

MAHARASHTRA VETERINARY PRACTITIONERS ACT, 1971

44 of 1971

[15th November, 1971]

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SCHEDULE 1 :- SCHEDULE

MAHARASHTRA VETERINARY PRACTITIONERS ACT, 1971

44 of 1971

[15th November, 1971]

An Act to provide for the registration of veterinary practitioners in the State of Maharashtra. WHEREAS, it is expedient to provide for the registration of veterinary practitioners in the State of Maharashtra and for certain other purposes hereinafter appearing; It is hereby enacted in the Twenty-second Year of the Republic of India as follows

PART 1

Preliminary

1. Short title, extent and commencement :-

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

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

2. Definitions :-

In this Act unless the context requires otherwise,-

(3) "Director" means the Director of Animal Husbandry, Maharashtra State, Poona;

(4) "member" means a member of the Council

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

(6) "President" means the President of the Council;

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

(11) "Schedule" means the Schedule appended to this Act.

PART 2

[Maharashtra] Veterinary Council; Establishment, Constitution, Meetings and Proceedings

3. Establishment of Council :-

(1) The State Government shall, as soon as may be after the preparation of the first register, by notification in the Official Gazette, establish a Council to be called the Maharashtra Veterinary Council.

(2) The Council shall also Act as an advisory body to the State Government in all policy matters in relation to the veterinary profession, veterinary education and development of animal husbandry in the State.

4. Constitution of Council :-

(2) The Director shall be the President of the Council.

5. Nomination of member in default of election :-

if any of the members if not elected under clause (c) or clause (d) of sub-section (1) of section 4 , then the State Government may, notwithstanding anything contained in sub-section (1) of that section, nominate such member to represent the registered veterinary practitioners, and the member so nominated shall, for the purposes of this Act, be deemed to have been duly elected under clause (c) or, as the case may be, clause (d) of sub-section

(1) of section 4 .

6. Election of members :-

The election of the veterinary practitioners under clause (c) of subsection (1) of section 4 , shall be held at such time and place in such manner as the Council may by regulations provide in this behalf:

Provided that, the first election of such members shall be held at such time and place in such manner as the State Government may, by notification in the Official Gazette, determine in this behalf.

7. Publication of names of members, constitution of Council :-

As soon as possible after all the members are elected and nominated, the State Government shall publish the names of all such members in the Official Gazette, and upon the publication of names of all the members the Council shall be deemed to duly constituted.

8. Tenure of office :-

(1) The members of the Council, other than the President, shall hold office for a term of five years from the date of their election or nomination or until their successors have been duly elected or nominated, whichever is longer, and shall be eligible for re-election or re- nomination, as the case may be: This word was substituted for the word "BOMBAY" by Mah. 11 of 1976, s.3, Second Schedule.

9. Time and place of meeting of Council :-

The Council shall meet at such time and place and every meeting of the Council shall be summoned in such manner, as may be provided by regulations:

Provided that, until such regulations are made, it shall be lawful for the President to summon a meeting of the Council at such time and place as he may deem expedient by letter addressed to each member.

10. Procedure at meetings of Council :-

(1) The President shall preside at every meeting of the Council. In the absence of the President, the members present shall elect one from amongst themselves to preside.

(2) Save as otherwise provided in this Act, all questions at a meeting of the Council shall be decided by votes of the majority of

the members present at the meeting. Five members shall form a quorum. Where a quorum is not present within thirty minutes of time fixed for a meeting, the presiding authority shall adjourn the meeting to such hour on some future day as it may notify on the notice board at the office of the Council; and the business which would have been brought before the original meeting had there been a quorum thereat shall be brought before the adjourned meeting, and may be disposed of at such meeting or any subsequent adjournment thereof, whether there is a quorum present or not.

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

(4) No act or proceeding of the Council shall be deemed to be invalid merely by reason of any vacancy in, or defect in the constitution of, the Council or absence of any member on account of leave or otherwise.

11. Fees and allowances for meetings :-

There shall be paid to the members such expenses and subject to such conditions as shall from time to time to be prescribed by rules.

12. Disqualifications :-

(2) If any member of the Council (other than the President and Principal of a veterinary college) shall without the leave of the Council absent himself from three consecutive ordinary meetings of the Council, the Council may forthwith declare his seat vacant, and such declaration shall have the same effect as resignation of his seat by the member concerned.

(3) If any member becomes or is found to be subject to any of the disqualifications mentioned in sub-section (1), the Council shall submit a report to the State Government, and the State Government, if satisfied about the disqualification, shall declare his seat vacant.

PART 3

Registrar and Other Officers and Servants

13. Appointment of Registrar of Council, his duties and functions :-

(1) The Council shall, with the previous sanction of the State Government, appoint a Registrar.

(4) The Council may, with the previous sanction of the State Government, suspend, dismiss or remove any person appointed as the Registrar, or impose any other lesser penalty upon him.

(5) Save as otherwise provided in this Act, the salary and allowances and other conditions of service of the Registrar shall be such as may be prescribed.

(6) The Registrar shall be the Secretary and the executive officer of the Council. He shall attend the meetings of the Council and shall keep minutes of the names of members present and the proceedings at such meetings.

(7) The accounts of the Council shall be kept by the Registrar in the prescribed manner.

(8) The Registrar shall have such supervisory powers over the staff as may be prescribed, and may perform such other duties and discharge such other functions as may be provided in this Act or as may be prescribed.

14. Other employees of Council :-

(2) The other conditions of service (including provision for disciplinary matters) of the officers and servants of the Council shall be such as may be prescribed.

PART 4

Registration and Powers and Duties of the Council

15. Register :-

(1) The State Government shall, as soon as may be, cause to be prepared a register, of veterinary practitioners, for the State.

(2) The register shall be prepared and thereafter maintained in such form as the State Government may direct. The register shall contain the name, address and qualification of every person registered under this Act, together with the date on which such qualification was acquired.

16. Preparation of first register :-

(1) For the purposes of preparation of the first register, the State Government may, by notification in the Official Gazette, appoint an

officer as the Registration Officer.

(2) The State Government may, by the same or like notification shall appoint a date on or before which the application for registration shall be made to the Registration Officer.

(5) The register so prepared shall thereafter be published in such manner as the State Government may direct.

17. Custody and maintenance of register :-

(1) Upon the constitution of the Council for the first time after the commencement of this Act, the register shall be given into its custody by the State Government and State Government shall direct that all or a specified part of the application fee for registration in the first register shall be paid to the credit of the Council. State Government shall notify in the Official Gazette, the date on which the register is given in the custody of the Council.

(3) The State Government may direct that any alteration in the entries as respects additional qualifications shall not be made except on payment of any such fees as may be prescribed by it in that behalf.

18. Persons entitled to be registered :-

(1) Subject to the provisions of this Act, every person shall if he holds any of the qualifications included in the Schedule, be entitled on application to be registered on payment of such fee as may be provided by regulations and on giving evidence to the satisfaction of the Registration Officer or the Registrar, as the case may be, of his possession of the qualification entitling him for registration.

(2) The State Government may, after consulting the Registration Officer or the Council, as the case may be, permit the registration of any person who has been actually conducting veterinary practice in the State of Maharashtra on such conditions as may be provided for by regulations made for this purpose, notwithstanding the fact that he may not be possessing qualifications entitling him to have his name entered in the register.

(3) Every person for the time being registered with the veterinary Council of any other State in India under any law for the registration of veterinary practitioners in force in such State shall, if reciprocity of registration has been arranged with such Council, be entitled to be registered under this Act, on making an application in

this behalf, on payment of such fee as may be provided by regulations and on his informing the Registration Officer or the Registrar, as the case may be, of the date of registration under the said law and on giving a correct description of his qualifications with the dates on which they were granted.

19. Appeals and erasures of incorrect entries :-

(3) The State Government in the case of the first register, and in other cases the Council, may on its own motion or on the application of any person after due and proper enquiries 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 State Government or the Council as the case may be, such entry was fraudulently made or caused to be made.

20. Removal from register :-

The Council may direct that the name of any registered veterinary practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, or who, being or having been subject to military law, has been convicted under the Army Act or under the Indian Army Act, 1911, or under the Army Act, 1950 , of an offence which is also a cognizable offence as so defined, or who after due enquiry has been held guilty by the Council of infamous conduct in any professional respect shall be removed from the register and may direct that any name so removed shall be re-entered.

21. Renewal fee :-

22. Certificates by veterinary practitioners :-

No certificate required by or under any law for the time being in force from any veterinary practitioner or veterinary officer shall be valid unless the person signing the same shall have been registered under this Act.

23. Unregistered person not to hold certain appointments :-

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

24. Notice of death :-

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

25. Annual list of veterinary practitioners :-

(1) The Registrar shall once in every five years on or before a date to be fixed by the Council, cause to be printed and published a correct list of the names and qualifications of all person for the time being entered in the register and the dates when such qualifications were acquired, in alphabetical order according to the surnames of the person registered.

(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.

26. Council authorised to call for information and attend examination :-

The Council shall have authority to call on the governing body or authority of any veterinary college, school or other institution and on any examining body included in or desirous of being included in the Schedule-

(a) to furnish such particulars as the Council shall require of any course of study prescribed or examination held by such body or authority or in such college, school or institution, with reference to the grant of any veterinary qualification, and

(b) to permit any member of the Council deputed by the Council in this behalf to attend and be present at such examination.

27. Disposal offees :-

All money received by the Council as the fees under this Act shall be applied for the purposes of this Act in accordance with such rules as may be made in this behalf by the State Government.

PART 5

Offences and Penalties

28. Veterinary practitioners not registered under this Act not to sign or authenticate veterinary certificate, etc :-

Notwithstanding anything contained in any law for the time being in force, no person other than a person registered under Part IV of

this Act-

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

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

No person shall add to his name any title, description, letters or abbreviations which imply that he holds a degree, diploma, licence or certificate as his qualification to practice any system of veterinary science unless

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

(b) such degree, diploma, licence or certificate is specified in the Schedule or is recognised by law for the time being in force in India or in any part thereof or has been conferred, granted or issued by an authority empowered or recognised as competent by the State Government to confer, grant or issue such degree, diploma or certificate.

30. Penalty for contravening provisions of sections 28 or 29 :-

Whoever contravenes the provisions of section 28 or SECTION 29 shall be punishable in the case of a first conviction, with fine which may extend to two hundred and fifty rupees and in the case of subsequent conviction, with fine which may extend to five hundred rupees.

31. Penalty for falsely claiming to be registered :-

Whoever falsely pretends to be registered under this Act, or not being registered under this Act uses in connection with his name or title any words or letters representing that he is so registered shall, whether any person is actually deceived by such pretence or representation or not, be punished, on conviction, with fine which may extend to three hundred rupees.

32. Court competent to try offences under this Act :-

No court other than the court of Presidency Magistrate or of a Magistrate or the First Class shall take cognizance of or try an offence under this Act.

33. Alteration in list of qualifications mentioned in Schedule :-

If it shall appear to the State Government on the report of the Council or otherwise, that the course of study and examinations prescribed by any of the institutions specified in column 1 of the Schedule conferring the qualifications described in column 2 of that Schedule with their abbreviations specified in column 3 thereof are not such as to secure the possession by persons obtaining such qualifications of the requisite knowledge and skill for the efficient practice of their profession, or if it shall appear to the State Government, on the report of the Council or otherwise, that the course of study and examinations prescribed by any institution conferring the qualifications not entered in the Schedule are such as to secure the possession by persons obtaining such qualifications of the requisite knowledge and skill for the efficient practice of their profession, it shall be lawful for the State Government from time to time, by notification in the Official Gazette, to direct that the possession of any qualification entered in the Schedule shall not entitle any person to registration under this Act, or to direct that the possession of any qualification not entered in the Schedule shall, subject to the provisions of this Act, entitle a person to be so registered, as the case may be. and the Schedule shall thereupon be deemed for all purposes to be altered accordingly.

34. Power of State Government to give directions and to appoint authorities in place of those not validly appointed or constituted :-

(1) The State Government may give to the Council such directions as may be necessary for carrying out the purposes of this Act and it shall be the duty of the Council to comply with such directions. If the Council fails to comply with the directions so given the State Government may direct the carrying out of such directions and the expenditure incurred in carrying them out shall be paid out of the moneys credited to the Council.

(2) If at any time it shall appear to the State Government that the Council or any other authority has not been validly constituted or appointed under this Act, the State Government may direct that the powers to be exercised or duties or functions to be performed by the Council or such authority shall, notwithstanding anything contained in this Act, be exercised or performed by such officer or authority, in such manner and for such period as it deems fit.

PART 7

Miscellaneous

35. Indemnity to persons acting under this Act :-

No suit, prosecution or other legal proceedings shall be instituted against any person for anything in good faith done or intended to be under this Act, rules or regulations.

36. Registrar and other employees to be public servants :-

The Registrar and officers and servants of the Council appointed under this Act shall be deemed to be public servants within the meaning of Section 21 of the Indian Penal Code, 1860 .

37. Rules :-

(1) The State Government may, after previous publication, by notification in the Official Gazette, make rules to carry out the purposes of this Act. Such rules may include a provision for payment of fees of carrying out any such purpose.

(2) 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 modification in the rule or both Houses agree that the rule should not be made, and notify such decision in the Official Gazette, the rule shall, from the date of publication of such notification, have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

38. Regulations :-

PART 8

Repeal and Transitional Provisions

39. Repeal :-

On the appointed day,

40. Continuance of rules, etc., vesting of rights, duties, etc :-

Save as otherwise provided in this Act, and unless the context requires otherwise

(3) all the property movable or immovable which on the day immediately preceding the appointed day vested in the dissolved Council shall, subject to all limitations and conditions as were in force on the day immediately preceding the appointed day vest in the Maharashtra Council;

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

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

(7) all prosecutions instituted by or on behalf of or against the dissolved Council and all suits and legal proceedings instituted by or on behalf of or against the dissolved Council or any officer of such Council on behalf of the dissolved Council, pending on the appointed day, shall be continued by or against the Maharashtra Council;

SCHEDULE 1

SCHEDULE