

The Jammu and Kashmir Ayurvedic and Unani Practitioners Act, 1959

JAMMU & KASHMIR

India

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Act 26 of 1959

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The Jammu and Kashmir Ayurvedic and Unani Practitioners Act, 1959 Act No. 26 of 1959 [Received the assent of the Sadr-i-Riyasat on 26th November, 1959 and published in Government Gazette dated 11th December, 1959 No. 37 (a).] An Act to regulate the qualifications and to provide for the Registration of Practitioners of [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy Systems of Medicine] [Substituted 'Ayurvedic and Unani Systems of Medicine' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] with a view to Encouraging its Development. Be it enacted by the Jammu and Kashmir State Legislature in the Tenth Year of the Republic of India as follows :-

Part I – Preliminary

1. Short title, extent and commencement.

(1) This Act may be called the [Jammu and Kashmir Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy Practitioners Act] [Substituted 'Jammu and Kashmir Ayurvedic and Unani Practitioners Act' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.], 1959. (2) It extends to the whole of the State of Jammu and Kashmir. (3) It shall come into force at once.

Part II – Ayurvedic and Unani Systems of Medicines

2. Definitions.

- In this Act, unless there is anything inconsistent in the subject or context, -(1) ["Board" means the Jammu and Kashmir Board of Ayurvedic, Unani, Sowa Rigpa, Yoga and Naturopathy Systems of

Medicine established and constituted under section 3 ; [Substituted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.](2)the "Ayurvedic System" means the Ashtang Ayurvedic System and includes the modernised form thereof including the Sidha ;(3)the "Unani System" means the Unani Tibbi System of Medicine and includes the modernisers form thereof ;[(3-A) the "Yoga System" means Yoga System of treatment whether supplemented or not by such modern advances, as the Board may from time to time determine. [Inserted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.](3-AA) the "Naturopathy System" means Naturopathy System of Medicine, whether supplemented or not by such modern advances, as the Board may, from time to time determine.(3-AAA) the "Amchi or Sowa Rigpa System" means Sowa Rigpa System of Medicine or treatment, whether supplemented by such modern advances, as the Board may from time to time determine.](4)"Inspector" means an Inspector appointed by the Board under section 20 ;(5)"Practitioner" means one who practises the [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy Systems of Medicine] [Substituted 'Ayurvedic and/or Unani Systems of Medicine' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.];(6)"President" means the President of the Board ;(7)"Qualifying Examination" means the examination held for the purpose of granting a degree, diploma, licence or certificate conferring the right of registration on under this-Act ;(8)"Register" means the register of practitioners maintained under section 15 ;(9)"Registered Practitioner" means a practitioner whose name is for the time being entered in the Register ;(10)"Registrar" means a Registrar appointed under section 14 ;(11)"Regulations" means regulations made under section 29 ;(12)"Rules" means rules made under section 28 ;(13)"Schedule" means the Schedule appended to the Act.

3. Establishment, constitution and incorporation of the Board.

(1)The Government shall, by notification in the Government Gazette, establish a aboard to be called the Board of [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy System of Medicine] [Substituted 'Ayurvedic and Unani Systems' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] of Medicine, Jammu and Kashmir, for the purposes of carrying out the provisions of this Act, Such board shall be a body corporate, having perpetual succession and a common seal with power to acquire or hold property, both movable and immovable, and shall by the said name sue and be sued.(2)The Board shall consist of eleven members residing in Jammu and Kashmir State of whom-(a)[six members] [Substituted 'four members' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] shall be nominated by the Government, one of them, if possible, being a person connected with institutions established in the State and affiliated to the Board for the purpose of giving instructions in [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy] [Substituted 'Ayurvedic and/or Unani' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] Systems of Medicine as the Government may determine ;(b)[twelve members] [Substituted 'seven members' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.], of whom not less than four shall be persons holding a Certificate or Diploma in the [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy] [Substituted 'Ayurvedic or Unani' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] System, shall be elected by the Registered Practitioners from among themselves.(3)The President of the Board shall be elected by the members from amongst themselves ; provided that [for the first term of the Board after the commencement of the Jammu and Kashmir Ayurvedic and Unani Practitioners (Amendment) Act, 1968,] [Substituted by Act No. VII of 1968.] the President

shall be a person nominated by the Government from amongst the members, who shall hold the office during the pleasure of the Government.(4)[Save as otherwise provided, the twelve seats of members under clause (b) of sub-section (2) shall be distributed proportionately to their numbers, as counted on the prescribed date before the election between those registered practitioners, who follow the Ayurvedic, Unani, Sowa Rigpa, Yoga and Naturopathy System.] [Substituted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.](5)Notwithstanding anything in sub-section (4) the seven members mentioned under clause (b) of sub-section (2) shall, [in the case of the first Board to be constituted after the commencement of the Jammu and Kashmir Ayurvedic and Unani Practitioners (Amendment) Act, 1968] [Substituted by Act No. VII of 1968.] be nominated by the Government in such proportion as it may think fit from among Practitioners of either system who are eligible to be registered practitioners, and such members shall be deemed to have been elected under clause (b) of sub-section (2) :Provided that not less than four of such members shall be persons holding a certificate or Diploma in [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy] [Substituted 'Ayurvedic or Unani' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] System of Medicine.

3A. [Powers and functions of the Board. [Inserted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.]

- Subject to other provisions of the Act, the Board shall exercise the following powers and functions :-

- 1. award stipends, scholarship, medal, prizes and other rewards ;**
- 2. prepare, publish and prescribe text books and to publish statement of prescribed courses of study ;**
- 3. establish and maintain a library ;**
- 4. recommend schemes for postgraduate training and research in the Ayurvedic/Unani System ;**
- 5. appoint any Committee or Board of studies as may be necessary and lay down its constitution, duties and functions ;**
- 6. exercise such other powers and perform such other functions as may be specified in this Act, or in the rules or regulation made thereunder or as the Government may by notification direct for carrying out the purposes of this Act.]**

4. Nomination of members in default of elections.

- If any of the members is not elected under clause (b) of sub-section (2) of section 3, the Government may, notwithstanding anything contained in sub-section (2) of the said section, nominate such Registered Practitioners as they deem fit and the practitioners so nominated shall for the purpose of this part be deemed to have been duly elected under clause (b) of sub-section (2) of section 3.

5. Election of members.

- The election of practitioners entitled to be members of the Board under clause (b) of sub-section (2) of section 3, shall be held at such time and place and in such manner as may be prescribed by rules and where any dispute arises regarding any such election, it shall be referred to the Tribunal to be appointed by the Government for the purpose whose decision shall be final.

6. Term of Office.

(1) Save as otherwise provided, the term of office of elected and nominate members shall be for a period of five years commencing from the date on which the first meeting of the Board is held after the members are elected under sub-section (2) of section 3 : [Provided that the first meeting of the Board after the members are elected under sub-section (2) of section 3 shall be held within a reasonable time but not later than three months from the date of such elections : Provided further that where the term of office of members has expired, and a new Board has not been constituted, the Government may, by order appoint an administrator who shall not be below the rank of Deputy Secretary to Government for such Board, for such reasonable period, as may be specified in the order, who shall exercise all the powers and discharge all functions conferred upon the Board by or under this Act or any other law for the time being in force.] [Substituted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.](2) [An out going member shall continue in office until the election or nomination of his successor or for a period of three months, whichever is earlier.] [Substituted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.](3) The outgoing member shall be eligible for re-nomination or re-election.

7. Vacancies.

- if a vacancy occurs in the office of a member of the Board through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the manner prescribed by rules. Any person nominated or elected to fill the vacancy shall, notwithstanding anything contained in section 6, hold office only so long as the member in whose place he is nominated or elected would have held office if the vacancy had not occurred.

8. Resignation of a member.

- Any member may at any time resign his office by letter addressed to the President, such resignation shall take effect from the date on which it is accepted by The Board.

9. Disabilities for continuing as member.

- If any member during the period for which he has been nominated or elected -(a)absent himself without such reasons as may, in the opinion of the Board, be sufficient, from three consecutive ordinary meetings of the Board ; or(b)becomes subject to any of the disqualification mentioned in section 10, the Board shall declare his office to be vacant; or(c)[obtaining any employment under the Board ; or [Added by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.](d)acquires without prior sanction of the Government directly or indirectly by himself or by a partner any share or interest of any contract made with, by, or on behalf of the Board.]

10. Disqualification.

- No person shall stand as a candidate for election as a member of the Board or shall be a member of the Board-(a)who is an undischarged insolvent ;(b)who has been adjudicated by a competent court to be of unsound mind ; or(c)whose name has been removed from the Register

11. Validity of proceedings.

- No disqualification or defect in the election or nomination of any person acting as a member of the Board or as the President or Presiding authority of a meeting shall be deemed to vitiate any act or proceedings of the Board, in which such person has taken part.

12. Time and place of meeting of the Board.

- The Board shall meet 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 at such time and place as he may deem expedient by letter addressed to each member.

13. Procedure at meetings of the Board.

(1)The President shall preside at every meeting of the Board. In the absence of the President, the members present shall elect one of them to preside.(2)All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting at the meeting.(3)[Nine] [Substituted 'Five' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] members shall form a quorum, provided that when a meeting is adjourned for want of a quorum to subsequent date, no quorum shall be required for the meeting held on such date.(4)At every meeting of the Board, the President for the time being, shall, in addition to his vote as a member of the Board, have

a second or casting vote in case of equality of votes.

14. Registrar.

(1)[The Board shall with the previous approval of the Government appoint a Registrar who shall be an officer not below the rank of Under Secretary to Government.] [Substituted 'The Board shall, with the previous approval of the Government, appoint a Registrar' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] The Registrar shall receive such salary and allowances and be subject to such conditions of service as may be prescribed by rules. The Board may, from time to time, grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all the purposes of this Act, provided that for the first four years [from the first constitution of the Board after the commencement of the Jammu and Kashmir Ayurvedic and Unani Practitioners (Amendment) Act, 1968,] [Substituted by Act No. VII of 1968.] the Registrar shall be a person appointed by the Government and shall hold office during the pleasure of the Government.(2)Any order of the Board appointing, punishing or removing a Registrar from office shall not be passed without the previous approval of the Government.(3)The Board may appoint such other officers and servants as may be necessary for the purposes of this Act :Provided that the number and designation of such officers and servants, their salaries and allowances shall be subject to the previous approval of the Government.(4)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 Ranbir Panel Code, 1989.

15. Duties of Registrar.

(1)Subject to the provisions of this Act and the rules thereunder and subject to any general or special orders of the Board, it shall be the duty of the Registrar to keep the Register.(2)[The Registration shall be in such form as may be prescribed by the rules and shall contain the name, address and qualification of every registered practitioner together with the dates on which such qualifications were acquired. The Register shall be divided into five parts -i. that containing the names of the practitioners qualified to practise the Ayurvedic System ;ii. that containing the names of the practitioners qualified to practise the Unani System ;iii. that containing the names of the practitioners registered under sub-section (2) of section 16 ;iv. that containing the names of the Sowa Rigpa practitioners institutionally qualified to practise the Sowa Rigpa Systems of Medicine ; andv. that containing the names of practitioners of Yoga and Naturopathy practitioners institutionally qualified to practise the Yoga and Naturopathy system.](3)The Registrar shall keep the Register correct as far as possible and may, from time to time, enter therein any material alteration in the address or qualifications of the practitioners. The names of the registered practitioners who die, or whose names are directed to be removed from the Register under sub-section (3) of section 16, shall be removed from the Register.(4)A registered practitioner shall, on payment of such fees as may be prescribed by the rules, be entitled to have entered in the Register any further degrees, diplomas or certificates or other qualifications in [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy] [Substituted 'Ayurvedic or Unani' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] System of Medicine or other recognised medical degrees, diplomas or certificates, which he may obtain.(5)For the propose of the section, the

Registrar may write by registered post to any registered practitioner at the address which is entered in the Register to enquire whether he has ceased to practise or has changed his residence and, if no answer is received to the said letter within six months, the Registrar may remove the name of the said practitioner from the Register :Provided that the Board may, if it is satisfied that the said practitioner has not ceased to practise, on the application of the said practitioner, direct that his name be re-entered in the Register.

16. Registration.

(1) Every person possessing the qualification mentioned in the schedule shall, subject to the provisions contained in this Act and on payment of such fees as may be prescribed in this behalf, be entitled to have his name entered in the Register subject to such conditions as the Board may prescribe :Provided that an application for entry in the Register made by a person whose case is not clearly covered by the provisions of this Act or by the rules and regulations made thereunder, shall be referred to the Board for such decision as it may deem fit. (2) Notwithstanding anything contained in sub-section (1), every person, who, within a period of two years from the date on which this Act comes into force, proves to the satisfaction of the Registrar that he has been in regular practise as a practitioner for a period of not less than ten years preceding the date on which he makes an application for being registered as a practitioner under this Act, shall be entitled to have his name entered in the Register on payment of the prescribed fee. (2A) [Notwithstanding anything contained in sub-section (1) or sub-section (2), every person who is matriculate and proves to the satisfaction of the Registrar within a period of one year from the date of coming into force of the Jammu and Kashmir Ayurvedic and Unani Practitioners (Amendment) Act, 2017 that he has been in regular practice of Sowa Rigpa or Yoga or Naturopathy System for a period of not less than 10 years preceding the date on which he makes an application for being registered as a practitioner under the Act, he shall be entitled to have the name entered in the Register on payment of the fee as prescribed :Provided that no person shall be registered under this sub-section if he has during his practice misconduct of himself as a practitioner :Provided further that no person shall be registered under this section unless he produces certificate from District Officer State Department of AYUSH of concerned district countersigned by State Head of AYUSH to the effect that he fulfils the conditions under this sub-section.] [Inserted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] (3) The Board may direct that the name of any practitioner who has been convicted of a cognisable offence as defined in the Code of Criminal Procedure, Samvat 1989 which discloses such defect of moral character as is, in the opinion of the Board, sufficient to make him unfit to practise his profession, or who has been found, after the enquiry, guilty of conduct which is, in the opinion of the Board, infamous in any professional respect, shall be removed, from the shall be register. (4) The Board may, on sufficient cause being shown, also direct that the name of the practitioner so removed, shall be re-entered in the Register. (5) [Every Registration under this section shall be in force for a period of five years and may, subject to the provisions of sub-section (6), be renewed for a period of five years at a time. (6) Every application for renewal of registration under sub-section (5) shall be made on payment of such fee and in such manner as may be prescribed.] [Added by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.]

17. Appeal to Board from decision of Registrar and other powers of the Board.

(1) Any person aggrieved by the decision of the Registrar regarding registration of any person or any entry in the Register may appeal to the Board. (2) Such appeals shall be filed and shall be heard and decided by the Board in the manner prescribed by the rules. (3) The Board 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 Board, such entry was fraudulently or incorrectly made.

18. Qualified practitioner certificates.

- Notwithstanding anything in any law for the time being in force, - (1) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" shall in all laws for the time being in force in the State include a registered practitioner whose name is entered in [Part I or Part II or Part IV or Part V] [Substituted 'Part I or Part II' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] of the Register ; (2) a certificate required by any Act from any medical practitioner or medical officer shall be valid, if such certificate has been signed by a registered practitioner whose name is in [Part I or Part II or Part IV or Part V] [Substituted 'Part I or Part II' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] of the Register : Provided that a certificate of illness may be issued by any practitioner registered under this Act ; (3) [The registered practitioner shall be eligible to hold any appointment as a Medical Officer in any Indian Systems of Medicine Dispensary or Hospital supported by or receiving a grant from the Government and treating patients according to the Ayurvedic or Unani or Sowa Rigpa (Amchi), or Yoga System, as the case may be or in any public establishment, body or institutions dealing with such system of medicine/treatment.] [Substituted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.]

19. Examination before registration.

- Notwithstanding anything contained in sub-section (2) of section 16, on and after the expiry of one year from the date from which this Act comes into force, a person shall not be entered in the Register as a registered practitioner unless he holds the qualification mentioned in sub-section (1) of section 16.

20. Qualifying examination.

(1) The Board shall by regulations - (a) recognise institutions as required under paragraph 3 of the schedule ; (b) prescribe the course of training and qualifying examinations, including the course of training and examinations prior to qualifying examinations. Such regulations shall provide that instruction and examinations shall, as far as possible, be given or held in the languages specified therein. (2) A qualifying examination shall be an examination in the [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy Systems] [Substituted 'Ayurvedic and Unani System' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] , held for the purpose of granting a diploma,

degree or certificate conferring the right of registration under this part, by any of the institutions which on the recommendations of the Board, may be specified by the Government by a notification in the Government Gazette as being authorised to hold a qualifying examination.(3)It shall be the duty of the Board to secure the maintenance of an adequate standard of proficiency for the practise of the [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy Systems] [Substituted 'Ayurvedic and Unani' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] Systems of Medicine. For the purposes of securing such a standard, the Board shall have authority to call on the governing body or authorities of any institution giving instructions in the Ayurvedic or Unani Systems of Medicine and on any examining body, authorised by or desirous of being authorised under sub-section (2)-(a)to furnish such particulars as the Board shall require of any course of study prescribed by regulations or examination held by such body or authority or in such school or college with reference to the grant of any qualification ; and(b)to permit Inspectors appointed by the Board from amongst the registered practitioners in this behalf to attend and be present at all or any of the qualifying or prior examinations.(4)the Inspector shall not interfere with the conduct of any examination, but it shall be their duty to report to the Board their opinion as to the sufficiency or insufficiency of every examination which they attended and any other matters in relation to such examinations on which the Board may require them to report.(5)Every qualifying examination and every prior examination leading up to it held by the Bodies or Institutions authorised under this section shall be inspected by the Inspectors at least once in three years and more frequently if the Board so directs.(6)The Board shall forward a copy of every such report to the body which held the examination in respect of which the said report was made and shall also forward a copy Of such report, together with any observations thereon made by the said body, to the Government.(7)An Inspector shall receive such remuneration to be paid as part of the expenses of the Board, as the Board, with the previous sanction of die Government, may determine.

21. Removal of Institutions authorised to hold qualifying examination.

- If it shall appear to the Government on the report of the Board that the course of study and examinations prescribed by any of the institutions specified in the notification under section 20 are not such as to secure the maintenance of an adequate standard of proficiency for the practise of the [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy] [Substituted 'Ayurvedic and Unani' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] Systems of Medicine, as the case may be, it shall be lawful for the Government from time to time, by notification in the Government Gazette, to direct that the said institution shall be removed from the said notification and shall not be authorised to hold a qualifying examination:Provided that, before any direction for the removal of an institution from the said notification is made under this section, the Board shall require the institution to take steps within such time as it thinks fit to provide that the course of study and examinations prescribed by the institution are of an adequate standard.

22. Exemption from serving on inquests.

- Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on any inquest or as a juror or assessor under the Code of Criminal Procedure, 1989.

23. Fees payable to members of the Board.

- There shall be paid to the members of the Board such fees and allowances for attendance and such reasonable travelling allowances as shall from time to time be prescribed by rules.

24. Fees received by the Board.

- All moneys received by the Board as fees under this Act shall be applied for the purposes of this Act in accordance with the rules.

25. Annual list of practitioners.

(1)The Registrar shall in every year, on or before a date to be fixed by the Board, cause to be printed and published a correct list of the names and qualifications of the practitioners for the time being entered in the Register and the dates when such qualifications were acquired.(2)In any proceeding it shall be presumed that every person entered in such list is a registered practitioner and that any person not so entered is not a registered practitioner.

26. [False assumption of certificate to be an offence. [Substituted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.]

- Whoever falsely pretends to be a registered practitioner, whether any person is actually deceived by such pretence or not or voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, license or certificate, granted by any authority shall on conviction be punishable with a fine which may extend to twenty thousand rupees or with imprisonment which may extend to one year or with both.] [Substituted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.]

27. Alteration of the Schedule.

- It shall be lawful for the Government by notification in the Government Gazette to alter the Schedule.

28. Rules.

(1)The Government may, after previous publication, make rules to carry out all or any of the purposes of this part.(2)In particular and without prejudice to the generality of the foregoing power, the Government may make rules for any of the following matters :-(a)The time at which and the place and manner in which election shall be held under section 5.(b)The manner in which vacancies shall be filled under section 7.(c)The manner in which the meetings of the Board shall be convened and held.(d)The salary, allowances and other conditions of service of the Registrar under section 14.(e)The form of the Register and the particulars to be entered therein under section 15.(f)Fees chargeable for the alternation of entries in the Register.(g)The manner in which appeals against the

decision of the Registrar shall be heard by the Board under section 17.(h)The application of fees.(i)Fees and other allowances payable to members of the Board under section 23.(j)The furtherance of any of the objects of the Board.(k)The form of the certificate of registration mentioning therein the part in which the registered practitioner is registered.

29. Regulations.

(1)The Board may, with the previous sanction of the Government, make regulations, not inconsistent with this part or the rules, for any of the following matters, namely :-(a)the time and place at which the Board shall hold its meetings under section 12 ;(b)the salary, allowances and other conditions of service of officers and servants of the Board other than the Registrar, under section 14 ;(c)the course of study for training and qualifying examinations ;(d)the language in which the examinations shall be conducted and instruction shall be imparted ;(e)the admission of students to the bodies or institutions authorised under section 20 ;(f)the conditions under which students shall be admitted to the diploma, licence or certificate course and to the qualifying and prior examinations ;(g)the conditions of appointment of examiners and the conduct of examinations ; and(h)all other matters which may be necessary for the purposes of carrying out the objects of this Act.(2)All regulations shall be published in the Government Gazette.(3)The Government may, by notification in the Government Gazette cancel any regulations :Provided that in submitting regulations under clauses (c) to (g) for sanction of the Government under this section, the Board shall send a copy of its proceedings relating to the passing of such regulations and shall state the number of its members representing either system of [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy] [Substituted 'Ayurvedic or Unani' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] Medicine who have voted for or against such regulations or not voted in respect of such regulations :Provided further that in sanctioning the said regulations due consideration shall be given to the opinion of the members of either system of medicine as expressed in the said proceedings.

30. [Power to supersede Board. [Substituted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.]

- If at any time it appears to the Government, on the report of the State Department of Indian System of Medicine or otherwise that the Board has failed or neglected to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act, it may wherever such failure, neglect, excess or abuse is of a serious character, notify the particulars thereof to the Board, and if the Board fails to remedy such default, excess or abuse within such time as the Government may fix in this behalf, the 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, in such manner and for such period not exceeding two years as it may specify in this behalf.]

31. Court competent to try offences under this Act and cognisance of offences.

(1) No court other than the Court of the [Judicial Magistrate] [Substituted by Act No. XL of 1566.] of the First Class shall take cognisance of or try an offence under this Act. (2) No court shall take cognisance of any offence under this Act except on a complaint in writing of an officer empowered by the Government in this behalf.

Part III – Medical Practitioners Generally

32. Powers of the Government to enforce the provisions of Part III.

- The Government may, at any time after the expiry of one year from the date on which this Act comes into force, by notification published in the Government Gazette, apply the provisions of this part or any portion thereof to the whole or any part of the State from such date as is notified therein : Provided that the Government shall give wide publicity to the notification in such other manner also as it deems proper.

33. List of Practitioners.

(1) After the publication of the notification mentioned in section 32, the Registrar shall prepare and maintain a list called a "List of persons in practise belonging to the [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy] [Substituted 'Ayurvedic or Unani' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] Systems of Medicine" on such date as is mentioned in the said notification. (2) Every person not being a person qualified or registered under this Act, who, within a period of one year from the date from which this Part comes into force, proves to the satisfaction of the Registrar that he has been in regular practise of the [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy] [Substituted 'Ayurvedic or Unani' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] Systems of Medicine in the State, on the date mentioned in the notification under sub-section (1), shall be entitled to have his name entered in the aforesaid list on payment of five rupees. (3) The provisions of sub-section (3) and (5) of section 15, sub-section (3) of section 16 and section 17 shall mutatis mutandis apply to this list.

34. Prohibition to practise of persons not listed.

- No person other than a practitioner registered under Part II of this Act or a person whose name is entered in the list mentioned in section 33 shall practise or hold himself out, whether directly or by implication as practising or as being prepared to practise the [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy] [Substituted 'Ayurvedic or Unani' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] Systems of Medicine : Provided that the Government may, by notification in the Government Gazette, direct that the provisions of this section shall not apply to any class of persons or in specified area.

35. [Penalty. [Substituted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.]

- Whoever acts in contravention of the provisions of section 34 shall on conviction, for each offence be punishable -(i)for the first offence with five thousand rupees which may extend to twenty thousand rupees ; and(ii)for the second or subsequent offence with imprisonment for a term which may extend to two years or with fine which may extend to twenty thousand rupees, or with both.]

36. Examination before registration.

- Notwithstanding anything contained in any section of this Act, on and after the expiry of one year from the date from which Part III comes into force, a person shall not be entered in the Register as a registered practitioner unless he has passed a qualifying examination recognised by the Board.

37. Saving.

- Nothing in sections 34 and 35 shall apply to any person-(a)who is a dentist registered under the Jammu and Kashmir Dentists Act, 1958 ; or(b)who, being a nurse or midwife registered under the Jammu and Kashmir Nurses and Midwives and Health Visitors Registration Act, 1956, or a Dai, attends on a case of labour ; or(c)who is entitled to registration under section 36 of this Act.

38. Conferring, granting or issuing diploma, licence, etc. by unauthorised person or institution.

(1)No person other than an association or institution recognised or authorised by the [Government] [Substituted 'Board' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] under this Act shall confer, grant or issue or hold itself out as entitled to confer, grant or issue any diploma, licence, certificate or other documents stating or implying that the holder, grantee, or recipient is qualified to practise the [Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy] [Substituted 'Ayurvedic or Unani' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] Systems of Medicine.(2)Whoever contravenes the provisions of this section shall, on conviction, be punishable with fine, which may extend to [twenty thousand rupees or with imprisonment which may extend to one year or with both] [Substituted 'five hundred rupees' by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.] and if the person so contravening is an association, every member of such association who, knowingly and wilfully authorises or permits the contravention shall, on conviction, be punishable with fine which may extend to two hundred rupees.

39. [Establishment of Medical Colleges for Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy. [Inserted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.]

(1)Notwithstanding anything contained in any law for the time being in force, no person shall

establish any Ayurvedic or Unani or Sowa Rigpa (Amchi), Yoga and Naturopathy Medical College except with the prior approval of the Government on the recommendations of the Board.(2)Every application of approval under sub-section (1) shall be made in such form, on payment of such fees and in such manner as may be provided by the rules.Explanation. - For the purpose of this section, 'person' includes any university or a trust but does not include the Government.

40. Appointment of Inspectors.

(1)The Board may appoint such number of Inspectors to inspect the institutions, and subject to payment of such fee as may be prescribed.(2)The Inspectors shall, in accordance with any general or special directions of the Board given from time to time, inspect the institutions affiliated and established and report to the Board with regard to the courses of study pursued and training imparted or on any other matter with regard to which the Board may require them to report.

41. Recognition of institutions and examinations.

(1)The Government shall on the recommendations of the Board, by a notification, specify the institutions which are authorized to hold qualifying examinations and grant certificates, diploma or degree for purposes of this Act.(2)The Board shall,-(a)prescribe the course of training and qualifying examinations including the examinations prior to qualifying examination ; and(b)prescribe the instruction and the examination that shall be imported or held and specify the languages in which such instructions and examination shall be given or held.(3)A qualifying examination shall be an examination in the Ayurvedic or Unani or Sowa Rigpa (Amchi), or Naturopathy System held for the purpose of granting a diploma, degree or certificate conferring the right of registration under this Act by the Board or by any of the institutions which on the recommendations of the Board may be specified by the Government by notification as being authorized to hold a qualifying examination.(4)It shall be the duty of the Board to secure the maintenance of an adequate standard of proficiency of the practice of Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy System.(5)For the purpose of sub-section (4), the Board shall have authority to call on the governing body or authorities of any institution giving instructions or holding examinations or desirous of being authorized to hold examinations to,-(i)furnish such particulars as the Board may require and the course of study prescribed by regulations or examination held by such body or authority or in any school or college thereof with reference to the grant of any qualifications ; and(ii)permit Inspectors appointed by the Board from amongst the registered practitioners in this behalf to attend and be present at all or any of the qualifying examinations.(6)An Inspector shall not interfere with the conduct of any examination, but it shall be his duty to report to the Board of his opinion as to the sufficiency or insufficiency of any examination which he is asked to attend and any other matter in relation to such examination on which the Board may require him to report.(7)Every qualifying examination and every prior examination leading up to it held by the bodies or institutions authorized under this section shall be inspected by the Inspector at least once in two years or more frequently if the Board so directs.(8)The Board shall forward a copy of every such report to the body or institution which held the examination in respect of the said report was made and shall also forward a copy of such report together with any observations thereon made by the said body or institution to the Government.

42. De-recognition and removal.

- If it appears to the Government on the report of the Director, Indian Systems of Medicine that the courses of study and examinations prescribed by any of the institutions are not such so as to secure the maintenance of an adequate standard of proficiency for the practice of Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy System, it shall be lawful for the Government to de-recognize such institution and such institutions shall not be authorized to hold a qualifying examination :Provided that before an institution is de-recognized, the Government may require the institution to take steps within such time as it thinks fit so as to ensure that the courses of study and examinations prescribed by the institution are of an adequate standard.

43. Notice of death.

- Every Registrar of Deaths on receiving notice of the death of a registered 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.][The Schedule] [Substituted by Jammu and Kashmir Act No. 17 of 2018, dated 17.9.2018.][Section 16(1)]Persons entitled to have their names entered in the Register of Practitioners of Ayurvedic, Unani, Sowa Rigpa (Amchi), Yoga and Naturopathy -i. Ayurvedic, Unani Practitioners who have recognized medical qualification in Ayurvedic, Unani granted by Universities, Boards or Medical Institutions in India which are included in the 1st, IIInd and IIIrd Schedule of the Indian Medicine Central Council Act, 1970.ii. Yoga and Naturopathy practitioners holding degree B. N. Y. S. or equivalent recognised by CCIM/CCRYN/Ministry of AYUSH G. O. I.iii. Practitioners of Sowa Rigpa holding degree in Sowa Rigpa (B. T. M. S. or equivalent) recognised by CCIM/CCRYN/Ministry of AYUSH G. O. I.iv. Sowa Rigpa/Yoga and Naturopathy practitioners who have been registered by a State Board of Sowa Rigpa/Yoga and Naturopathy System of Medicine established by law anywhere in the Indian Union by virtue of their having passed a qualifying examination from an institution recognised by CCIM/Ministry of AYUSH G. O. I.I assent to this Bill.