

# **The M.P. Ayurvedic, Unani Tatha Prakritic Chikitsa Vyavasayi Adhiniyam, 1970**

MADHYA PRADESH

India

## **The M.P. Ayurvedic, Unani Tatha Prakritic Chikitsa Vyavasayi Adhiniyam, 1970**

### **Act 5 of 1971**

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The M.P. Ayurvedic, Unani Tatha Prakritic Chikitsa Vyavasayi Adhiniyam, 1970(No. 5 of 1971)[Dated 30th January, 1971]Received the assent of the President on the 30th January 1971, assent first published in the Madhya Pradesh Gazette (Extraordinary) dated the 1st February, 1971.An Act to consolidate and amend the law relating to the registration of practitioners of Ayurvedic and Unani Systems of medicine in Madhya Pradesh, to regulate the Practice in Naturopathy and to make provisions for the constitution of the Board of Ayurvedic and Unani Systems of Medicines and Naturopathy for the State and for matters connection therewith.Be it enacted by the Madhya Pradesh Legislature in the Twenty First Year of the Republic of India as follows :

## **Chapter I Preliminary**

### **1. Short title and extent.**

(1)This Act may be called The Madhya Pradesh Ayurvedic, Unani Tatha Prakritic Chikitsa Vyavasayi Adhiniyam, 1970.(2)It extends to whole of Madhya Pradesh.

### **2. Definitions.**

- In this Act, unless the context otherwise requires,-(a)"approved institutions" means a hospital, health centre or other such institution in which a person may undergo training, if any, required by his course of study before the award of any medical qualification in respect of the Ayurvedic or Unani Systems of medicine or Naturopathy;(b)"Ayurvedic System" means the Ashtang Ayurvedic

System and includes the Sidha, whether supplemented or not by such modern advances as the Board may, from time to time, determine;(c)"Board" means the Madhya Pradesh Board of Ayurvedic and Unani Systems of Medicine and Naturopathy established and constituted under Sections 3 and 4;(d)"Enlisted practitioner" means a practitioner whose name is entered in the list maintained under Section 28;(e)"Naturopathy" means the system of Naturopathy whether supplemented or not by such modern advances as the Board may, from time to time, determine;(f)"President" means the President of the Board;(g)"Practitioner" means a practitioner of Ayurvedic or Unani System of medicine or Naturopathy;(h)"Recognized qualification" means a qualification in Ayurvedic or Unani System of medicine or Naturopathy specified in the Schedule;(i)"Registered practitioner" means any person enrolled on the State register of practitioners or deemed to have been enrolled under the provisions of this Act;(j)"Regulation" means Regulations made under Section 43;(k)"State register of practitioner" means a register maintained under Section 24;(l)"Unani System" means the Unani Tabbi System of medicine, whether supplemented or not by such modern advances as the Board may, from time to time, determine.

## **Chapter II**

# **Incorporation and Constitution of Madhya Pradesh Board of Ayurvedic and Unani Systems of Medicine and Naturopathy**

### **3. Incorporation of Board.**

(1)The State Government shall, as soon as may be, establish, by notification, Board of Ayurvedic and Unani Systems of Medicine and Naturopathy with effect from such date as may be specified therein.(2)The Board shall be a body corporate by the name of the Madhya Pradesh Board of Ayurvedic and Unani Systems of Medicine and Naturopathy and shall have perpetual succession and a common seal with power to acquire and hold property both movable and immovable and, subject to the provisions made under this Act, to transfer any property held by it and to contract and do all other things necessary for the purposes of its constitution and may sue or be sued in its corporate name.

### **4. Constitution of Board.**

(1)The Board shall consist of-(a)[ the Joint Director of Ayurveda;] [Inserted by M. P. Act No. 14 of 1974 (w.e.f. 18-3-1974).](aa)[ the Deputy Director of Ayurveda;] [Renumbered vide M. P. Act No. 14 of 1974 (w.e.f. 18-3-1974).](b)the Assistant Director of Ayurveda;(c)one member representing each revenue commission's division in the State elected by registered practitioners from amongst themselves:Provided that if registered practitioners fail to elect a member from any division in accordance with the provisions of this Act or the rules made thereunder the State Government shall nominate a registered practitioner from such division to the vacant seat and the person so nominated shall be deemed to be duly elected under this clause :Provided further that in the constitution of the first Board such members shall be nominated by the State Government;(d)not

less than five and not more than ten members to be nominated by the State Government of whom at least-(i)one shall be from amongst the teaching staff of Government Colleges in the State imparting instructions exclusively in Ayurvedic or Unani System of medicine or Naturopathy;(ii)one shall be from amongst the teaching staff of colleges in the State imparting instructions exclusively in Ayurvedic or Unani System of medicine or Naturopathy other than those specified in sub-clause (i) above;(iii)one each shall be from amongst the registered practitioners of Ayurvedic or Unani System of Medicine or Naturopathy.(2)The President and Vice-President of the Board shall be elected by the members of the Board from amongst themselves in such manner as may be prescribed :Provided that the first President and the first Vice-President shall be nominated by the State Government.(3)The name of every person elected or nominated under sub-section (1) or sub-section (2) shall be published in the Gazette.

## **5. Mode of election.**

(1)An election under clause (c) of sub-section (1) of Section 4 shall be conducted by the Board in accordance with such rules as may be made by the State Government in this behalf.(2)Where any dispute arises regarding any election to the Board, it shall be referred to the State Government within such period as may be prescribed and the decision of the State Government thereon shall be final.

## **6. Qualifications and disqualifications for membership.**

(1)No person shall be eligible for election or nomination under Section 4 unless he is a registered practitioner and resided within the State.(2)A person shall be disqualified for being elected or nominated as a member of the Board-(a)if he is not a citizen of India; or(b)if he is an undischarged insolvent; or(c)if he is of unsound mind and stands so declared by a competent Court; or(d)if he has been convicted by a criminal Court of an offence punishable with imprisonment for more than six months and which punishment has thereafter neither been set aside nor remitted and such person has not been exempted from the disqualification caused by such punishment by an order of the State Government; or(e)if he is an employee of the Board and is remunerated by salary or honorarium (which expression shall not include fees or commission); or(f)if his name has been removed from the State register of practitioners.

## **7. Term of office of President, Vice-President and members of the Board.**

(1)Save as otherwise provided in this Act the term of office of the President and members of the Board elected under clause (c) or nominated under clause (d) of sub-section (1) of Section 4 shall be for a period of five years commencing from the date on which the first meeting of the new Board is held :Provided that the term of office of the President and members of the Board constituted for the first time shall be three years from the date of the first meeting of the Board.(2)The term of office of the Vice-President shall be for a period of one year from the date he is elected Vice-President.(3)Notwithstanding the expiration of term specified in sub-section (1) or sub-section (2) the outgoing President, Vice-President or member, as the case may be, shall continue in office till the election or nomination, as the case may be, of his successor.(4)The outgoing President,

Vice-President or member shall be eligible for re-election or renomination, as the case may be.

## **8. Resignation by President, Vice-President and members.**

- The President may resign his office at any time by a letter addressed to the Vice-President and the Vice-President or a member may resign his office at any time by a letter addressed to the President but the resignation of the President, Vice-President or the member shall not take effect until it is accepted by the Board.

## **9. No confidence motion against President and Vice-President.**

(1) A President or Vice-President may be removed from his office by a resolution passed by the Board by a majority of not less than two thirds of the members of the Board present and voting and such majority is more than one half of the total membership constituting the Board for the time being : Provided that no resolution for the purpose shall be moved unless at least fourteen days' notice of the intention to move the resolution has been given. (2) The President or Vice-President against whom motion is passed under sub-section (1) shall, forthwith cease to hold office and in the event of removal of President, the Vice-President shall discharge the functions of the President till his successor is elected.

## **10. Disabilities for continuing as member.**

(1) If any member or President or Vice-President having been elected or nominated - (a) Subsequently becomes subject to any of the disqualifications mentioned in Section 6; or (b) being a legal practitioner, acts or appears on behalf of any other person against the Board or the State Government in any legal proceeding, whether civil or criminal in which the Board is or has been concerned; (c) absents himself without such reasons as may, in the opinion of the Board be sufficient from three consecutive ordinary meetings of the Board; the Board shall declare his office to be vacant: Provided that no declaration shall be made under this Section unless the member concerned has been given a reasonable opportunity of being heard. (2) Any member aggrieved by a declaration made by the Board under sub-section (1) may file an appeal to the State Government within ninety days from the date of such declaration and the decision of the State Government in such appeal shall be final.

## **11. Filling of casual vacancies.**

- If a member of the Board dies or resigns or for any cause whatsoever ceases to be a member, the vacancy, so created shall be filled as soon as may be by election or nomination, as the case may be, and the person so elected or nominated shall hold office for the unexpired term of his predecessor.

## **Chapter III**

### **Conduct of Business**

#### **12. Meeting of Board.**

- The Board shall meet at least twice in a calendar year at such time and place and every meeting of the Board shall be summoned in such manner as may be prescribed by regulations :Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Board on a notice of fifteen clear days at such time and place as he may deem expedient by a letter addressed to each member.

#### **13. Chairman of meeting.**

- The President or in his absence the Vice-President shall preside at every meeting of the Board and in the absence of both, the members present shall elect one from amongst themselves for the purpose:Provided that a meeting held for the purpose of Section 9, such person as may be nominated by the prescribed authority shall preside.

#### **14. Decision of questions by majority of votes.**

- Except as otherwise provided by or under this Act, all questions brought before any meeting of the Board shall be decided by a majority of the votes of the members present, and in the case of an equality of votes, the presiding authority at the meeting shall have a second or casting vote :Provided that in the case of an equality of votes at the election of the President or Vice-President of the Board, the presiding authority shall not exercise its casting vote and the result shall be decided by lot.

#### **15. Quorum.**

- No business shall be transacted at a meeting unless a quorum of seven members be present throughout the meeting :Provided that a business at the adjourned meeting may be disposed of whether there be a quorum present or not.

#### **16. Minutes of proceedings.**

(1)Minutes of the proceedings at each meeting of the Board shall be recorded in a book to be kept for the purpose and shall be signed by the presiding authority at the same or next ensuing meeting.(2)The proceedings of the meeting of the Board shall be confidential and no member of the Board shall communicate or allow to be communicated to any person not legally entitled thereto any information relating to any matter recorded in the minutes of the proceedings which has come within his knowledge as a member without the previous permission of the Board.

## **17. Vacancy not to invalidate proceedings etc.**

- No act of the Board shall be invalid merely by reason of-(a)any vacancy in, or defect in the Constitution of the Board; or(b)any defect in the election or nomination of a person acting as a member thereof; or(c)any irregularity in its procedure not affecting the merits of the case.

## **18. Allowances to members.**

(1)The members of the Board shall be entitled to receive such travelling and other allowances as may be prescribed.(2)No member shall be entitled to any payment other than the one specified under sub-section (1).

## **Chapter IV**

### **Powers, Duties and Functions of Board**

## **19. Powers, duties and functions of Board.**

(1)Subject to the provisions of this Act and the rules made thereunder, the Board shall exercise such powers and perform such functions as it may consider necessary for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing provisions, the powers and functions of the Board shall be-(a)to maintain the State register of practitioners and the list of practitioners as required under Sections 24 and 28 respectively;(b)to hear and decide appeals from any decision of the Registrar in such manner as may be prescribed;(c)to prescribe a code of ethics for regulating the professional conduct of registered and enlisted practitioners;(d)to reprimand a registered or enlisted practitioner, or to suspend or remove him from the State register of practitioners or from the list, as the case may be, or to take such other disciplinary action against him as may, in the opinion of the Board, be necessary or expedient.

## **Chapter V**

### **Registrar and other Officers**

## **20. Registrar and other officers and servants of Board.**

(1)The Board shall appoint a Registrar who shall act as Secretary of the Board.(2)The Board may employ such other officers and servants as it may deem necessary for carrying out the purposes of this Act.(3)The qualifications, the conditions of appointment and service and scale of pay as respects the Registrar shall be such as may be prescribed and as respects the other employees, shall be such as the Board may, with the previous sanction of the State Government, determine by regulations.(4)The Board shall require and take from the Registrar or from any other officer such security for the due performance of his duties as the Board deems necessary.(5)The Registrar or any other officer or servant appointed by the Board under this Section shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code, 1860 (45 of 1860).

## **21. Duties of Registrar.**

(1)It shall be the duty of the Registrar to keep the State register of practitioners in accordance with the provisions of this Act and, from time to time, to revise it in the prescribed manner and to discharge such other functions as are or may be required to be discharged by him under this Act and the rules and regulations made thereunder.(2)The Registrar shall See that the State register of practitioners is as far. as possible correct at all times and may, from time to time, enter therein any material alteration in the address or qualifications of a registered practitioner.(3)The name of any registered practitioner who dies or whose name is directed to be removed from the register under Section 29 shall be removed from the register by the Registrar.(4)For the purposes of this Section, the Registrar may send a letter by registered post acknowledgment due to any registered practitioner at the address entered against his name in the State register of practitioners inquiring whether he has answer to the said letter is received within six months of the receipt of the letter by Registrar, the Registrar shall remove the name of the practitioner from the register and publish the fact of removal in such manner as may be prescribed :Provided that the Board may, if it is satisfied that the said practitioner has not ceased to practice, on the application of the said practitioner direct that his name shall be restored in the register.

## **Chapter VI Fund of Board**

### **22. Board Fund.**

(1)The Board shall establish a fund called the Board Fund. .(2)The following shall form part, or be paid into, the Board Fund-(a)any contribution or grant by Central or State Government;(b)income of the Board from all sources including income from fees and fines;(c)trusts, bequests, donations, endowments and other grants, if any;(d)all other sums received by the Board.

### **23. Objects to which Board Fund may be applied.**

- The Board Fund shall be applicable to the following objects :-(a)the repayment of debts incurred by the Board for the purposes of this Act and the rules and regulations made thereunder;(b)the expenses of any suit or proceedings to which the Board is a party;(c)the payment of the salaries and allowances to the officers and servants of the Board;(d)the payment of allowances to the office-bearers of the Board;(e)the payment of any expenses incurred by the Board in carrying out the provisions of this Act and the rules and regulations made thereunder;(f)any other expenses incurred for the promotion and development of medical education, research and training declared by the Board to be in the general interest of medical profession.

## **Chapter VII Registration of Practitioners**

## **24. State Register of Practitioners.**

(1)The Board shall cause to be maintained in the manner prescribed a register of practitioners resident in the Madhya Pradesh to be known as the State Register of Practitioners.(2)The State Register of Practitioners shall be in such form as may be prescribed, and shall contain the name, address and qualifications of every registered practitioner together with the date on which such qualifications were acquired.(3)Such register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 (1 of 1872).

## **25. Person who may be registered and registration fee.**

(1)Every person possessing a recognised qualification shall be eligible for enrolment on the State Register of Practitioners on furnishing to the Registrar proof of such qualification and on payment of such fee not exceeding [one hundred] [Substituted for 'twenty' by Madhya Pradesh Act No. 28 of 1984 (w.e.f 11-7-1984).] rupees as may be prescribed.(2)Every person applying to have his name entered in the State Register of Practitioners shall satisfy the Board that he possesses any qualifications which entitles him to claim registration under this Act and he shall inform the Registrar of the date on which he obtained such qualification and shall furnish such other information as may be required by the Registrar in order to enable him to discharge his duties under this Act.

## **26. Registration of additional qualifications.**

- If any person whose name is entered in the State Register of Practitioners obtain any title, diploma or other qualification in Ayurvedic or Unani Systems of Medicine or Naturopathy he shall on application made in this behalf in the prescribed manner and on payment of a fee of five rupees be entitled to have an entry stating such other title, diploma or other qualification made against his name in the State Register of Practitioners either in substitution for, or in addition to, any entry previously made.

## **27. Provisional registration for clinical practice.**

- If the courses of study to be undergone for obtaining a recognised qualification 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 application made by him in this behalf, be granted provisional registration in the State Register of Practitioners in order to enable him, to practice medicine in an approved institution for the aforesaid training period.

## **28. Maintenance of list of persons in practice other than those eligible for registration or deemed to be enrolled on State Register of Practitioners.**

(1)The Board shall cause to be prepared a list of persons-(a)[\* \* \*] [Omitted by Madhya Pradesh Act No. 6 of 1975 (w.e.f. 1-2-1971).](b)who have been in regular practice of medicine in Ayurvedic or



Unani System of medicine or Naturopathy in the State for a period of not less than 5 years, immediately before the date specified under sub-section (1) of Section 3 (hereinafter in this Section referred to as the "specified date") and such practice has been the sole means of earning their livelihood and who are not eligible for registration under this Act or are not deemed to be enrolled on the State Register of Practitioners under clause (e) of sub-section (1) of Section 44.(2)Any practitioner falling under sub-section (1) and desirous of getting his name incorporated in the list referred to therein shall submit an application in the prescribed form together with such fee not exceeding fifty rupees as may be prescribed, to the Registrar within [five] [Substituted for 'two' by Madhya Pradesh Act No. 6 of 1975 (w.e.f. 11-2-1971).] years from the specified date.[\* \* \*] [Proviso omitted by M. P. Act No. 6 of 1975 (w.e.f. 1-2-1971).](3)The Board shall, after making enquiry-(a)[x x x] [Omitted by M. P. Act No. 6 of 1975 (w.e.f. 1-2-1971).](b)with respect to the persons falling under clause (b) of sub-section (1) as to the fact of their practising medicine in Ayurvedic or Unani System of Medicine or Naturopathy in the State as stated in the said clause; and on being satisfied that the applicant fulfils the requirements set out [in clause (b) of sub-section (1)] [Substituted by M. P. Act No. 6 of 1975 (w.e.f. 1-2-1971).];incorporate the name of the applicant in the list.(4)The person whose name is included in the list prepared under this Section shall be entitled to all the privileges of a registered practitioner specified in sub-section (2) of Section 33.(5)The Registrar shall, as soon as may be after the expiry of the period specified in sub-section (2) [x x x] [Omitted by M. P. Act No. 6 to 1975 (w.e.f. 29-3-1975).] thereunder, publish the list of persons prepared under sub-section (1) in the Gazette and the publication of such list shall be conclusive evidence of the eligibility of the person included therein to the privileges to which he is entitled under sub-section (4).(6)[ An enlisted practitioner shall, on completion of thirty years of regular practice of medicine in Ayurvedic or Unani System of medicine or Naturopathy in the State and attainment of the age of 48 years, be eligible for enrolment on the State Register of Practitioners and the provisions of Section 25 shall mutatis mutandis apply to such enrolment.] [Inserted by M. P. Act No. 6 of 1975 (w.e.f. 29-3-1975).]

## **29. Power of Board to prohibit entry in or to direct removal from State Register of Practitioners or list.**

(1)The Board may, upon reference from the Registrar or otherwise, prohibit the entry in, or order the removal from, the State Register of Practitioners or the list maintained under Section 28 the name of any person-(a)who has been sentenced by a Criminal Court to imprisonment for an offence indicating in the opinion of the Board such a defect in the character as would render the enrolment or continuance of his name in the register or list, as the case may be, undesirable; or(b)whom the Board after enquiry, which may at the discretion of the Board be held in camera, found guilty of professional misconduct by a majority of two-thirds of the members present and voting at the meeting;(c)whom the Board, after enquiring into his objections, if any, found to have fraudulently obtained registration in the State Register of Practitioners or enrolment in the list maintained under Section 28.(2)The Board may direct the removal altogether or for a specified period from the State Register of Practitioners or the list, as the case may be, of the name of any registered practitioner or an enlisted practitioner under sub-section (1).(3)The Board may direct that any name removed under sub-section (2) shall be restored subject to such condition, if any, which the Board may deem fit to impose.

### **30. Revision of list.**

- The Board shall cause the list maintained under Section 28 to be revised at such intervals and in such manner as may be prescribed.

### **31. Procedure in enquiries.**

- For the purpose of any enquiry under Sections 25, 28 and 29, the Board shall be deemed to be a Court within the meaning of the Indian Evidence Act, 1872 (1 of 1872), and shall exercise all the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850 (37 of 1850), and such enquiries shall be conducted, as far as may be, in accordance with the provisions of Section 3 and Sections 8 to 20 of the Public Servants (Inquiries) Act, 1850 (37 of 1850).

### **32. Appeal against decision of Board.**

(1) An appeal shall lie to the State Government against every decision of the Board under Sections 25, 28 and 29.

### **33. Privileges of Registered Practitioners.**

(1) Notwithstanding anything contained in any law for the time being in force, the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word or expression importing a person recognised by law as a medical practitioner or as a member of the medical profession shall in all Acts of the Legislature of Madhya Pradesh and in all Central Acts in their application to Madhya Pradesh in so far as such Acts relate to any of the matters specified in List II or List III of the Seventh Schedule to the Constitution of India include a registered practitioner. (2) Subject to the conditions and restrictions laid down in this Act regarding medical practice by persons possessing recognised qualification every person whose name is for the time being borne on the State Register of Practitioners shall be entitled, according to his qualifications to practice within the State as a medical practitioner and to recover in due course of law in respect of such practice, any expenses or charges in respect of medicaments or other appliances or any fee to which he may be entitled. (3) A certificate required by any Act to be given by a medical practitioner shall be valid if such certificate has been given by a registered practitioner. (4) A registered practitioner shall be eligible to hold any appointment as a physician, surgeon or other medical officer in any Ayurvedic or Unani or Naturopathy Dispensary, Hospital, infirmary or lying in Hospital supported by or receiving a grant from the State Government and treating patients according to the Ayurvedic or Unani System of Medicine or Naturopathy in any public establishment, body or institution in which such system of medicine is practised.

## **Chapter VIII**

### **Medical Practitioners Generally**

### **34. Prohibition to practice, etc., of persons not registered under this Act.**

- Notwithstanding anything contained in any other law for the time being in force-(i)no person other than a registered practitioner or a person whose name is entered in the list prepared under Section 28 shall practice or hold himself out, whether directly or by implication as practising or competent to practice the Ayurvedic or Unani System of medicine or Naturopathy;(ii)no person other than a registered practitioner-(a)shall sign or authenticate a birth or death certificate required by any law or rule for the time being in force to be signed or authenticated by a duly qualified medical practitioner; or(b)shall sign or authenticate a medical or physical fitness certificate required by any law or rule for the time being in force to be signed or authenticated by a duly qualified medical practitioner; or(c)shall be qualified to give evidence at any inquest or in any Court of Law as an expert under Section 45 of the Indian Evidence Act, 1872 (1 of 1872).

### **35. Penalty.**

- Whosoever wilfully or falsely assumes or uses any title or description on or any addition to his name implying that he holds a recognised qualification or that he is a registered practitioner or that his name is entered in the list maintained under Section 28 or acts in contravention of the provisions of Section 34 shall be punishable with fine which may extend to five hundred rupees for the first offence and to fine which may extend to one thousand rupees for every subsequent offence.

## **Chapter IX**

### **Control by State Government**

#### **36. Control by State Government.**

- If at any time it appears to the State Government that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act or has failed to perform any of the duties conferred upon it by or under this Act, the State Government may, if it considers such failure, excess or abuse to be of a serious character notify the particulars thereof to the Board, and if the Board fails to remedy such failure, excess or abuse within such time as the State Government may fix in this behalf the State Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such person and for such period not exceeding two years as it may think fit and shall take steps to bring into existence a new Board.

#### **37. [ Amendment of Schedule. [Substituted by Madhya Pradesh Act No. 13 of 1977 (w.e.f. 14-7-1977).]**

- Any University, Board or Institution in India which grants a medical qualification in Ayurvedic and Unani Systems of medicine or Naturopathy not included in the Schedule may apply to the State Government to have such qualification recognised and the State Government, after consulting the

Board may, by notification, amend the Schedule so as to include such qualification therein and any such notification may also direct that such medical qualification shall be a recognised qualification when granted after a specified date.]

### **38. Restriction on summoning of Board's servants to produce documents.**

- No member or officer or servant of the Board shall, in any legal proceeding to which the Board is not a party, be required to produce any register or document or to appear as a witness to prove the matters recorded therein, unless the Court for special reasons, so directs.

### **39. Indemnity to persons acting under this Act.**

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

### **40. Court competent to try offences under this Act and cognizance of offence.**

(1) No Court other than Court of Magistrate of the first class shall take cognizance of or try an offence under this Act. (2) No Court shall take cognizance of any offence under this Act except on a complaint in writing by an officer empowered by the State Government in this behalf.

### **41. Exemption from serving on inquest.**

- Notwithstanding anything in any other law for the time being in force every registered practitioner shall be exempted if he so desires, from serving on any inquest or as a juror or assessor under the [Code of Criminal Procedure, 1898 (5 of 1898)] [See Now Code of Criminal Procedure, 1973 (2 of 1974)].

## **Chapter X**

### **Rules and Regulations**

### **42. Powers to make rules.**

(1) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act. (2) In particular and without prejudice to the generality of the foregoing power, the State Government may make rules prescribing the following:-(a) the manner in which the President and the Vice-President shall be elected under sub-section (2) of Section 4; (b) the mode of election under sub-section (1) of Section 5; (c) the period within which the dispute regarding election to the Board shall be referred to the State Government under sub-section (2) of Section 5; (d) the travelling and other allowances to which the members of the Board shall be entitled under

sub-section (1) of Section 18;(e)the manner in which appeal shall be heard and decided under clause (b) of sub-section (2) of Section 19;(f)the qualifications, the conditions of appointment and service and scale of pay as respects the Registrar under sub-section (3) of Section 20;(g)the manner in which the State Register of Practitioners shall be received by the Registrar under sub-section (1) of Section 21;(h)the manner in which the fact of removal of the name of a registered practitioner from the State Register of Practitioners shall be published under sub-section (4) of Section 21;(i)the manner in which the State Register of Practitioners shall be maintained by the Board under sub-section (1) of Section 24;(j)the proof of qualification on furnishing of which and the fee on payment of which a person shall be eligible for enrolment on the State Register of Practitioners under sub-section (1) of Section 23;(k)the manner in which an application shall be made under Section 26 for entry of any title, diploma or other qualification in Ayurvedic or Unani System of medicine or Naturopathy in State Register of Practitioners;(l)the form in which and the fee together with which an application shall be made under sub-section (2) of Section 28 for incorporation of name of a practitioner in the list of persons in practice; and(m)the intervals at which the list of persons in practice shall be revised under Section 30.(3)All rules made under this Section shall be laid on the table of Legislative Assembly.

### **43. Power to make regulations.**

(1)The Board may subject to the provisions of this Act and the rules made thereunder make regulations generally to carry out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power, such regulation may provide for-(a)the management of the property of the Board and the maintenance and audit of its accounts;(b)the summoning and holding of meetings of the Board, the time and places where such meetings are to be held, the conduct of business thereat;(c)the powers and duties of the President and Vice-President;(d)the mode of appointment of Committees, summoning and holding of meetings, and the conduct of business of such Committees;(e)the tenure of office, and the powers and duties and other conditions of Service of officers and servants of the Board other than the Registrar;(f)Such other matters as may be necessary for the exercise of the powers and performance of duties and functions by the Board under this Act.

## **Chapter XI**

### **Repeal**

### **44. Repeal of certain enactments and saving.**

(1)As from the date specified for the establishment of the Board in the notification under sub-section (1) of Section 3 the following consequences shall ensue, namely:- (a)the Central Provinces and Berar Ayurvedic and Unani Practitioners Act 1947 (4 of 1948); the Madhya Bharat Indian Medicines Act, Samvat 2007 (No. 28 of 1952) and the Medical Practitioners Registration Act, 1935 (Bhopal Act 7 of 1935) in so far as it relates to practitioners practising Ayurvedic and Unani Systems of Medicine shall stand repealed;(b)the Madhya Bharat Indian Medicine Board and the Mahakoshal Board of Ayurvedic and Unani Systems of Medicine shall stand dissolved;(c)the Medical Council established

under Section 3 of the Medical Practitioners Registration Act, 1935 (Bhopal Act 7 of 1935) shall, in relation to practitioners in Ayurvedic and Unani Systems of Medicine on its register, cease to exercise jurisdiction;(d)all assets and liabilities of the Board referred to in clause (b) shall belong to and be deemed to be the assets and liabilities of the Board established under Section 3;(e)[ all such registered practitioners registered under any of the Acts repealed under clause (a) or the Rajasthan Indian Medicine Act, 1953 (No. 5 of 1953), and residing in the State shall be deemed to be enrolled as registered practitioners in the State Register of Practitioners.] [Substituted by M. P. Act No. 6 of 1975 (w.e.f. 1-2-75).](f)all employees belonging to or under the control of the Boards referred to in clause (b) immediately before the date aforesaid shall be deemed to be the employees of the Board established under Section 3 :Provided that the terms and conditions of service of such employees shall be the same, until altered by the Board with the previous sanction of the State Government:Provided also that no sanction under the foregoing proviso shall be accorded by the State Government until the person affected thereby is given a reasonable opportunity of being heard;(g)all records and papers belonging to the Board referred to in clause (b) shall vest in and be transferred to the Board established under Section 3.(2)Notwithstanding the repeal of the enactments mentioned in clause a) of sub-section (1), all persons who were immediately before the date specified under sub-section (1) of Section 3, pursuing any course of study prescribed for a qualifying examination as defined in clause (9) of Section 2 of the Central Provinces and Berar Ayurvedic and Unani Practitioners Act, 1947 (4 of 1948) or any course of study prescribed under Section 32 of the Madhya Bharat Indian Medicine Act, Samvat 2007 (No. 28 of 1952) shall be entitled to pursue the same and appear for the examination for which they were preparing and for that purpose, notwithstanding anything contained in this Act, -(i)the Board established under Section 3 shall exercise all the powers and discharge all the functions of the Board dissolved under clause (b) of sub-section (1); and(ii)institutions authorised under Section 22 of the Central Provinces and Berar Ayurvedic and Unani Practitioners Act, 1947 (4 of 1948) or affiliated to the Madhya Bharat Indian Medicine Board shall continue to function till the last batch of such persons would in the normal course appear for the examination and for a period of one year thereafter, as if the said Acts had not been repealed and the Board established under Section 3 were the Board constituted under the said repealed Acts.

## 45. Repeal of Ordinance No. 14 of 1970.

- The Madhya Pradesh Ayurvedic, Unani Tatha Prakritik Chikitsa Vyavasayi Adhyadesh, 1970 (No. 14 of 1970) is hereby repealed.

## Schedule

[See Section 2 (h)]Part 'A' Recognised qualifications in Ayurvedic Unani Systems of Medicine and Naturopathy granted by Universities or Institutions in the State

S. No.	Name of University or Institution	Recognised qualifications	Abbreviation for Registration
(1)	(2)	(3)	(4)

1.	Saugar University, Saugar	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S.
2.	Vikram University, Ujjain	Bachelor of Ayurvedic Medicine and surgery.	B.A.M.S.
3.	Ravishankar University, Raipur	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S.
4.	Jiwaji University, Gwalior	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S.
5.	Indore University, Indore	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S.
6.	Jabalpur University, Jabalpur	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S.
6A. [ [Inserted by Notification dated 21-8-1978, published in M.P. Gazette, dated 20-140-78, page 303.]	Awadesh Pratap Singh Vishwavidyalaya, Rewa	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S.]
7.	Board of Indian Medicine, Madhya Bharat, Gwalior.	Ayurvedvigyanacharya Bhjshagacharya	A.V.M.S. Bhishagacharya
7A. [ [Inserted by M.P. Act No. 9 of 1979 (w.e.f. 16-4-79).]	Madhya Pradesh Board of Ayurvedic and Unani Systems of Medicine and Naturopathy	Ayurveda Vigyanacharya	AVMS (After November 1978)]
8.	Mahakoshal Board of Ayurvedic and Unani System of Medicine, Jabalpur	Licentiate Ayurvedic Practitioner.	LAP.
9.	Ayurvedic College, Gwalior	Ayurvedopadhyaya Vaidyavar Vaidyavar	Ayurvedopadhyaya Vaidyashastri Vaidyashastri
10.	Ashtang Ayurvedic Vidyalaya, Ujjain.	Vaidyavachaspati	Vaidyavachaspati
11.	Board of Examiners Bhopal	Hakim-kamil	Hakim-kami
12.	Madhya Pradesh Board of Ayurvedic and Unani Systems of Medicine and Naturopathy	Bachelor of Unani with Modern Medicine and Surgery.	B.U.M.S.

Part 'B' Recognised qualifications in Ayurveda, Unani System of Medicines and Naturopathy granted by University or Institutions outside the State/Country

S. No.	Name of University or Institution	Recognised qualifications	Abbreviation for Registration
(1)	(2)	(3)	(4)
Andhra Pradesh			
12A. [ [Inserted by Notification dated 14-9-1981, published in M.P. Gazette, part I, dated 9-10-81, page 1636.]	Andhara University	Tabib-kamil	Tabib-kamil]
13.	Nizamia Ayurvedic College Hyderabad	Tabib-e-mustnid	Tabib-e-mustnid
Assam			
14.	Board of Ayurvedic Medicines, Assam. Diploma in Ayurvedic Medicine and Surgery.	Graduate in Ayurvedic Medicines and Surgery. D.A.M.S.	G.A.M.S.
Bihar			
15.	State Faculty of Ayurvedic and Unani Medicine, Bihar. Graduate in Ayurvedic Medicine and Surgery.	Graduate in Unani Medicine and Surgery. G.A.M.S.	G.U.M.S.
Delhi			
16.	Board of Ayurvedic and Unani System of Medicines, Delhi. Fazil-e-Tibbo-Jarahat. Bhishagacharya-Dhanwantari.	Bachelor of Indian Medicine and Surgery Fazil-e-tibbo-jarahat. Bhishagacharya-Dhanwantari.	B.I.M.S.
17.	All India Ayurveda Vidyapeeth, Delhi. Vaidyacharya Vaidyavisharad Ayurvedvisharad Ayurvedbhishak Prajavaidyapariksha	Ayurvedacharya Vaidyacharya Vaidyavisharad Ayurvedvisharad Ayurvedbhishak Prajavaidya-Pariksha	Ayurvedacharya
18.		Ayurvedacharya	Ayurvedacharya



Banwarilal Ayurvedic College, Delhi.			
	Bhishagcharya	Bhishagcharya	
	Vaidyavisharad	Vaidyavisharad	
Gujarat			
19.	Gujarat University	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S.
20.	Faculty of Ayurvedic and Unani System of Medicines.	Graduate of the Faculty of Ayurvedic Medicine.	G.F.A.M.
21.	Shrawanmas Dakshina, Baroda.	Ayurved-uttama Ayurved-madhyama	Ayurved-uttama Ayurved-madhyama
Jammu & Kashmir			
22.	Director of Health Services.	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S.
	Bachelor of Unani Medicine and Surgery.	B.U.M.S.	
Kerala			
23.	Kerala University	Diploma in Ayurvedic Medicine.	D.A.M.
	Bachelor in Ayurvedic Medicine.	B.A.M.	
24.	Government Ayurvedic College, Travancore	Vaidya-Shastri	Vaidya-Shastri.
	Vatdya-Kalanidhi	Vaidya-Kalanidhi.	
Maharashtra			
25.	State Faculty of Ayurvedic, Maharashtra.	Graduate of the Faculty of Ayurvedic Medicine.	G.F.A.M.
26.	Faculty of Ayurvedic and Unani System of Medicine, Bombay.	Ayurved-visharad	Ayurved-visharad.
	Member of the Faculty of Ayurvedic Medicine.	M.F.A.M.	
	Graduate of the Faculty of Ayurvedic Medicine.	G.F.A.M.	
	Mahire-tibbojarahat.	Mahire-tibbo-jarahat.	
27.	Nagpur University.	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S.
28.	Poona University, Poona	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S.
29.		Ayurved-teerth.	Ayurved-teerth

	Ayurved Mahavidyalaya, Ahmadnagar		
30.	Aryangal Viadyak Mahavidyalaya, Satara.	Ayurved-visharad	Ayurved-visharad
31.	Tilak Maharashtra Vidyapeeth, Poona.	Ayurved-visharad	Ayurved-visharad
32.	Vidharbha Ayurvedic College, Amraoti.	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S.
33.	Gurudeo Ayurvedic Mandir, Moujhari.	Ayurved-sevaparangat	Ayurved-sevaparangat
Mysore			
34.	Board of Studies in Indian Medicine, Mysore.	Graduate of the College of Ayurvedic Medicine.	G.C.A.M.
	Licentiate in Ayurvedic Medicine and Surgery	L.A.M.S.	
Orissa			
35.	Faculty of Indian Medicine, Orissa.	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S.
36.	Ayurvedic Examination Board, Orissa.	Diploma in Ayurvedic Medicine and Surgery.	D.A.M.S.
Punjab			
37.	Faculty of Indian Medicine, Punjab.	Graduate in Ayurvedic Medicine and Surgery.	G.A.M.S.
38.	Bhupendra Tibbia College, Patiala.	Hazik-ul-hukma. Ayurvedacharya	Hazik-ul-hukma. Ayurvedacharya
Rajasthan			
39.	Rajasthan Government Education Department	Bhishagwar	Bhishagwar.
40.	Ayurvedic Departmental Examination, Rajasthan.	Bhishagecharya	Bhishagecharya
41.	Maharaja College of Ayurved, Jaipur.	Shastri-acharya	Shastri-acharya.
Tamilnadu			
42.	Madras University	Tabib-kamil	Tabib-kamil
43.	Venkateshwar University	Ayurved-shiromani Tabib-kamil	Ayurveterwcnrani. Tabib-kamil.
44.	Board of Indian Medicine, Madras.	Graduate of the College of Indigenous Medicine	G.C.I.M.
	Fellow of Indegenous Medicine	F.I.M. G.P.I.M.	

High Proficiency in Indian Medicine.

	Associate of Indigenous Medicine	A.I.M.	
45.	Board of Examinations in Indigenous Medicine, Madras.	Licentiate of Indian Medicine	LI.M.
46.	Madras Ayurvedic College, Madras.	Ayurved-bhushan	Ayurved-bhushan.
Uttar Pradesh			
47.	Lucknow University	Ayurvedacharya, Bachelor of Medicine and Bachelor of Surgery	B.M.B.S.
	Ayurvedacharya Bachelor of Ayurvedic Medicine and Surgery	Ayurvedacharya B.A.M.S.	
48.	Benaras Hindu University	Ayurvedacharyawith Modern Medicine and Surgery.	A.M.S.
	Ayurvedacharya with Bachelor of Medicine & Surgery	A.B.M.S.	
49.	Gurukul Kangri University	Ayurvedalankar	Ayurvedalankar
50.	Board of Indian Medicine, U.P.	Ayurvedacharya Bachelor of Indian Medicine & Surgery.	Ayurvedacharya B.I.M.S.
	Fazil-ul-tib Bachelor of Medicine and Surgery	F.M.B.S.	
	Diploma of Indigenous Medicine and Surgery.	D.I.M.S.	
	Ayurvedacharya, Bachelor of Medicine and surgery	A.M.B.S.	
	Ayurvedalankar	Ayurvedalankar	
51.	[* * *] [Omitted by M.P. Act No. 21 of 1989 (w.e.f. 4-11-89).]		
52.	Rishikul Ayurvedic College, Haridwar.	Vaidya-shastri	Vaidya-shastri
	Vaidya-visharad	Vaidya-visharad	
53.	Lalithari ayurvedic College Pilibhit.	Ayurved-bhushan Vaidyaraj	Ayurved-bhushan Vaidyaraj
54.	Bundelkhand Ayurvedic	Vaidya-bhushan	Vaidya-bhushan.

College, Jhansi.

55.	Takmil-ul-tib College, Lucknow.	Bachelor of Indian Medicine & Surgery.	B.I.M.S.
56.	Muba-u-tib College, Lucknow.	Upadhi-pariksha	Upadhi-pariksha.
57.	Gurukul Mahavidyaya, Jawalapur, Haridwar.	Ayurved-bhaskar	Ayurved-bhaskar.
58.	Tibbia College, Lucknow.	Mubba-utib	Mubba-utib.
59.	Uttar Pradesh Board, Lucknow.	Dwivarshik Course	Dwivarshik Course
60.	Gurukul Vidyalaya, Brindawan.	Diploma in Ayurveda	Diploma in Ayurveda.
61.	Allahabad Unani Medical College.	Diploma in Unani Medicine	Diploma in Unani Medicine.
62.	Aligarh Muslim University	Bachelor of Unani Medicine & Surgery	B.U.M.S.
West Bengal			
63.	Central Council and State Faculty of Ayurvedic Medicine, WestBengal.	Member of the Ayurvedic State Faculty Ayurved-teerth	M.A.S.F. Ayurved-teerth.
64.	Yaminibhushan Ashthng Ayurvedic college, Calcutta.	Bhishagaratna Licentiate in Ayurvedic Medicine and Surgery	Bhishagaratna L.A.M.S.
Pakistan			
65.	Sanatan Dharma Premgiri Ayurvedic College, Lahore.	Kaviraj Ayurvedacharya	Kaviraj Ayurvedacharya.
66.	Dayanand Ayurvedic College, Lahore.	Vaidyavachaspati	Vaidyavachaspati
	Vaidyakaviraj	Vaidyakaviraj.	
67.	Tibbi College, Lahore.	Juba-stuv-hukma Hakim-e-hazik	Juba-stuv-hukma Hakim-e-hazik