

# Arunachal Pradesh Indian Medicine Council Act, 2013

ARUNACHAL PRADESH

India

## Arunachal Pradesh Indian Medicine Council Act, 2013

### Act 1 of 2014

- Published on 18 February 2014
- Commenced on 18 February 2014
- [This is the version of this document from 18 February 2014.]
- [Note: The original publication document is not available and this content could not be verified.]

Arunachal Pradesh Indian Medicine Council Act, 2013(Act No. 1 of 2014)Last Updated 19th February, 2020(Received the assent of the Governor on 18th February, 2014 and Published in the Arunachal Pradesh E.O. Gazette No. 21 .Vol-XVIII, dated 21st February, 2011)An Act to provide for the constitution of Arunachal Pradesh Indian Medicine Council and for the registration of medical practitioners in Indian System of Medicine in the state of Arunachal Pradesh and the maintenance of Arunachal Pradesh State Register of Indian Medicine and for matters connected therewith.Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Sixty-fourth year of the Republic of India as follows :Chapter - I Preliminary

### 1. Short title, extent and commencement.

(1)This Act may be called the Arunachal Pradesh State Indian Medicine Council Act, 2013.(2)It extends to the whole of State of Arunachal Pradesh.(3)It shall come into force on such date, as the State Government may by notification, in the Official Gazette, appoint.

### 2. Definition.

(1)In this Act, unless the context otherwise requires, -(a)"Board" means "a Board" constituted by the Council under this Act or as may be prescribed by rules from time to time ;(b)"College" means an Indian Medicine Medical College established by law and affiliated to any University and recognized by Central Council of Indian Medicine ;(c)"Expert" means an expert person in the field of Indian Medicine appointed by the State Council ;(d)"Government" means the Government of Arunachal Pradesh(e)"Indian Medicine" means the system of Indian Medicine commonly known as Asthanga, Ayurveda Siddha, And Unani Tibb whether by supplemented or not by such modern advances as Central Council may declare by notification from time to time :(f)"Member" means a member of the State Council ;(g)"Practitioner" means a person who practices Indian medicine and is enrolled in State Register ;(h)"Prescribed" means prescribed by regulations or rules :(i)"President" means a President of the State Council(j)"Recognized Medical Qualification" means any of the Medical

qualification in Indian Medicine included in the Section Third and Fourth Schedule of Indian Medicine Central Council Act, 1970 (k) "Register" means the register maintained by the Council of Indian Medicine, Arunachal Pradesh under the provisions of this Act, in respect of practitioners ;(l) "Registrar" means the Registrar of the State Council appointed under section 5 of this Act ;(m) "Regulation" means the regulations made under this Act (n) "Rules" means rules made under section 15 of this Act (o) "State" means State of Arunachal Pradesh ;(p) "State Council" means the Council of Indian Medicine, Arunachal Pradesh constituted under section 3 ;(q) "University" means any University in India established by law. Chapter - II First State Council

### **3. First State Council.**

(1) The Government shall, by notification in the Official Gazette, constitute the First State Council consisting of the following members, namely, -(a) The State Government shall nominate for the first three years, a senior most APST Ayurvedic Medical Officer of Arunachal Pradesh Health Services as Secretary (b) The Director of Health Services, Government of Arunachal Pradesh shall be the President and DDDHS (AYUSH) nominated by the Government shall be the Vice- President of the first State Council ;(c) One nominee of Government of India, Ministry of Health and Family Welfare, possessing recognized required Medical qualification and having at least twenty years professional experience as Member ;(d) The term of the first State Council shall be for three years from the date of notification; (e) The President shall inform the State Government six months before the expiry of the term of the first Council to enable the Government to constitute the next State Council in accordance with the provisions under section 4

### **4. Constitution of Regular state Council.**

(1) Before the expiry of three years of constitution of first nominated State Council, the State Government shall by notification in the Official Gazette, reconstitute for the purposes of this Act a State Council with the following members :-(a) Such number of members not exceeding two, who possess recognized medical qualification and are enrolled on State Register, to be elected from among themselves by persons enrolled on State Register. (b) One person possessing recognized medical qualification and enrolled on State Register shall be nominated by State Government. (c) The DOHS (AYUSH) or Incharge Ayush of the State Government shall be the fourth member (d) The Director of Health Services of State Government shall be the fifth member. (2) The President of the reconstituted State Council be one among the five members elected or nominated under sub- section (4) of this section as may be determined by the State Government. (3) Members of the reconstituted State Council shall elect the Vice-President amongst them-selves in such manner as may be prescribed. (4) The term of the President Vice-President and members of the State Council either by election or nomination shall be five years from the date of notification in the Official Gazette or until successors names shall have been duly elected or nominated whichever is latter. (5) No person shall at the same time serve as a member in more than one capacity. (6) The outgoing member shall be eligible for re-election or for re- nomination, but a person who holds, or who has held office as President or Vice-President of State Council, shall be eligible for re-nomination/re- election as the case may be, to, that office, but only once. (7) Unless otherwise prescribed, 50% of the total number of the State Council shall form a quorum and all the acts of the State Council shall be decided by

majority of the members present and voting.(8)A casual vacancy, previous to the expiry of the term in the State Council due to the death, resignation of any member shall be filled by the way of nomination or election by the State Government for remaining term accordingly as may be prescribed.(9)The State Council shall meet at least once in three months of every year at its office at such time as may be appointed by the Council.(10)The office of the State Council shall be situated at Itanagar or at a place in Arunachal Pradesh notified by the State Government.

## **5. Salaries and allowances.**

(1)A Registrar who shall act as a Secretary of Council and such other person as deemed necessary shall be appointed by the State Council. The salary; pay and other allowances and other service conditions of the Registrar and other employees of the State Council shall be such as may be prescribed by the State Council with the previous approval of State Government.(2)The State Council shall fix the remuneration and allowances to be paid to its President, Vice-President and members with the previous sanction of State Government.

## **6. Fund for Council.**

- The State Council shall receive 100% financial grant from the State Government to meet its expenses on pay and allowances and other service benefits of its Registrar and other employees and also for meeting the accommodation Stationary, Equipment, travelling / dearness allowance and other allowances. expenses. and the State Council's account shall be audited annually through the State Government authorities or a Chartered Accountant.

## **7.**

No act, proceeding or the State Council of any committee thereof shall be called in question on the ground merely of the existence of any vacancy, or any defect in the Constitution of the State Council.

## **8. State Register.**

(1)Subject to the other provisions of this Act and subject to orders of the State Council, it shall be the duty of Registrar to keep and maintain the State Register.(2)Every person who holds any of the medical qualifications included in the Schedule to the Indian Medicine Council Act, 1970, may apply to the Registrar giving a correct description of his/ her qualification with the dates on which they are granted, and present his/her degree, diploma or license along with such fee as may be prescribed for being registered under this Act. The Registrar shall, if satisfied that the applicant is entitled to be registered, enter his/her name in the Register.(a)The Register shall be kept in such form as may be prescribed by the State Council and in such other manner as may be prescribed. It shall contain the name. address and qualifications of every registered practitioner together with the dates on which such qualification were acquired.(b)The State Register shall contain the names of persons possessing recognized medical qualifications.(c)The Registrar shall send three printed copies of the State Register to the Central Council after the first day of April of every calendar year and also

inform the Central Council without any delay of all additions together with all other amendments, in the State Register made from time to time.(d)The State Council shall adopt the standards of professional conduct for the implementation in the State.(e)Any practitioner who commits professional misconduct shall be punished by the State Council in a manner as may be prescribed.

## **9. Functioning of the State Council.**

(1)The State Council shall consider all applications as may be received by the Registrar from persons holding medical qualifications for Registrations with State Council in the manner as may be prescribed.(2)The Registrar of State Council, shall award provisional registration to the students of either the Government or Private Medical Colleges in the State for undertaking compulsory internship training after passing final examination in the manner as may be prescribed.

## **10. Rights of Practitioner.**

(1)No person, other than a practitioner of Indian medicine who possesses a recognized medical qualification is enrolled on the State Register :(a)shall hold office as Indian Medicine Physician in Government or in any institution maintained by local or other authority for treating the patients in Indian Medicine or for administration purposes.(b)shall be entitled to sign or authenticate medical or fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner.(c)shall practice Indian Medicine in the State.(d)shall be entitled to give any evidence at any request or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating to Indian Medicine.

## **11. Furnishing information to state Government.**

(1)The State Council shall furnish such reports copies of its minutes, abstracts and information to the State Government as the Government may require.(2)The State Government may publish in such manner as it may deem fit, any report and copy, abstract or other information furnished to it under this section.

## **12. Law Adviser to state Council.**

- For the purpose of advising the Council on questions of law arising, the State Council shall appoint any advocate for the purpose with the approval of the Government.

## **13. Bar of Certain Suits.**

- No suit, prosecution or other proceeding shall lie against the State Government, the State, and the State Council or any officer or servant of the State Government or of the State Council for anything which is in good faith done or intended to be done under this Act.

## **14. Commissioner of Enquiry.**

(1) Whenever it appears to the State Government that the State Council is not complying with any of the provisions of this Act; the State Government may appoint a Commission of enquiry consisting of three persons, two of whom may be appointed by the State Government and out of the said two, one being first class Magistrate serving in the State and the third one by the State Council, and shall submit to the State Government of the findings of enquiry. (2) The State Government on the basis of report of such Commission shall direct the State Council to take suitable actions or remedial steps as may be deemed necessary.

## **15. Power to make Rules.**

- The State Council may with the previous sanction of the State Government make rules by notification in the Official Gazette to carry out the purposes of this Act, and without prejudice to the generality of this power such rules may provide for all or any of the following matters :-(a) Election of the Vice-President of the State Council (b) Management of the property of the State Council and the maintenance and audit of its account .(c) Powers and duties of the President and Vice-President. (d) Resignation of members of State Council ;(e) Summoning and holding of the meetings of the State Council (f) For the conduct of business of State Council (g) The tenure of office and the powers and duties of the Registrar and other officers of the State council (h) The particulars to be stated and the proof of the qualifications and the format of applications for registration under this Act ;(i) The fees to be paid on applications for registration of provisional regulations and ;(j) Any other matter for carrying out the provisions of this Act.

## **16.**

Every rule made under this section shall be laid as soon as may be after it is made, before the State Legislative Assembly while it is in session.

## **17.**

The State Council as and when necessary, shall invite an expert in the field for seeking necessary guidance and such an expert shall be paid remuneration, travelling and dearness allowances by the State Council.

## **18. Establishment of Government and private ISM, Medical colleges and institutions.**

(1) A society or a Trust lawfully registered under the relevant laws of the State Government or the Central Government may establish Indian Medicine Medical Colleges and Institutes that conduct Teaching and Research works duly recognized by the Central Council after obtaining previous permission from the State Government. (2) The Colleges so established shall be affiliated to such Universities as may be recognized by the University Grants Commission and the State

Government.(3)The State Government may in the similar manner mentioned in sub-section (1) and (2) establish Indian Medicine Medical colleges.

## **19.**

(1)If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order, not inconsistent with the provisions of this Act, remove such difficulty ;(2)However, order made under this section shall be laid, as soon as may be, after it is made before the State Legislative Assembly.