

The M.P. Chikitsiya Shiksha Sanstha (Niyantaran) Adhiniyam, 1973

MADHYA PRADESH

India

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Act 19 of 1973

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The M.P. Chikitsiya Shiksha Sanstha (Niyantaran) Adhiniyam, 1973 No 19 of 1973 [Dated 6th April, 1973] Received the assent of the Governor on the 6th April, 1973, assent first published in the "Madhya Pradesh Gazette" (Extraordinary), dated the 7th April, 1973. An Act to provide for proper regulation of Institutions of Medical Education in the State and for matters concerned therewith. Be it enacted by the Madhya Pradesh Legislature in the Twenty-fourth Year of the Republic of India as follows :-

1. Short title and extent.

(1) This Act may be called The Madhya Pradesh Chikitsiya Shiksha Sanstha (Niyantaran) Adhiniyam, 1973. (2) It extends to the whole of Madhya Pradesh.

2. Definitions.

- In this Act, unless the context otherwise requires, - (a) "institution of medical education" means any institution imparting medical education; (b) "medicine" means - (i) medicine within the meaning of clause (f) of Section 2 of the Indian Medical Council Act, 1956 (No. 102 of 1956); (ii) medicine in Homoeopathy and Biochemistry within the meaning of clauses (1) and (3) respectively of Section 2 of the Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951 (No. 26 of 1951); (iii) medicine in Ayurvedic System, Naturopathy or Unani System within the meaning of clauses (b), (e) and (1) respectively of Section 2 of the Madhya Pradesh Ayurvedic Unani Tatha Prakritik Chikitsa Vyavasayi Adhiniyam, 1970 (No. 5 of 1971); (c) "medical education" means education in medicine for the purpose of preparing for or leading to - (i) a recognised medical qualification within the meaning of clause (h) of Section 2 of the Indian Medical Council Act, 1956 (No. 102 of 1956); (ii) a qualifying examination within the meaning of clause (g) of Section 2 of the

Madhya Pradesh Homoeopathic and Biochemic Practitioners Act, 1951 (No. 26 of 1951);(iii)a recognised qualification within the meaning of clause (h) of Section 2 of the Madhya Pradesh Ayurvedic Unani Tatha Prakritik Chikitsa Vyavasayi Adhiniyam, 1970 (No. 5 of 1971);(d)"University" means any University in India established by law and having a faculty of medicine.

3. Restriction on establishing, administration and running of institution of medical education.

- Subject to the provisions of Article 30 of the Constitution, no person shall establish, administer or run or cause to be established, administered or run any institution of medical education without obtaining prior permission in writing of the State Government, in accordance with the provisions of this Act.

4. [Application of Act. [Substituted by M.P. Act No. 16 of 1975 (w.e.f. 11-6-1975).]

- Notwithstanding anything contained in any other enactment for the time being in force, this Act shall apply to all institutions of medical education except those which are established and administered or run by, or on behalf of, the Central Government or the State Government or sponsored by the Central Government or the State Government, whether singly or jointly.]

5. New institutions of medical education to require prior permission of State Government.

(1)Every person desirous of establishing and administering of running an institution of medical education shall, not less than one year before the commencement of the academic session from which it is proposed to start such institution, make an application to the State Government or such authority as the State Government may, by notification, specify, in such form together with such deposit as may be prescribed, for grant of permission to establish and administer or run such institutions of medical education. The person by whom or on whose behalf such application is made shall furnish such information in regard to the institution of medical education as the State Government or such authority may require.(2)Every such application shall contain the following particulars, namely :-(a)name of the proposed institution of medical education;(b)name of the person or persons who proposed to establish and to administer the institution of medical education;(c)place where it is proposed to establish the institution of medical education;(d)details of courses and syllabus of the medical education for the institution of medical education;(e)the reasons for establishment of the institution of medical education;(f)fees including admission, tuition, games, library and other fees proposed to be charged;(g)the session from which it is proposed to start the institution of medical education;(h)proposed staff and their qualifications;(i)facilities for laboratories, library, hospital, operation theatres etc.;(j)play fields and other recreational facilities;(k)building where it is proposed to have the institution of medical education located;(l)funds;(m)such other particulars as may be prescribed.(3)On receipt of the application, the State Government shall after making such enquiry' as it may deem fit and after giving a reasonable

opportunity to the person whose names are mentioned in the application as proposer to be heard, if it is satisfied that the institution of medical education has complied with the provisions of this Act, or the rules made thereunder, grant permission subject to such terms and conditions, if any, as it may deem fit, to impose :Provided that no permission shall be granted, if in the opinion of the State Government, such institution is likely to be economically unsound or is likely to have an adverse effect upon any other institution or is not likely to impart medical education of the requisite standard :[Provided further that where such permission is granted subject to any terms and conditions and such terms and conditions are required to be complied within a period specified therein the permission shall, on failure to comply with the terms and conditions to the satisfaction of the State Government within the specified period, stand withdrawn on the expiration of such period unless before such expiration the period is extended by the State Government in which event the permission shall stand withdrawn on the expiration of the extended period.(4)Where the State Government refuses to grant permission it shall communicate the order of refusal specifying therein the reasons for refusal of such permission.] [Inserted by M.P. Act No. 16 of 1975 (w.e.f. 11-6-1975).]

6. Appeal.

(1)Any person aggrieved by an order of refusal under Section 5 may appeal to the Tribunal consisting of-(a)Secretary to Government of Madhya Pradesh, Public Health Department;(b)Vice-Chancellor of the University within whose territorial jurisdiction the institution of medical education is located;(c)Director of Medical Services, Madhya Pradesh;(d)Adviser, Medical Education, Madhya Pradesh;within sixty days of the date of receipt by him of the order of refusal under sub-section (4) of Section 5. The appeal shall be made in such manner and shall be accompanied by such fee as may be prescribed.(2)The Secretary to Government, Madhya Pradesh, Public Health Department shall be the Chairman of the Tribunal.(3)The Tribunal shall follow such procedure as may be prescribed.(4)Subject to the decision of the Tribunal in appeal the decision of the State Government shall be final.

7. [Permission for continuance of institution of medical education established prior to Madhya Pradesh Chikitsiya Shiksha Sanstha (Niyantran) Sanshodhan Adhiniyam, 1975. [Substituted by M.P. Act No. 16 of 1975 (w.e.f. 11-6-1975).]

(1)Where an institution of medical education established prior to the date of commencement of the Madhya Pradesh Chikitsiya Shiksha Sanstha (Niyantran) Sanshodhan Adhiniyam, 1975, whether affiliated to any University or recognised by any Board or not, is being administered or run on such date, the person responsible for such establishing or administration or running of such institution, for the time being, shall make an application within thirty days from such date to the State Government or such authority as the State Government may, by notification, specify in such form and together with such deposit as may be prescribed, for grant of permission for continuance of such institution, of medical education thereafter:Provided that nothing in this sub-section shall apply to such institutions of medical education in respect of which applications were made before the date of commencement of the Madhya Pradesh Chikitsiya Shiksha Sanstha (Niyantran)

Sanshodhan Adhiniyam, 1975.(2)The provisions of Sections 5 and 6 shall, so far as may be, apply to the application made under sub-section (1) subject, however, to the modification that the State Government may for reasons to be recorded in writing, grant permission to any institution of medical education to continue notwithstanding anything contained in the proviso to sub-section (3) of Section 5.(3)The institution of medical education to which provision of this section apply shall continue to function till the decision of the State Government or the Tribunal, as the case may be, refusing the permission but no fresh admissions shall be made during such continuance to any standard save in respect of students who are promoted from the lower standard in that institution to a higher standard in the said institution.]

7A. [Power of State Government to give directions in matter of affiliation. [Inserted by M.P. Act No. 16 of 1975 (w.e.f. 11-6-1975).]

(1)In the matter of affiliation of an institution of medical education. University or Board shall be guided by such direction as the State Government may in consultation with the Madhya Pradesh Uchcha Shiksha Anudan Ayog give to it.(2)All directions given by the State Government under sub-section (1) shall be given through the Madhya Pradesh Uchcha Shiksha Anudan Ayog.(3)The University or Board shall in the discharge of its functions under the Act under which it is constituted shall be bound by such directions.

7B. Prohibition to close institutions of medical education.

(1)No institution of medical education to which permission is granted under Section 5 or Section 7 shall be closed without the permission of the State Government.(2)Where the State Government refuses to grant permission it shall communicate the order of refusal specifying the reason for refusal of such permission.(3)An appeal shall lie against every order of refusal under sub-section (2) to the Tribunal constituted under Section 6 and the provisions of that section shall apply to such appeal as they apply to appeal made under that section and subject to the order of Tribunal in appeal order of the State Government under sub-section (1) shall be final.]

8. Penalty.

- [(1) Whoever contravenes the provisions of Section 3 or Section 7 or Section 7-B or the terms and conditions subject to which permission is granted under Section 5 or Section 7 shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both and where the breach is a continuing one with further fine which may extend to one hundred rupees for every day after the first during which the breach is proved to have been persisted in] [Substituted by M.P. Act No. 16 of 1975 (w.e.f. 11-6-1975).](2)Whoever having been convicted of an offence under this Act, is again convicted of an offence under this Act shall be punishable with double punishment provided for the latter offence.(3)If the person contravening is an association or other body of individuals every member of such association or other body who knowingly or wilfully authorises or permits the contravention shall be punishable for such contravention in accordance with this section.

9. Previous sanction for prosecution.

(1) No prosecution of any offence punishable under this Act, shall be instituted except by or with the sanction of such officer of the State Government as the State Government may, by notification, appoint in this behalf. (2) No Court shall take cognizance of any offence punishable under this Act, except on a complaint made in writing in respect thereof six months of the date on which the offence is alleged to have been committed.

10. Power to make rules.

(1) The State Government may make rules for carrying out the purposes of this Act. (2) All rules made under this section shall be laid on the table of the Legislative Assembly.

11. Repeal.

- The Madhya Pradesh Chikitsiya Shiksha Sanstha (Niyanttran) Adhyadesh, 1973 (No. 3 of 1973) is hereby repealed. Notifications (i) [Notification No. 3483-XVI-Med. IV, dated the 18th September, 1975.] [Published in M.P. Rajpatra, Part IV (Ga), dated 12-12-75, page 878.] - In exercise of the powers conferred by sub-section (1) of Section 7 of the Madhya Pradesh Chikitsiya Shiksha Sanstha (Niyanttran) Adhiniyam, 1973 (No. 19 of 1973), the State Government hereby specifies the Advisor, Medical Education, Madhya Pradesh, Bhopal as the authority for the purpose of said sub-section. (ii) [Notification No. 10-6-73-IV-XVII, dated the 22nd June, 1973.] [Published in M.P. Rajpatra, Part I, dated 14-9-73, page 1305.] - In exercise of the powers conferred by sub-section (1) of Sections 5 and 7 of the Madhya Pradesh Chikitsiya Shiksha Sanstha (Niyanttran) Adhiniyam, 1973 (No. 19 of 1973), the State Government hereby specify the Advisor Medical Education, Madhya Pradesh, Bhopal, as the authority to whom the application shall be made under the said section. (iii) [Notification No. 5344-XVII-Med. IV, dated the 27th September, 1973.] [Published in M.P. Rajpatra, Part I, dated 19-10-73, page 1528.] - In exercise of the powers conferred by sub-section (1) of Section 9 of the Madhya Pradesh Chikitsiya Shiksha Sanstha (Niyanttran) Adhiniyam, 1973 (No. 19 of 1973), the State Government hereby appoints the Secretary to the Government of Madhya Pradesh, Public Health and Family Planning Department, Bhopal as the officer to sanction prosecution of any offence punishable under the said Adhiniyam.