being followed by the Vidarbha Board and were being followed by the Faculty in holding the B.A.M.S. (Vid) examination were properly made. To place the matter beyond doubt, it was necessary that the regulation should be given recognition, retrospectively.

It was represented by holder of B.A.M.S. qualification that description given in column 3 of entry 2 in Part B of the Schedule to the principal Act should be" the same as was being followed by the Vidarbha Board. It was therefore, necessary to make the change with retrospective effect. [Statement of Objects and

Reasons].

1. The words "and enlisted" were deleted, *ibid.*, section 12(b).
2. Substituted by Mah. 23 of 1982, section 24(a).
3. Sub-section (2-A) was inserted by Man. 4 of 1969, section 3.
4. Substituted by Mah. 23 of 1982, section 24(b)(i).
5. Substituted, *ibid.*, section 24(b)(ii).
6. Substituted, *ibid.*, section 24(b)(iii).
7. These words were Inserted by Mah. 21 of 1966, section 3.
8. Sub-section (5) was deleted by Mah. 30 of 1979, section 12(a).

### **23A. Renewal Of Registration :-**

1[(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 2[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 3[under certificate of posting], enclosing therewith the prescribed form of application, to every registered practitioner at his address as entered in the register calling on 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 3[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 3[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 3[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 operation, and if not yet withdrawn, it shall also continue in operation, as provided in sub-clause (iii) of this clause;

(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 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.

4(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 the 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].

5[(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].

#### NOTES

In pursuance of the provisions of Section 23A of the Maharashtra Medical Practitioners Act, 1961 only the registered practitioners are entitled to the renewal of their registration under the provisions of that section. It had been brought to the notice of Government that a large number of practitioners did not renew their names under Section 22 of the Act before the 11th February, 1972. Consequently, on the repeal of Section 22 on that date, these persons were unable to get themselves registered under new Section 23A. In order to enable these persons to get themselves registered, it was proposed to amend the said Act.

According to the provisions of sub-section (1) of Section 32 of the principal Act after the dissolution of the Board, or as the case may

be, the Faculty, the State Government was empowered to cause all or any of the powers, duties and functions of the Board or the Faculty to be exercised and performed by such persons and for such period not exceeding one year as it may think fit and shall take steps to constitute a new Board or Faculty, as the case may be. As the period of one year was found to be insufficient it was protected to extend the same to two years.- [Statement of Objects and Reasons].

1. Section 23-A was inserted by Mah. 5 of 1972, section 6.
2. Substituted for the words "Board" by Mah. 23 of 1982, section 25(a).
3. These words were substituted for the words "by registered post" by Mah. 49 of 1973, section 2(1).
4. Clause (c) was inserted by Mah. 49 of 1973, section 2(2).
5. Substituted by Mah. 23 of 1982, section 25(b).

#### **24. No Refund Of Fees :-**

Fees paid under Sections 17, 18, 1[18A,] 20, 21 2[and 23A] shall not be refunded.

1. The figures and letter "18A," were inserted by Mah. 30 of 1979, section 14.
2. This was substituted for "and 23" by Mah. 5 of 1972, section 7.

#### **25. Rights Of Registered Practitioners To Practice :-**

1[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 recognized by law as a medical practitioner or member of the medical profession or as having a right to practise 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 this 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.]

1. Section 25 was substituted for the original section by Mah. 30 of 1979, section 15.

## **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 :-**

#### CHAPTER IV

#### EXAMINATIONS HELD BY 1[COUNCIL] COURSES OF STUDIES, RECOGNITION OF INSTITUTIONS AND RECOGNITION OF QUALIFICATION

Examination held by 2[Council] and courses of studies

3[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 the person who pass the examinations, and such other matters in respect of such examinations as may be necessary or expedient.

1. Substituted by Mah. 23 of 1982, section 26.

2. Substituted, *ibid.*, section 27(b).

3. Substituted, *ibid.*, section 27(a).

### **27. Recognition Of Institutions :-**

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

(2) Any institution desirous of recognition under this Act shall send 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 1[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 1[Council] and the 1[Council] may direct the Registrar to call for any further information which it may deem necessary. The 1[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 1[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 1[Council] to secure the maintenance of an adequate standard of proficiency in the subjects of medicine, surgery, midwifery and gynecology 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 1[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 1[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 1[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 1[Council] so desires.

(8) The 1[Council] shall forward a copy of every such report to the authorities of the institution in respect of which the 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.

(9) An Inspector, or a visitor shall receive such remuneration to be paid as part of the expenses of the 1[Council] as maybe prescribed by rules.

1. Substituted, *ibid.*, section 28.

2. Substituted by Mah. 23 of 1982, section 28.

## **28. Withdrawal Of Recognition Of Institutions :-**

(1) If it appears to the State Government on the report of the 1[Council] or otherwise that any recognised institution is not maintaining an adequate standard of training according to the requirements of the 2[Council], the State Government may ask the 2[Council] to direct the institution to take steps within such reasonable time as it may fix to bring the training up to 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.

1. Substituted, *ibid.*, section 29.

2. Substituted by Mah. 23 of 1982, section 28.

## **29. Amendment Of Schedule :-**

If it shall appear to the State Government on the report of the 1[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 1[Council] in the manner provided in sub-section (2) of Section 27 and for the purposes of this section the 1[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 1[Council] or otherwise that the course of study or the examinations 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 not as 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 sub-section shall be issued by the State Government without first consulting the 1[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 1[Council] shall require the university, body or institution to take such steps as may be directed by the 1[Council] and within such reasonable time as the 1[Council] may prescribe to bring the course of study examination or such degree, diploma or award to the required standard.

1. This word was substituted for the word "Faculty" by Mah. 23 of 1982, section 30.

## **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 generally 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 1[the Council shall be held under sub-section (1) of Section 4];

(b) the manner in which the meetings of 2[the Council] shall be convened, held and conducted under sub-section (1) of Section 9;

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

4[(d) the powers, duties and functions of the Council under clause (s) of Section 14];

5[(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 6[the Council delegated to the Executive Committee under Section 16A];

(e) any further particulars to be entered in the register 7[\* \* \*];

8[(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 9[and provisional registration] ;

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

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

(k) the remuneration to be paid to the additional qualifications or change of name under sub-section (3) of Section 21;

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

10[\* \* \*]

(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 sub-section (3) of Section 23;

(q) remuneration to be paid to an Inspector or visitor under sub-section (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.

11[(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 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].

1. This portion was substituted for the portion beginning with the words "the Board and to the Faculty" and ending with the words "respectively" by Mah. 23 of 1982, section 31(a).

2. These words were substituted for the words "the Board and the Faculty", *ibid.*, section 31(b).

3. This clause was substituted for the original by Mah. 19 of 1962, section 7(a).

4. This clause was substituted for the original by Mah. 23 of 1982, section 31(c).

5. This clause was inserted by Mah. 19 of 1962, section 7(b).

6. This portion was substituted for the portion beginning with the words "the Board and the Faculty" and ending with the word, figures and letter "and 16B", *ibid.*, section 31(d).

7. The word "and the list" were deleted by Mah. 30 of 1979, section 16(a).

8. Clause (f) was substituted for the original, *ibid.*, section 16(b).

9. The words "and provisional registration" were substituted for the words "and enlistment" by Mah. 30 of 1979 section 16(c).

10. Clauses (m) and (n) were deleted by Mah. 5 of 1972, section 8.

11. Sub-section (3) was substituted by Mah. 17 of 1965, section 8.

### **31. By-Laws :-**

(1) The 1[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 or 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 1[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 modification as it may think fit or return them to the 1[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.

1. This word was substituted for the word "Faculty" by Mah. 23 of 1982, section 32.

## **32. Control Of State Government :-**

(1) If at any time it appears to the State Government that 1[the Council] or its President 2[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 5[Council] or the President 4[or the Vice-President] as the case may be. If 5[the Council] or the President 4[or the Vice-President]

fails to remedy such failure, excess or abuse within such reasonable time as the State Government may fix in this behalf, the State Government may remove the President 4[or the Vice-President], or dissolve 6[the Council] and cause all or any of the powers, duties and functions of 5[the Council] to be exercised and performed by such persons and for such period not exceeding 7[two years] as it may think fit, and shall take steps to constitute a 8[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 9[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.

1. These words were substituted for the words "the Board or the Faculty", *ibid.*, section 33(a)(1).

2. These words were substituted for the words "or Chairman", *ibid.*, section 33(a)(ii).

3. This word was substituted for the words "Board or Faculty" by Mah. 23 of 1982, section 33(a)(iii).

4. These words were substituted for the words "or the Chairman", *ibid.*, section 33(a) (iv).

5. These words were substituted for the words "the Board or the Faculty", *ibid.*, section 33(a)(1).

6. These words were substituted for the words "the Board or the Faculty, as the case may be," *ibid.*, section 33(a)(v).

7. These words were substituted for the words "One year" by Mah. 49 of 1973, section 3.

8. These words were substituted for the words "new Board or new Faculty, as the case may be" by Mah. 23 of 1982, section 33(a)(vi).

9. These words were substituted for the words "the Board or the Faculty," *ibid.*, section 33(b).

## **CHAPTER 6 GENERAL PROVISIONS APPLICABLE TO ALL MEDICAL PRACTITIONERS**

### **33. Prohibition Of Medical Practice By Persons Not Registered :-**

1[(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 practise 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[(2) Any person, who acts in contravention of any of the provisions of sub-section (1) shall, on conviction, 3[be punished,-

(a) for the first offence, with rigorous imprisonment for a term which shall not be less than two years but which may extend to five years and with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees; and

(b) for a second or subsequent offence, with rigorous imprisonment for a term which may extend to ten years and with fine which may extend to twenty-five thousand rupees :

Provided that, when the contravention is continued after the order of conviction, a further fine which may extend to five hundred rupees, for each day of continuation of such contravention, may be imposed.]]

## NOTES

In the instant case, the petitioner-Doctor is having B.E.M.S. degree only and no specialization in Gynaecology performing operation for abortion on a patient. The patient died after complications. It was contended that there was no intention to kill so the charges under section 304 of the I.P.C. framed by the Session Judge be quashed. It was held by the High Court that when the Doctor had no knowledge of female anatomy and knowing her limitations, ventured to do such an operation, knowledge of her action has to be attributed to her and prima facie charge under section 304 of the I.P.C. is made out. The High Court rejected the application.-

Dr. Baban Lahanu Gangurde and another v. State of Maharashtra, 2001 (5) Bom. C. R. 52 : 2001 (1) Mah. L. J. 502.

The accused causing death by negligence while doing termination of pregnancy.-Death of the deceased occurred while accused acting rashly and negligently in the matter of case of deceased and treated her for which he had neither authority nor skill. Accused practising on basis of valid registration certificate awarded to him under law as prevailing in the State of Bihar though he had failed to secure registration under Maharashtra Medical Practitioners Act is guilty of offence punishable under sections 33(1)(2) and 36(1)(2) of the Maharashtra Medical Practitioners Act, 1961.-Dr. Chandanlal BiharilalJaiswal v. State of Mah., 2006 All M. R. (Cri.) 41.

#### NOTIFICATION

No. CIM. 1091/CR-179/91(Part-V)/ACT, dated 25th November, 1992.-In exercise of the powers conferred by the proviso to section 33, read with clause (fa) of section 2 of the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961) (hereinafter referred to as "the said Act"), the Government of Maharashtra hereby directs that the Ayurvedic Practitioners enrolled on the State Register of Practitioners of Indian Medicine holding qualification specified in Parts A, B and A-1 of the Schedule appended to the said Act, shall be eligible to practise the modern system of medicine which is known as allopathic system of medicine, to the extent of the training they received in that system.

1. Section 33 was substituted for the original by Mah. 30 of 1979, section 17.
2. Sub-section (2) was substituted by Mah. 21 of 1993, section 5.
3. This portion was substituted for the portion beginning with the words "be punished" and ending with the words "conviction for the first such contravention" by Mah. 9 of 2001, section 2.

#### **33A. Unregistered Persons Not To Hold Certain Appointments :-**

1[(1) 2[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 3[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; teacher in

medicine, surgery or midwifery in any public institution.

4 [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.]

5[(2) Any person who contravenes the provisions of subsection (1) shall, on conviction, 6[be punished, -

(a) for the first offence, with rigorous imprisonment for a term which shall not be less than two years but which may extend to five years and with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees; and

(b) for a second or subsequent offence, with rigorous imprisonment for a term which may extend to ten years and with fine which may extend to twenty-five thousand rupees :

Provided that, when the contravention is continued after the order of conviction, a further fine which may extend to five hundred rupees, for each day of continuation of such contravention, may be imposed.]]

#### NOTES

Statement of Objects and Reasons.-The Maharashtra Medical Practitioners Act, 1961 is enacted to regulate the qualifications and to provide for the registration of practitioners of the Ayurvedic, Siddha and Unani systems of medicine and to make certain provisions relating to medical practitioners generally in the State of Maharashtra. Section 33 of the said Act prohibits medical practice by persons who are not registered as medical practitioner. Section 33A of the said Act also prohibits such persons from holding any appointments such as medical officers, teachers in medicine, etc. Sub-section (2) of both the said sections lay down penal provision for contravention of the said provisions. It has, however, come to the notice of the State Government that the incidences of practice of medicine by unqualified persons or quacks are on the increase in the State and the existing penal provisions have proved to be inadequate to serve as a deterrent. With a view to curb effectively the evil of medical practice by quacks, the Government considers it expedient to make the existing penal provisions more stringent to serve as deterrent. Accordingly sections 33 and 33A of the said Act are being suitably amended providing for enhancement of the existing punishment for first offence and making a fresh provision for more stringent and deterrent punishment for subsequent offence, and also for enhancement of the existing punishment for continuation of the illegal activity or contravention after conviction.- [Mah. Act No. 9 of 2001.]

1. Section 33A was inserted by Mah. 17 of 1965, section 9.
2. These words were substituted for the words "Notwithstanding anything contained in the last preceding section" by Mah. 30 of 1979, section 18(a).
3. These words and figures were substituted for the words "in that section" by Mah. 21 of 1993, section 6(a).
4. This Explanation, was inserted by Mah. 30 of 1979, section 18(b).
5. Sub-section (2) was substituted by Mah. 21 of 1993, section 6(b).
6. This portion was substituted for the portion beginning with the words "be punished with rigorous imprisonment" and ending with the words "for the first such contravention" by Mah. 9 of 2001, section 3.

**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-

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

2[(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) 3[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 of midwifery.

1. Clause (i) was substituted for the original by Mah. 30 of 1979, section 19(a)(1).

2. Clause (ii) was substituted for the original, *ibid.*, section 19(a)(ii).

3. These words were substituted for the words "No person", *ibid.*,

section 19(b).

**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 1[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 Practitioner in any part of the State;

(e) an authority empowered or recognised as competent, by the State Government, to confer, grant or issue any degree, diploma, licence, certificate or any other like award, shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or any other like award which is identical with or is a colourable imitation of any degree, diploma, licence, certificate or award granted by a body or institution specified in clauses (a), (b), (c), (d) or (e) of this sub-section 2[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.

1. This word was substituted for the word "Faculty" by Mah. 23 of 1982, section 34.

2. These words were Inserted by Mah. 21 of 1966, section 4.

**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 or any other like award as his qualification to practise any system of medicine unless-

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

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

(i) is 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; 1[or

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

2[(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 rupees for every day during which such contravention continues after conviction for the first such contravention.]

## NOTES

Statement of Objects and Reasons.-With a view to eradicate the evil of practice of medicine by unqualified persons or quacks it is considered expedient to make the existing penal provisions in the Act more stringent to serve as deterrent. Accordingly, sections 33, 33A and 36 of the Act are being suitably amended to provide for stringent punishments including a provision providing for awarding of minimum punishment of one year rigorous imprisonment with minimum fine of one thousand rupees, for contravention of the provisions thereof.- [Man. Act No. 21 of 1993.]

Addition of any title to name of any Person -The respondent was prosecuted on the allegation that she had inserted to her name the title "Dr." without having the degree, diploma, licence or certificate or any other like award and she was practising as a Physio-Therapist and also in nature cure and thereby she had committed offence punishable under Section 36 of the Act.

High Court held, that the prosecuted person was not practising any system of medicine then the provisions of Section 36 (1) will not cover her.- State of Maharashtra v. Paulin P. Picardo, 1990 Mah. L.J. 693.



1. The word "or" and clause (iv) were inserted by Mah 30 of 1972, section 20.
2. Sub-section (2) was substituted by Mah. 21 of 1993, section 7.

### **37. Liberty To Practise In Rural Areas :-**

1[ \*\*\*]

1. Section 37 was deleted by Mah. 40 of 2005 (w.e.f. 25.8.2005).

### **38. Cognizance Of Offences :-**

All offences under this Act shall be 1[cognizable and non-bailable].

#### **NOTES**

Statement of Objects and Reasons.-Section 38 of the said Act already provides that all offences under the Act shall be cognizable which implies that the same are also non-bailable. However, it is being made explicit that the same are "cognizable and also non-bailable" by amending section 38 of the said Act - [Mah. Act No. 9 of 2001.]

1. These words were substituted for the words "cognizable" by Mah. 9 of 2001, section 4.

### **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 Practitioner 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 (i), 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 be 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; and

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

(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 :-**

1[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 sub-section (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 transferred to and continued before the corresponding authority or officer under this Act as amended by the Maharashtra Medical Practitioners (Amendment) Act, 1982 competent to entertain such proceedings and matters;

(f) all prosecution 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 section 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.]

1. This section was substituted for the original by Mah. 23 of 1982, section 35.

## **42. Dissolution Of Faculty And Constitution Of New Faculty :-**

1[Omitted]

1. Sections 42, 43, 44, 45 and 46 of the Act were deleted by Mah. 23 of 1982, section 36.

## **43. Provision Regarding Registrars :-**

1[Omitted]

1. Sections 42, 43, 44, 45 and 46 of the Act were Omitted by Mah. 23 of 1982, section 36.

#### **44. Provision Regarding Examination :-**

1[Omitted]

1. Sections 42, 43, 44, 45 and 46 of the Act were Omitted by Mah. 23 of 1982, section 36.

#### **45. Provision Regarding Recognised Institutions :-**

1[Omitted]

1. Sections 42, 43, 44, 45 and 46 of the Act were Omitted by Mah. 23 of 1982, section 36.

#### **46. Vesting Of Rights, Duties Etc. :-**

1[Omitted]

1. Sections 42, 43, 44, 45 and 46 of the Act were Omitted by Mah. 23 of 1982, section 36.

#### **47. Power To Remove Difficulty :-**

If any difficulty arises in giving effect to the provisions of this Act 1[as amended by the 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.

1. These words were Inserted by Mah. 23 of 1982, section 37.

#### **SCHEDULE 1**

SCHEDULE

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#### **SCHEDULE**

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

Qualifications the possession of which entitled a person to registration

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 section S.C. Examination or is equivalent Examination as qualification for admission, provided the course is of a duration of six or more years.

<b>Sr. No</b>	<b>Authority</b>	<b>Qualification</b>	<b>Abbreviation for registration and conditions for registration, if any.</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1.	Benaras Hindu University, Benaras.	(1) Ayurvedacharya with Bachelor of Medicine and Surgery.	A.M.B.S. (Ben.). (This qualification shall be recognised only when granted in or after 1952). A.M.S. (Ben.).
		(2) Ayurvedacharya with Medicine and Surgery.	A.M.M.S. (Ben.).
		(3) Ayurvedacharya with Modern Medicine and Surgery.	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 1[and, on and after the 23rd October, 1961, the Maharashtra	Graduate of the Faculty of Ayurvedic Medicine.	G.F.A.M. (Bom.).

	Faculty of Ayurvedic and Unani Systems of Medicine constituted under the 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, Poone.	Ayurvedya-Parangat	A.V.P. (Poona).
2[6.	Faculty of Ayurvedic and Unani Systems of Medicine, Gujarat.	Graduate of the Faculty of Ayurvedic Medicine.	G.F.A.M. (Guj.).]
3[7.	University of Kerala	Bachelor in Ayurvedic Medicine	B.A.M. (Kerala).
8.	University of Gujarat.	Bachelor in Ayurvedic Medicine and Surgery.	B.A.M.S. (Guj.).
9.	University of Nagpur.	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S. (Nag.)]
4[10.	Ravishankar University, Raipur	Bachelor of Ayurvedic Medicine and Supergery (Ayurvedacharya).	B.A.M.S. (Ravi). (This qualification shall be recognised only when granted to students admitted by the University on or after the 1st 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.& section
13.	Shivaji University, Kolhapur	Bachelor of Ayurvedic	B.A.M. & S.

		Medicine and Surgery.	
5[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.]
6[16	University of Kanpur (Uttar Pradesh).	'Ayurvedacharya' Bachelor of Ayurved with Modern Medicine and Surgery.	B.A.M.S. (Kanpur)
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).]
7[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)].

#### NOTES

Right to scales of pay :-

Petitioner was holdig certificate in 1955 as Bachelor of Indian Medicine and Surgery (Unani) of the U.P. Board appointed by the corporation in the year 1959. Corporation passed resolution in 1956 to give particular scale to graduate Vaidyas or Hakims and in 1966 further revised the scale. The High Court held that, at the time of the resolution of 1956, the Maharashtra Medical Practitioner Act, 1961 was not in existence, the Schedule in the Act could not be applicable and it cannot be said that he is not holding degree for purposes of corporation's resolution of 1956.



The petitioner was entitled to the revised scale. Syed Saghir Hasan v. Corporation of Nagpur, 1978 Hah. L.J. (Notes) 15.

8[PART A-I

Qualifications in Indian System of Medicine – Ayurved recommended by the Central Council of Indian Medicine.

<b>Sr. No.</b>	<b>Authority.</b>	<b>Qualification</b>	<b>Abbreviation for registration and conditions for registration, if any</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1.	University of Nagpur	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Nag.) (The 5-1/2 years degree awarded to students admitted in 1971 and 1972 only).
2.	University of Poona	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Poona) (The 6-1/2 years degree awarded to students admitted in 1971 and 1972 only).
3.	University of Bombay	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Bom.) (The 7-1/2 years degree awarded to students admitted in 1973 and thereafter).
4.	University of Nagpur	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Nag.) (The 7-1/2 years degree awarded to students admitted in 1973 and thereafter).
5.	University of Poona	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Poona) (The 7-1/2 years degree awarded to students admitted in 1973 and thereafter).
6.	Marathwada University Aurangabad	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Marathwada) (The 7-1/2 years degree awarded to students admitted in 1973 and thereafter).
7.	Shivaji University Kolhapur	"Ayurvedacharya" (Bachelor of	BAM.S. (Shivaji) (The 7-1/2 years degree

		Ayurvedic Medicine and Surgery).	awarded to students admitted in 1973 and thereafter)."
9[8.	Gujarat Ayurved University, Jamnagar (Gujarat).	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Jamnagar) (From 1982 onwards).
9.	Kurukshetra University, Kurukshetra (Haryana).	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Kuruk-shetra) (From 1982 onwards).
10.	Maharshi Dayanand University, Rohtak (Haryana).	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Rohtak) (From 1982 onwards.)
11.	University of Mysore, Mysore (Karnataka)	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Mysore) (From 1980 onwards.)
12.	Sambalpur University, Burla, Sambalpur, (Orissa).	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Sambalpur) (From 1980 onwards.)
13.	Gurunanak Dev University, Amritsar (Punjab).	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Amritsar) (From 1982 onwards.)
14.	Punjab University, Patiala (Punjab)	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Patiala) (From 1976 onwards.)
15.	Rajasthan University, Jaipur (Rajasthan)	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Jaipur) (From 1980 onwards.)
16.	Lucknow University, Lucknow (Uttar Pradesh)	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Lucknow) (From 1982 onwards.)
17.	University of Bihar.	"Ayurvedacharya"	B.A.M.S. (Muzaffarnur)

	Muzaffarpur (Bihar)	(Bachelor of Ayurvedic Medicine and Surgery).	(From 1981 onwards).
18.	Kameshwar Singh Darbhanga Sanskrit University, Darbhanga (Bihar).	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Darbhanga) (From 1981 onwards.)
10[19.	University of Amravati (Maharashtra)	"Ayurvedacharya" Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S. (From 1988 onwards.).
11[20.	The Bharati Vidyapeeth (Deemed University), Pune.	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S. (from 2000 onwards)].
12[21.	Madhya Pradesh Board of Ayurvedic and Unani Systems of Medicine and Naturopathy Bhopal, Madhya Pradesh.	Ayurveda Vigyanacharya with Medicine and Surgery.	A.V.M.S. (from 1971 to 1976 and from 1978 to 1984)].

#### SCHEDULE

<b>Name of Authority</b>	<b>Qualification</b>	<b>Abbreviation for registration and conditions for registration, if any</b>
<b>1</b>	<b>2</b>	<b>3</b>
University of Nagpur	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Nag.) (The 5 1/2 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 1/2 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 1/2 years degree awarded to students admitted in 1973 and thereafter).
University of Nagpur	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Nag.) (The 7 1/2 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 1/2 years degree awarded to students admitted in 1973 and thereafter.)

Marathwada University Aurangabad.	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Marathwada) (The 7-1/2 years degree awarded to students admitted in 1973 and thereafter).
Shivaji University Kolhapur	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and Surgery).	B.A.M.S. (Shivaji) (The 7-1/2 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.	Maharshi 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.	Gurukul 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 (Uttarpradesh).	"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,	"Ayurvedacharya" (Bachelor of Ayurvedic Medicine and	B.A.M.S. (Darbhanga) (From

## PART B

Qualifications in the Ayurvedic System of Medicine with course supplemented by modern advances with the Matriculation or S.S.C. Examination or its equivalent Examination as qualification for admission.

<b>Sr. No.</b>	<b>Authority</b>	<b>Qualification</b>	<b>Abbreviation for registration and conditions for registration, if any</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1.	Faculty of Ayurvedic and Unani Systems of Medicine, constituted under the Bombay Medical Practitioners Act, 1938.	Ayurved Visharad	D.A.S.F. (Bom.)
2.	Vidarbha Board of Ayurvedic and Unani Systems of Medicine constituted under the Central Provinces and Berar Ayurvedic and Unani Practitioners' Act, 1947 (C.P. & Berar Act IV of 1948)1[and, on and after the 23rd October, 1961, the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Maharashtra Medical Practitioners Act, 1961.]	13[Bachelor of Ayurved with Modern Medicine and Surgery Ayurvednyanacharya]	B.A.M.S. (Vid.).
3.	Board of Indian Medicine, Hyderabad (Deccan), constituted under the rules made under the rules made under the Medical Act (Hyd. I of 1312 Fasli),	Ayurved Visharad of the Government Ayurvedic College, Hyderabad	A.V.V. (Hyd.).
4.	Tilak Maharashtra	Ayurved Visharad	A.V.V. (Pune) (This qualification shall be

			recognised only when granted before 1944).
5.	Ayurved Mahavidya laya, Ahmednagar.	Ayurvedteerth	A.T. (Nagar). (This qualification shall be recognised only when granted before 1942).
6.	Aryangla Vaidyak Mahavidyalaya, Satara.	Ayurvedic Visharad	A.V.V. (Satara). (This qualification shall be recognised only when granted before 1942.)
7.	U.P. Ayurvedic Mahavidyalaya, Patan (Baroda State).	Girihit Ayurved-Shastra,	L.A.M. (Patan) (This qualification shall be recognised only when granted before 1942).
8.	Gurukul University, Kangri	Ayurvedalankar	A.L. (Kang.) (This qualification shall be recognised only when -
			(a) granted after 1926 but before 1952;
			(b) granted after 1952 to students admitted by the University before June, 1952).
9.	Board of Examiners in Indian Medicine, Madras.	Licennciate of Indian Medicine	L.I.M. (Madras).
10.	The ad hoc Committee appointed by Bombay Government Resolution in Local Self-Government and Public Health Department No. AUC-4859/73751/31474/H, dated the 31st December, 1959 1[and, on and after the 23rd	14[Ayurved-Visharad (Graduate of College of Ayurvedic Medicine), Nanded.]	1[A.V.V. (G.C.A.M.) Nanded]

	October, 1961, the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Maharashtra Medical Practitioners Act, 1961.]		
15[11 .	Board of Indian Medicine, U.P.	1. Bachelor of Indian Medicine and Surgery.	B.I.M.S. (U.P.)
		2. Diploma of Indian Medicine and Surgery.	D.I.M.S. (U.P.)
12.	Government Ayurvedic College, Patna.	Ayurvedacharya and Graduate of Ayurvedic	G.A.M.S. (Patna)
13.	Ayurvedic and Tibbi College, Delhi	Medicine and Surgeyr	
		1. Ayurvedacharya Dhanwantari	.....
		2. Bhishagacharya Dhanwantari.	.....
14.	Government Ayurvedic and Unani College and Hospital, Mysore.	Licentiate of Ayurved Medicine and Surgery.	L.A.M.S. (Mysore)
15.	Faculty of Ayurvedic Medicine, Bengal.	1. Member of the Ayurvedic State Faculty.	M.A.S.F. (Bengal).
		2. Fellow of the Ayurvedic State Faculty.	F.A.S.F. (Bengal).]
16[16.	University of Kerala	Diploma in Ayurvedic Medicine	D.A.M. (Kerala)
17.	Board of Indian Medicine, Uttar Pradesh.	Ayurvedacharya Bachelor of Medicine and Surgery.	A.M.B.S., U.P. (This qualification shall be recognised only when granted after 1956).]
17[18.	J. B. Ashtang Ayurvedic College, Calcutta.	Diploma of L.A.M.S. (Bhishagratna).	L.A.M.S. (Bhishagratna, Bengal). This qualification shall be recognised only when granted in or before 1942.]
18[19.	Government Ayurvedic School, Raipur.	Diploma of Licentiate Ayurvedic Practitioner (Bhishagwar).	L.A.P. (Bhishagwar), Madhya Pradesh. (This

			qualification shall be recognised only when granted in or before 1958).]
19[20.	Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine, Bombay.	Member of the Faculty of Ayurvedic Medicine.	20[MFAM (Maharashtra).]]
21[21.	Board of Studies in Indian Medicine, Mysore, Bangalore.	Graduate Course of Integrated Medicines.	G.C.I.M. (Mysore). (This qualification shall be recognised only when granted upto 1967).]
22.	University of Sagar	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S. (Sagar). (This qualification shall be recognised only when granted to students admitted by the University before the 1st day of June, 1964).
23.	Ravishankar University, Raipur.	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S. (Ravel) (This qualification shall be recognised only when granted to students admitted by the University after the 31st day of May, 1964 but before the 1st day of June, 1968).]
24.	Dayanand Ayurvedic College	Vaidya Vachaspati	V.V. (This qualification shall be recognised only when granted before 1947).
22[25.	The Committee for Shuddha Ayurved Course appointed	Ayurved Pravin styled ic as such under Bombay	D.S.A.C. (Bom.) with Certificate



	under Bombay Government Resolution in Local Self-Government and Public Health Department, No. ADR. 1253, dated the 17th September 1953 (and, on an after the 23rd October, 1961, the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Maharashtra Medical Practitioners Act, 1961) and aforesaid course introduced and conducted by the Government of Maharashtra in the Urban Development and Public Health and Housing Department.	Governmentnt Resolution in L.S.G. and P.H.D. No. BMP. 1054-H, dated the o. 12th July, 1956, le granted in 1957 and thereafter AND those of whom who have passed the Short Term Course Certificate in the Modern Scientific System of Medicine (M.S.S.M.) prescribed by Government Resolution, in U.D.P.H. & H.D., No. DRG. 1165/79749/V, dated the 30th November, 1967, introduced and conducted by the Government.	in M.S.S.M.]
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#### PART C

Qualification in the Ayurvedic System of Medicine with the Matriculation or S.S.C. Examination or an equivalent Examination with Sanskrit, as qualification for admission.

<b>Sr. No.</b>	<b>Authority</b>	<b>Qualification</b>	<b>Abbreviation for registration and conditions for registration, if any</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1.	The Committee for Shudha Ayurvedic Course appointed under Bombay Government Resolution, in Local Self-Government and Public Health Department No. ADR-1253, dated the 17th September, 1953 23[and, on and after the 23rd October, 1961, the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Maharashtra Medical Practitioners Act, 1961).	Ayurved-Pravin, styled as such under Bombay Government Resolution in L.S.G. and P.H.D. No. BMP-1054-H, dated the 12th July, 1956, granted in 1957 and	D.S.A.C. (Bom.)

		thereafter.	
24[2.	Board of Studies in Indian Medicine, Mysore.	Ayurved Pravin	D.A.S.C. (Mysore).
3.	Committee of Shuddha Ayurvedic Course, Gujarat State, Ahmedabad.	Ayurved Pravin	D.S.A.C. (Gujarat) (This qualification shall be recognised only when granted upto April, 1968).]
5[4.	Board of Studies in Indian Medicine, Bangalore (Karnataka).	Diploma in Ayurvedic Medicine.	D.A.M. (This qualification shall be recognised only when granted to students admitted prior to July, 1968).]
5.	Government of Kerala.	Diploma in Ayurvedic Medicine.	D.A.M. (Kerala) (This qualification shall be recognised only when granted to students admitted in or before July, 1968.))]
6.	University of Bombay (Maharashtra).	'Ayurvedacharya' Bachelor of Shuddha Ayurvedic Medicine.	B.S.A.M.
7.	University of Poona (Maharashtra).	'Ayurvedacharya' Bachelor of Shuddha Ayurvedic Medicine.	B.S.A.M.
8.	Shivaji University, Kolhapur (Maharashtra).	'Ayurvedacharya' Bachelor of Shuddha Ayurvedic Medicine.	B.S.A.M.
9.	Marathwada University, Aurangabad (Maharashtra).	'Ayurvedacharya' Bachelor of	B.S.A.M.]

		Shuddha Ayurvedic Medicine.	
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PART D

Qualification in the Unani System of Medicine

<b>Sr. No.</b>	<b>Authority granting the qualification</b>	<b>Qualification</b>	<b>Abbreviation for registration and conditions for registration, if any.</b>
<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>
1.	Board of Examiners in Unani.	Mahire-Tib-o-Jarahat	M.T.J. (Bom.) (This qualification shall be recognised qualification only when granted in 1942 or 1943).
2.	Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).	Mahire-Tib-o-Jarahat	D.U.S.F. (Bom.)
3.	Ayurvedic and Unani Tibbi College, Delhi.	(i) Fazi'l-e-Tib-o-Jarahat	F.T.J. (Del.)
		(ii) Kamile-e-Tib-o-Jarahat.	K.T.J. (Del.)
25[4.	Government Ayurvedic College, Mysore.	Licentiate of Unani Medicine and Surgery.	L.U.M.S. (Mysore).
5.	Board of Indian Medicine, U.P.	1. Bachelor of Indian Medicine and Surgery.	B.I.M.S. (U.P.)
		2. Diploma in Indian Medicine and Surgery.	D.I.M.S. (U.P.)
6.	Government Unani Tibbi college,	Tabeeb-e-	D.I.M.S. (U.P.)]

26[7.	Hyderabad. Board of Indian Medicine, Uttar Pradesh.	Mustanad Fazil-ul-Tib, Bachelor of Medicine and Surgery.	F.M.B.S., U.P. (This qualification shall be recognised only when granted after 1956).
8.	Muslim University, Aligarh.	(1) Bachelor of Unani Medicine and Surgery.	B.U.M.S. (Aligarh).]
27[9.	Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine, Bombay before the 30th June, 1982 and thereafter the Maharashtra Council of Indian Medicine till the 31st October, 1984.	Diploma in Unani Medicine and Surgery.	D. U. M. S. (Maharashtra).]
28[10.	University of Pune (Maharashtra).	Kamil-Tib-o-Jarahat (Bachelor of Unani Medicine and Surgery)	B.U.M.S. (From 1987 on wards).
29[11.	Mumbai University, Mumbai.	Kamil-e-Tibb-o-Jarahat (Bachelor of Unani Medicine and Surgery)	B.U.M.S. (From 1984 onwards).]

### 30[PART E

All qualifications specified in the Second, Third and Fourth Schedules to the Indian Medicine Central Council Act, 1970, other than those specified in Parts A to D above.]

1. This portion was Inserted by G.N., U.D., & P.H.D., No. MMP. 1061-Unification, dated 29th January, 1962.
2. This entry was Included by G.N., U.D. & P.H.D., No. BMP/1261/46587/H, dated 27th March, 1962.
3. Entries 7 to 9 were included by G.N., U.D. & P.H.D., No. MMP-1364/19569-H, dated 28th March, 1964.
4. Sr. No. 10 included by G.N., U.D.P.H. & H.D. No. MMP 1367/39387-H, Dt. 22nd April, 1970.
5. Included by G.N., U.D. & P.H.D., No. MMP, 2475/1065-P. H-7, Dt. 22nd March, 1976.
6. Included by G.N., U.D. & P.H.D., No. MMP. 2575/1065-P, H-7, Dt. 15th June, 1976.

7. Sr. No. 18 included by G.N., U.D. & P.H.D., No. MMP. 2576/2121/PH-7, Dt. 29th September, 1976.
8. Part A1 section No. 1 to 7 Inserted by G.N., U.D. & P.H.D., No. MMP. 2576/4787/PH-7, dated 7.11.1977.
9. Sr. Nosection 8 to 18 were included by G.N., U.D. & P.H.D., No. MMP. 1784/11/MED-8, dated 10th May, 1984 (M.G.G., Pt. IV-B. p. 669).
10. Sr. No. 19 included by G.N. No. CIM. 1689/493/MED-8, dated 29.6.1989, (M.G.G., Pt. IV-B, p. 724).
11. Entry 20 was Inserted by G.N. No. CIM. 2000/747/CR-145/2000/ACT, dated 29th September, 2001 (M.G.G., Pt. IV-B, dated. 18.10.2001, p. 738).
12. Entry 21 was inserted by G.N. No. CIM. 2000/665/CR-109/2000/ACT, dated 8th November, 2001 (M.G.G., Pt. IV-B, dated 22.11.2000, p. 805).
13. These words were substituted by G.N., U.D., P.H. & H.D., No. MMP. 1168-H, dated 16th December, 1968.
14. Substituted by G.N., U.D. & P.H.D., No. ADR-4668/75920-H, dated 20th May, 1969.
15. Entries 11 and 15 were included by G.N., U.D. & P.H.D., No. MMP-1061/63024-H, dated 17th June, 1963.
16. Entries 16 and 17 were included by G.N., U.D. & P.H.D., No. MMP-1364/19569-H, dated 28th March, 1964.
17. This entry is included by G.N., U.D., P.H. & H.D., No. MMP-1365/29551-H, dated 5th September, 1966.
18. This entry is Inserted by G.N., U.D, P.H. & H.D., No. MMP-1165/77886-H, dated 1st December, 1966.
19. Inserted by G.N., U.D., P.H., & H.D., No. AVD-1267/47254-H, dated 14th December, 1967.
20. Substituted by G.N., U.D., P.H., & H.D., No. ADV-1268/79281-H, dated 24th December, 1968.
21. Inserted by G.N., U.D., P.H. & H.D., No. MMP. 1267/52101-H, dated 9th May, 1968.
22. Inserted by G.N. No. CIM. 1094/CR-17/94/ACT, dated. 28th June, 1999, (M.G.G., Pt. IV-B, dated 16.9.1999, pp. 1917-1918.)
23. This portion was Inserted by G.N., U.D. & P.H.D., No. MMP. 1061-Unification, dated 29th January, 1962.
24. Inserted by G.N., U.D., P.H. & H.D., No. MMP. 1368/44807(a)-H, dated 11th November, 1968.
25. Entries 4 to 6 were included by G.N., U.D., & P.H.D., No. MMP. 1061/6304-H, dated 17th June, 1963.
26. Entries 7 and 8 were included by G.N., U.D. & P.H.D., No. MMP. 1364/19569-H, dated 28th March, 1964.
27. Entry 9 was included by G.N. 1783/54/CR-394/85/MED-8, M. G. G., Pt. IV-B, dated. 22.9.86, p. 1000.
28. Entry 10 was included by G.N. 1088/265/88/MED-8, M. G. G., Pt. IV-B, dated. 15.12.88, p. 1155.
29. Entry 11 was Inserted by CIM. 1096/CR-103/96/ACT, dated 12th May, 1999 (M.G.G., Pt. IV-B, dated 14.10.1999, p. 2020).
30. Part E was Inserted by Mah. 30 of 1979, section 21.