

# The Gujarat Medical Practitioners' Act, 1963

GUJARAT

India

## The Gujarat Medical Practitioners' Act, 1963

### Act 6 of 1964

- Published on 31 December 1965
- Commenced on 31 December 1965
- [This is the version of this document from 31 December 1965.]
- [Note: The original publication document is not available and this content could not be verified.]

The Gujarat Medical Practitioners' Act, 1963 Gujarat Act No. 6 of 1964 Came into force on 22-09-1964. (First published, after having received the assent of the Governor in the "Gujarat Government Gazette" on the 26th February, 1964.) An Act to consolidate and amend the law regulating the qualifications, and providing for registration, of practitioners of the Ayurvedic and Unani systems of medicine and making certain provisions relating to medical practitioners generally, in the State of Gujarat It is hereby enacted in the Fourteenth Year of the Republic of India as follows:-

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

(1) This Act may be called the Gujarat Medical Practitioners' Act, 1964. (2) It extends to the whole of the State of Gujarat. (3) It shall come into force on such date as the State Government may, by notification in the Official Gazette, appoint.

### 2. Definitions.

- In this Act, unless the context otherwise requires-(a) "appointed day" means the date on which this Act comes into force; (b) "Ayurvedic system of medicine" or "Ayurvedic system" means the Ashtang Ayurvedic system of medicine, whether supplemented or not by such modern advances as are consistent with the fundamental principles of Ayurveda [\*\*\*] [The words 'as the Faculty may from time to time have determined' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] (c) "Board" means the Gujarat Board of Ayurvedic and Unani Systems of Medicine established and constituted under this Act; [\*\*\*] [Clauses (d) and (e) deleted by Gujarat 40 of 1965, dated 31st December, 1965.] (f) "enlisted practitioner" means a practitioner whose name is for the time being entered in the list; [\*\*\*] [Clause (g) deleted by Gujarat 40 of 1965, dated 31st December, 1965.] (h) "Homoeopathy" means the system of medicine founded by Dr. Samuel Hahnemann which includes the Biochemic therapy as propounded by Dr. Schussler and the expression "Homoeopathic" shall be construed accordingly; [\*\*\*] [Clause (i) deleted by Gujarat 40 of 1965, dated 31st December, 1965.] (j) "list",

except in the expression "periodical list", means the list of practitioners prepared and maintained under section 18;(k)"member" means a member of the Board [\*\*\*] [The words 'or the Faculty, as the case may be' deleted by Gujarat 40 of 1965, dated 31st December, 1965.];(l)"prescribed" means prescribed by rules made under this Act;(m)"President" means the President of the Board;[\*\*\*] [Clause (n) deleted by Gujarat 40 of 1965, dated 31st December, 1965.](o)"recognised qualification" means any of the qualifications specified in the Schedule;(p)"register", means the register of practitioners prepared and maintained under section 17;(q)"registered practitioner" means a practitioner whose name is for the time being entered in the register;(r)"Registrar" means the Registrar appointed under section 16;(s)"rules" means rules made under section 37;(t)"Schedule" means the Schedule appended to this Act;(u)"State" means the State of Gujarat;(v)"Unani system of medicine" or "Unani system" means the "Unani system" of medicine;[\*\*\*] [Clause (w) deleted by Gujarat 40 of 1965, dated 31st December, 1965.](2)The expression "to practise any system of medicine" with all its grammatical variations and cognate expressions means to hold oneself out as being able to diagnose, treat, operate or prescribe medicine or any other remedy or to give medicine for any ailment, disease, injury, pain, deformity or physical condition or by any advertisement, demonstration, exhibition or teaching to offer or under-take by any means or method whatsoever to diagnose, treat, operate or prescribe medicine or any other remedy or to give medicine for any ailment, disease, injury, pain, deformity or physical condition:Provided that, a person who,(i)mechanically fits or sells lenses, artificial eyes, limbs or other apparatus or. appliances; or(ii)is engaged in the mechanical examination of eyes for the purpose of constructing or adjusting spectacles, eye-glasses or lenses; or(iii)practises physio-therapy or electro-therapy or chiropody or naturopathy or hydropathy or yogic healing; or(iv)without personal gain furnishes medical treatment or does domestic administration of family remedies; or(v)being registered under the Dentists Act, 1948, limits his practice to the art of dentistry; or(vi)being a nurse, midwife or health visitor .registered or enlisted under the Bombay Nurses, Midwives and Health Visitors Act, 1954, or any other corresponding law for the time being in force in the State, or a Dai, attends on a case of labour, shall not be deemed on that account only to practise any system of medicine.Explanation. - In this sub-section-(i)"advertisement" includes any word, letter, notice, circular, picture, illustration, model, sign, placard, board or other document and any announcement made orally or by any means of producing or transmitting light, sound, smoke, or other audible or visible representation; and(ii)"physio-therapy" means treatment of any ailment, disease, injury, pain, deformity or physical condition by massage or other physical means, but does not include bone-setting.

## Chapter II

### **Constitution, Functions and Powers of the Board [\*\*\*] [The words 'And The Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.]**

### 3. Constitution and incorporation of Board.

(1) With effect from such date as the State Government may, by notification in the Official Gazette, notify, there shall be established for the purposes of this Act, a Board to be called "The Gujarat Board of Ayurvedic and Unani Systems of Medicine". The Board shall be a body corporate and have perpetual succession and a common seal, and may by the said name sue and be sued, and shall be competent to acquire and hold property, both moveable and immovable, and to contract and do all things necessary for the purposes of this Act. (2) The Board shall consist of eleven members including the President, and shall be constituted in the following manner, namely:—(a) four members shall be nominated by the State Government, out of whom at least three shall be registered practitioners; (b) seven members shall be elected by the registered practitioners as follows, that is to say,—(i) three members shall be elected by registered practitioners who hold any of the recognised qualifications, from amongst themselves, and (ii) four members shall be elected by the remaining registered practitioners, from amongst themselves: Provided that, at the end of the expiration of every five years from the date of commencement of this Act, the State Government may, by order, so divide the number of members to be elected under paragraphs (i) and (ii) amongst the registered practitioners who hold any of the recognised qualifications, and the remaining registered practitioners, as to be as near as possible in proportion to their numbers on the register at that time, so however that the total number of members elected under paragraphs (i) and (ii) shall remain seven: Provided further that, any such order shall not affect the constitution of the Board which may be functioning at such time but shall apply to the Board to be constituted next thereafter. (3) If at any election, the electors fail to elect the requisite number of members to the Board, the State Government shall nominate such registered practitioners as it deems fit, to fill the vacancies which remain unfilled after the election, and the practitioners so nominated shall be deemed to have been duly elected under sub-section (2). (4) The President of the Board shall be elected by the members from amongst themselves. (5) The election of members of the Board under this section shall be held at such time, and at such place, and in such manner as may be prescribed. (6) Notwithstanding anything contained in the foregoing provisions of this section,—(i) in respect of the constitution of the Board for the first time under this Act, the President and members thereof shall be nominated by the State Government; (ii) the President and other members so nominated shall hold office for such period not exceeding three years in the aggregate as the State Government may, by notification in the Official Gazette, specify.

### 4. [ [Section 4 deleted by Gujarat 40 of 1965, dated 31st December, 1965.]

\*\*\*]

### 5. Term of office.

(1) The State Government shall, as soon as possible after the election held under [section 3] [Substituted for 'sections 3 and 4' by Gujarat 40 of 1965, dated 31st December, 1965.], by notification in the Official Gazette, publish the names of the President, [\*] **[The words 'the Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.], and the members of the Board [\*]** [The words 'and of the Faculty' deleted by Gujarat 40 of 1965, dated

31st December, 1965.](2)Except in the case of the constitution of the Board [\*] **[The words 'and the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] for the first time, the President** [\*] [The words 'and the Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] shall hold office for such period as the State Government may specify in the notification published under sub-section (1), provided that, such period shall not exceed the term of office of such President or Chairman as a member under sub-section (3). The term shall commence from the date of the notification published under subsection (1).(3)Except in the case of the constitution of the Board [\*\*\*] [The words 'and the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] for the first time, -(a)[subject to the provision of clause (b), the term of office of a member of the Board] [Substituted for 'the term of office of a member of the Board, whether elected or nominated' by Gujarat 1 of 1999, dated 9th March, 1999.], shall be a period of five years commencing from the date of the notification published under sub-section (1);[b the members nominated under clause (a) of sub-section (2) of section 3 shall hold office during the pleasure of the State Government.] [Clause (b) inserted by Gujarat 1 of 1999, dated 9th March, 1999.](4)Notwithstanding anything contained in sub-section (3), the State Government may, by notification in the Official Gazette, extend from time to time the term of office of the members of the Board for a further period not exceeding two years in the aggregate.(5)The term of an outgoing President, [\*] **[The word 'Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] or member shall, notwithstanding anything contained in sub-section (6) of section 3,** [\*] [The words, brackets and figures 'sub-section (6) of section 4' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] and sub-sections (2) and (3) of this section be deemed to extend to, and expire with, the day immediately preceding the day on which the name of the successor of such President, [\*\*\*] [The word 'Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.], or member is published under sub-section (1).(6)An outgoing member shall be eligible for re-election or re-nomination.

## 6. Casual vacancies.

(1)Any casual vacancy, previous to the expiry of the term in the office of the President [\*\*\*] [The words 'or the Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] or a member nominated by the State Government due to his death, resignation, removal, disability or disqualification or any other reason, shall be filled by nomination by the State Government(2)Any such vacancy in the office of a member of the Board elected by registered practitioners, shall be filled by the State Government by nomination of a person from a panel of three registered practitioners recommended by the Board:Provided that if the Board fails to make a recommendation, under this sub-section, within such time as the State Government may fix, the State Government may appoint any registered practitioner to fill the vacancy.[\*\*\*] [Sub-section (3) deleted by Gujarat 40 of 1965, dated 31st December, 1965.](4)Any person nominated under sub-section (1) or (2) [\*\*\*] [The words, brackets and figures 'or elected under sub-section (3)' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] to fill a vacancy shall, notwithstanding anything contained in section 5, hold office only so long as the person in whose place he is nominated or elected would have held office, had the vacancy not occurred.

## 7. Resignation.

(1)An elected member may at any time resign his office by notice in writing to the President [\*] **[The words 'or the Chairman, as the case may be' deleted by Gujarat 40 of 1965, dated 31st December, 1965.]. A nominated member may at any time resign his office by a notice in writing to the State Government. Such resignation shall take effect from the date on which the, resignation is accepted by the President [\*]** [The words 'or the Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] or the State Government, as the case may be.(2)The President [\*\*\*] [The words 'or the Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] may at any time resign his office by a notice in writing to the State Government. The resignation shall take effect from the date on which such resignation is accepted by the State Government.

## 8. Disqualification, disability and removal from office.

(1)No person-(a)who is an undischarged insolvent;(b)who has been adjudged to be of unsound mind by a competent court;(c)whose name has been removed from the register; or(d)who is a full time officer or servant of the Board [\*\*\*] [The words 'or the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.], shall be eligible to be elected or nominated or to continue as a member.(2)If any member-(a)absents himself from three consecutive- meetings of the Board [\*] **[The words 'or the Faculty, as the case may be' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] without such reasons as may, in the opinion of the State Government, in the case of the President [\*]** [The words 'and the Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] and in the opinion of the Board [\*\*\*] [The words 'or the Faculty, as the case may be' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] in the case of any other member thereof, be sufficient; or(b)becomes, or is found to be, subject to any of the disqualifications specified in sub-section (1),the State Government shall declare his office to be vacant.(3)The State Government may, on the recommendation of the Board [\*] **[The words 'or the Faculty, as the case may be' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] supported by at least two-thirds of the total number of members of the Board [\*]** [The words 'or Faculty, as the case may be' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] remove from office as a member any member elected or nominated under this Act, if such member has been guilty of misconduct in the discharge of his duties as a member, or of any disgraceful conduct, or has become incapable of performing his duties as a member:Provided that, no resolution recommending the removal of any member shall be passed by the Board [\*\*\*] [The words 'or the Faculty, as the case may be' deleted by Gujarat 40 of 1965, dated 31SI December, 1965.] unless the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.(4)The State Government may remove from office the President [\*] **[The words 'or the Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] if he has been guilty of misconduct in the discharge of his duties under this Act, or of any disgraceful conduct, or has become incapable of performing his duties as the President [\*]** [The words 'or the Chairman, as the case may be' deleted by Gujarat 40 of 1965, dated 31st December, 1965.]:Provided that, no such action shall be taken unless the President [\*\*\*] [The words 'or, as the case may be, the Chairman' deleted by Gujarat 40 of 1965, dated 31st

December, 1965.] is given a reasonable opportunity of showing cause why he should not be removed from office.

## **9. Meetings of Board [\*\*\*] [The words 'and Faculty, as the case may be' deleted by Gujarat 40 of 1965, dated 31st December, 1965.].**

(1)The meetings of the Board [\*\*\*] [The words 'and the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] shall be convened, held and meetings conducted in the prescribed manner.(2)The President shall preside at meetings of the Board [\*] **[The words 'and the Chairman at meetings of the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.].If the President** [\*] [The words 'or Chairman, as the case may be' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] be absent, the members present at the meeting shall elect from amongst themselves one member to preside at the meeting.(3)All questions at a meeting of the Board [\*\*\*] [The words 'or the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] shall be decided by a majority of the votes of the members present and voting at the meeting.(4)The presiding authority at a meeting shall have and exercise a second or a casting vote in the case of an equality of votes.(5)Five members of the Board including the President, [\*] **[The words 'and five members of the Faculty including the Chairman, as the case may be' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] shall form a quorum. When a quorum is required but not present, the presiding authority shall, after waiting for not less than twenty minutes for such quorum, adjourn the meeting to such hour on some future day as he may notify on the notice board at the office of the Board** [\*] [The words 'or the Faculty, as the case may be' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting, and may be disposed of at such meeting or any subsequent adjournment thereof, whether there be a quorum present or not.

## **10. Proceedings of meetings and validity of acts.**

(1)The proceedings of the discussion of every meeting of the Board [\*] **[The words 'and the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] shall be treated as confidential and no person shall, without the previous permission of the Board** [\*] [The words 'or the Faculty, as the case may be' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] disclose any portion thereof:Provided that nothing in this section shall be deemed to prohibit any person from disclosing or publishing the text of any resolution adopted by the Board [\*\*\*] [The words 'or, as the case may be, Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] unless the Board or, as the case may be, the Faculty directs such resolution also to be treated as confidential.(2)No disqualification of, or defect in the election, nomination or appointment of, any person as a member, or as the President, [\*] **[The words 'or as the Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] or as a presiding authority of a meeting, shall of itself be deemed to vitiate any act or proceeding of the Board,** [\*] [The words 'or, as the case may be, the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] in which such person has taken part, whenever the majority of persons party to such act or

proceedings were entitled to vote.(3)During any vacancy in the Board [\*\*\*] [The words 'or the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] the continuing members may act, as if no vacancy had occurred, unless the number of vacancies exceeds four in number.

## **11. Fees and allowances to President, [\*\*\*] [The word 'Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] and members.**

- There shall be paid to the President, [\*\*\*] [The words 'the Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] and other members such fees and allowances for attendance at meetings and such reasonable travelling allowances as shall from time to time be prescribed.

## **12. Income and expenditure of Board.**

(1)The income of the Board shall consist of-(a)fees received from practitioners;(b)grants received from the State Government, if any; and(c)any other sums received by the Board.(2)It shall be competent for the Board to incur expenditure for the following purposes, namely:-(a)salaries and allowances of the Registrar and the other staff maintained by the Board;(b)fees and allowances paid to the members of the Board;(c)such other expenses as are necessary for performing its duties and functions under this Act.

## **13.**

[\*\*\*] [Section 13 deleted by Gujarat 40 of 1965, dated 31st December, 1965.]

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

- Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers and functions of the Board shall be-(a)to maintain the register, the list and to provide for the registration and of enlistment of practitioners;(b)to hear and decide appeals from any decision of the Registrar;(c)to prescribe a code of ethics for regulating the professional conduct of registered and enlisted practitioners;(d)to reprimand a registered or an enlisted practitioner, to suspend or remove him from the register or 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;(e)to exercise such other powers and perform such other duties and functions, as are laid down in this Act, or may be prescribed.

## **15.**

[\*\*\*] [Section 15 deleted by Gujarat 40 of 1965, dated 31st December, 1965.]

## **16. Registrar and other employees of Board [\*\*\*] [The words 'and Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965].**

(1)The Board shall, with the previous approval of the State Government, appoint a Registrar. The Registrar shall be paid the prescribed salary and allowances. The Board may from time to time grant him leave and may appoint a person to act in his place and shall forthwith report any appointment so made to the State Government. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all the purposes of this Act:Provided that where the period of leave to be granted to the Registrar does not exceed one month the President may grant such leave.(2)The Registrar shall be the Secretary and the executive officer of the Board and of the Faculty and he shall attend all meetings of the Board [\*\*\*] [The words 'and of the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.](3)No order suspending, dismissing or removing the Registrar from office or imposing any other penalty upon him shall be passed by the Board without the previous approval of the State Government.(4)The Board [\*\*\*] [The words 'and the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] may, from time to time, appoint such other officers and servants as may be deemed necessary for carrying out their duties and performing their functions under this Act:Provided that the number and designation of such officers and servants, and their salaries and allowances shall be subject to the previous approval of the State Government.XLV (5) 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 (XLV of 11860) of the Indian Penal Code

## **Chapter III**

### **Registration and Enlistment**

#### **17. Preparation of register.**

(1)As soon as may be after the appointed day, the Registrar shall prepare and maintain thereafter a register of Ayurvedic and Unani practitioners for the State, in accordance with the provisions of this Act.(2)The register shall be in the prescribed form and there shall be one register consisting of two parts. Part I shall include the names of registered practitioners possessing any of the recognised qualifications and Part II shall include the names of registered practitioners other than those included in Part I.(3)Every person who possesses any of the qualifications specified in the Schedule shall, at any time on an application made in the prescribed form to the Registrar and on payment of a fee of ten rupees, be entitled to have his name entered in the register.(4)Notwithstanding anything contained in sub-section (3) the name of every person who on the day immediately preceding the appointed day stood registered in any register kept under the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938) in its application to the Bombay area of the State or the said Act as adapted and applied to the Saurashtra area of the State or under any other corresponding law shall be entered in the register prepared under this Act without such person being required to make an application or to pay any fee.(5)[ Any person not being a person qualified for registration under sub-section (3) or (4) who proves to the satisfaction of the Committee appointed under sub-section (8) that he had been regularly practising the Ayurvedic or Unani system of medicine-(i)in the Bombay area of the State of Gujarat on the 4th November 1941 but his name was not entered in the



register maintained under the Bombay Medical Practitioners Act, 1938 (Bombay XXVI of 1938); or(ii)in the Saurashtra area of the State of Gujarat on the 1st November 1951 but his name was not entered in the register maintained under the Bombay Medical Practitioners Act, 1938 (Bombay XXVI of 1938) as adapted and applied to the said area, shall, on an application made in the prescribed form within a period of four years from the appointed day and accompanied by a fee of ten rupees and the prescribed documents, be entitled to have his name entered in the register.](6)Any person not being a person qualified for registration under sub-section (3) or (4) who proves to the satisfaction of the Committee appointed under sub-section (8),-(a)that he has been regularly practising the Ayurvedic or Unani system of medicine in a merged territory or a merged area from a period of not less than ten years before the 1st May 1956, or(b)that he has been regularly practising the Ayurvedic or Unani system of medicine in the hutch area of the State for a period of not less than ten years before the appointed clay, shall, on an application made in the prescribed form within a period of one year from the appointed day and accompanied by a fee of ten rupees and the prescribed documents be entitled to have his name entered in the register.Explanation: - In this sub-section,(1)the expression "merged territory" means the area of a merged State as defined in the Bombay Merged States (Laws) Act, 1950 (Bombay IV of 1950) and included in the Bum. State of Gujarat from the 1st May 1960, and(2)the expression "merged area" means any area included in the then existing province of Bombay by the Bombay (Enlargement of Area and Alteration of Boundaries) Order, 1947 or the Bombay (Enlargement of Area and Alteration of Boundaries) Order. 1948 or as the case may be the Bombay Enlargement of Area and Alteration of Boundaries) (Amendment) Order, 1948 and included in the State of Gujarat from the 1st May 1960.(7)Any person, not being a person qualified for registration under sub-section (3), (4) or (6) who proves to the satisfaction of the Committee appointed under sub-section (8)- (a)that he has been regularly practising the Ayurvedic or Unani system of medicine for a period of not less than ten years immediately before the appointed day and that his name continued to be included in the list kept under section 18 of the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938) in its application to the Bombay area of the State or of the said Act as adapted and applied to the Saurashtra area of the State for the period as aforesaid, or(b)that he has been regularly practising the Ayurvedic or Unani system of medicine as an enlisted practitioner, and-(i)that he has been practising that system as such practitioner for not less than ten years, in any part of the State, or(ii)that the aggregate of the period for which he has been regularly practising that system as such practitioner and the period for which he had been in regular practice of that system immediately before his name was entered in the list prepared under this Act, by virtue of his name having been entered in the list kept under section 18 of the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938) in its application to the Bombay area of the State or of the said Act as adapted and applied to the Saurashtra area of the State, in any part of the State, is not less than ten years, shall, on an application made in the prescribed form and accompanied by the prescribed fee and the prescribed documents, be entitled to have his name entered in the register.(8)All applications for registration under sub-section (5), (6) or (7) shall be considered by a Committee of three members of the Board appointed by the State Government. The Committee shall make inquiry in respect of such applications in the prescribed manner.(9)Any person aggrieved by a decision of the Committee appointed under sub-section (8) may, within a period of one month from the date on which such decision is communicated to him, on payment of a fee of Rs. 5 appeal to the appellate authority constituted by the State Government in this behalf. The appellate authority shall consist of a

Chairman who has for at least seven years held judicial office not lower in rank than that of a District Judge, one member elected by the Board, and the Director of Ayurved, Gujarat State. The decision of the appellate authority shall be final. Explanation. - In this sub-section the expression "District Judge" shall have the same meaning as is assigned to that expression in article 236 of the Constitution. (10) The register shall include the following particulars, namely:-(a) the full name and residential address of the registered practitioner; (b) the date of his admission to the register maintained under this Act; and if he be a person who was, on the day immediately preceding the appointed day, registered in a register kept under any of the laws referred to in subsection (4), the date of his admission to that register; (c) the qualifications specified in the Schedule possessed by him, if any, and the date on which he obtained each qualification and the authority which conferred or granted it; and (d) such further particulars as may be prescribed. (11) When the register is prepared in accordance with the foregoing provisions, the Registrar shall publish in the Official Gazette and such newspapers as the Board may select a notice stating that the register containing the names of practitioners entered therein up to the date specified in the notice has been prepared. (12) (a) Every registered practitioner shall be given a certificate of registration in the prescribed form. He shall display the certificate of registration in a conspicuous place in his dispensary, clinic or place of practice. (b) Such certificate shall be valid only till the name of the registered practitioner is not removed from the register.

## 18. Preparation of list.

(1) As soon as may be after the appointed day, the Registrar shall, in accordance with the provisions of this Act, prepare and maintain thereafter a list of persons not entitled to registration under section 17 or under the Bombay Medical Act, 1912 or the said Act as adapted and applied to the Saurashtra area of the State or any corresponding law for the time being in force in any part of the State but who have been practising any system of medicine other than the Homoeopathic system of medicine. (2) The list shall contain-(a) the name of every person who on the 1st May 1960 continued to be included in the list kept under section 18 of the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938) in its application to the Bombay area of the State or the said Act as adapted and applied to the Saurashtra area of the State and whose name is not entered in the register under sub-section (5), (6) or (7) of section 17; (b) the name of every person whose case is not covered by clause (a) but who makes an application to the Registrar in the prescribed form accompanied by a fee of Rs. 10 and the prescribed documents within a period of one year from the appointed day, and who proves to the satisfaction of the Committee appointed under sub-section (8) of section 17, that he has been practising regularly any system of medicine (other than Homoeopathic system of medicine), (a) in a merged territory or a merged area from a period of not less than five years before the 1st May 1956, or (b) in the Kutch area of the State for a period of not less than five years before the appointed day. Explanation. - For the purpose of paragraph (b) of this sub-section, the expressions "merged territory" and "merged area" shall have the meanings as assigned to them in subsection (6) of section 17. (3) The provisions of sub-sections (9) to (12) of section 17 shall apply mutatis mutandis to the list prepared under this section. (4) If the application of any person for registration under sub-section (5) or (6) or clause (a) of sub-section (7) of section 17 and the appeal, if any, under sub-section (9) of section 17 are rejected, but the Committee appointed under sub-section (8) of section 17 is satisfied that such person is entitled to have his name included in the

list, the Committee shall include the name of such person in the list without such person being required to make a fresh application or to pay any additional fee.

## **19. Persons not entitled to Registration enlistment.**

- Notwithstanding anything contained in sections 17 and 18, no person, whose name has been removed, whether before or after the coming into force of this Act, from any register or list kept under-(i)the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938) as in force in the Bombay area of the State;(ii)the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938) as adapted and applied to the Saurashtra area of the State; or(iii)any other law for the time being in force in India or any part thereof regulating the registration of practitioners of medicine.for infamous conduct in a professional respect shall be entitled to have his name entered in the register or the list, as the case may be, unless the Board, on sufficient cause being shown, directs his name to be entered therein on such conditions and on payment of such fees as may be prescribed.

## **20. Removal of names from register or list.**

(1)If a registered practitioner has been, after due inquiry held by the Board (or a Committee appointed by the Board for that purpose) in the prescribed manner found guilty of any misconduct by the Board, the Board may-(a)issue a letter of warning to such practitioner; or(b)direct the name of such practitioner either to be removed from the register for such period as may be specified in the direction, or to be removed from the register permanently.Explanation. - For the purposes of this section, "misconduct" shall mean-(i)a cognizable offence by a registered practitioner which involves moral turpitude, and for which he is convicted by a criminal court, or(ii)a cognizable offence by a registered practitioner subject to military law for which he is convicted under the Army Act, 1950 (Bombay CLVI of 1950); or(iii)any conduct which, in the opinion of the Board, is infamous in relation to the medical profession particularly under any code of ethics, if any, prescribed by the Board.(2)If the name of any such practitioner is entered in-(a)the register maintained under the Bombay Medical Act, 1912 (Bombay VI of 1912) or any corresponding law for the time being in force in any part of the State; or(b)the register or list maintained under any law for the time being in force in relation to the qualifications and registration of Homoeopathic practitioners in any part of the State.it shall be the duty of the Registrar to give intimation of such removal to the authority entitled to maintain the register or, as the case may be, the list.(3)If the name of a registered practitioner is also entered in the register or the list as the case may be maintained under any of the laws referred to in sub-section and it is removed from such register or list, the Board shall, if such removal comes to its notice, also remove his name from the register under this Act.(4)The Board may, on sufficient cause being shown, direct at any subsequent date that the name of a practitioner removed under sub-section (1) shall be re-entered in the register on such conditions and on payment of such fees, as may be prescribed,(5)The Board may, of its own motion, or on the application of any person, after due and proper enquiry 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.(6)In holding any inquiry under this section, the Board, or a Committee appointed by the Board, shall have the same powers as are vested in Civil Courts under the Code of Civil Procedure, 1908 (V of 1908), when trying a suit, in respect of the following matters,

namely:-(a)enforcing the attendance of any person, and examining him on oath;(b)compelling the production of documents; and(c)issuing of commissions for the examination of witnesses.(7)All inquiries under this section shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of Indian Penal Code (XLV of 1860),(8)(a)For the purpose of advising the Board or a Committee appointed by it, on any question of law arising in any inquiry under this section, there may in all such inquiries, be an assessor, who on the date of appointment is-(i)an Advocate enrolled under the Indian Bar Councils Act, 1926 (XXXVIII of 1926), or the Advocates Act, 1961 (XXV of 1961); or(ii)an attorney of a High Court.and has practised as an advocate or attorney for not less than ten years. 1961.(b)In every inquiry under this section, the advice to be tendered by an assessor to the Board or to the Committee, as the case may be, on any question of law, shall be tendered by him in the presence of the registered practitioner whose misconduct is under inquiry or the person representing him at the inquiry, and if the advice is tendered after the Board has begun to deliberate as to its findings, such practitioner or person shall be informed what advice the assessor has tendered. Such practitioner or person shall also be informed if in any case the Board does not accept the advice of the assessor on any such question as aforesaid.(c)Any assessor under this section may be appointed either generally, or for any particular inquiry or class of inquiries, and shall be paid such remuneration as may be-prescribed.(9)The provisions of sub-sections (1) to (8) shall apply mutatis mutandis to the practitioners included in the list.

## **21. Maintenance of register and list.**

(1)It shall be the duty of the Registrar to keep and maintain the register or, as the case may be, the list correctly, as far as possible, and from time to time to make and revise the entries therein and to issue the certificates of registration or enlistment and renewal slips, in accordance with the provisions of this Act and the rules, and the orders of the Board.(2)The names of registered practitioners or enlisted, practitioners who die or whose names are directed to be removed from the register or list under sub-section (1) or subsection (9) of section 20 shall be removed therefrom.(3)Any person whose name is entered in the register and who subsequent to his registration obtains any additional qualification which is specified in the Schedule, or desires any change in his name to be recorded in the register shall, on an application made in this behalf and on payment of such fee as may be prescribed, be entitled to have such qualification or change entered in the register.(4)For the purpose of this section, the Registrar may at anytime enquire of a registered practitioner or enlisted practitioner by writing to him a registered letter at the address which is entered in the register or list whether he has ceased to practise or has changed his residence, and if no answer is received within six months after the delivery of the letter to him, the Registrar may remove the name of such practitioner from the register or list, as the case may be. Such inquiry shall be made at least once not less than one year before the term of office of the members of the Board is due to expire.(5)A practitioner whose name is removed from the register or the list under subsection (4) may apply to the Registrar for re-entry of his name in the register or list stating the circumstances in which the letter addressed to him under sub-section (4) could not be replied by him and if after holding an inquiry the Registrar is satisfied that such practitioner has not ceased to practise he shall re-enter his name in the register or the list on payment by the practitioner of the prescribed fees to the Board.

## **22. Renewal fee.**

(1) On the expiry of a one year from the date of publication of the notice under sub-section (II) of section 17, and every five years thereafter, every registered practitioner shall be liable to apply to the Registrar and to pay to the Board the prescribed renewal fee for the continuance of his name on the register. (2) (a) If the renewal fee be paid on or before the due date, the Registrar shall issue to the registered practitioner a renewal slip in the prescribed form specifying the date upto which the validity of the certificate of registration has been extended. (b) If the renewal fee be not paid by the due date, the Registrar shall remove the name of the defaulting practitioner from the register. On such removal, the certificate of registration issued to the practitioner shall be deemed to have been cancelled: Provided that, the name so removed may be re-entered in the register on payment of the outstanding renewal fees, and such additional fee as may be prescribed. On receipt of such fees the Registrar shall issue a renewal slip as provided in clause (a). (3) The provisions of sub-sections (1) and (2) shall apply mutatis mutandis to the practitioners included in the list.

## **23. Publication of Periodical list of registered and enlisted practitioners.**

(1) At such time after the publication of the notice under sub-section (II) of section 17 as the Board deems fit, and thereafter at the prescribed intervals, the Registrar shall cause to be printed, and published a periodical list of all persons for the time being entered in the register and shall also publish such periodical list in the Official Gazette. (2) Except in a year in which a periodical list is published under sub-section (I), the Registrar shall cause to be printed and published annually on or before the prescribed date an addendum and a corrigendum to the periodical list published under sub-section (1) showing:—(a) the names of all persons for the time being entered or re-entered in the register, and not included in any subsisting periodical list already printed and published; and (b) the names of all practitioners included in any subsisting periodical list, whose names have since been removed on account of any reason whatsoever from and not re-entered in the register; and (c) any other amendments to the subsisting periodical list. (3) The form of the periodical list published under sub-section (1) the particulars to be included therein, and the manner of its publication, shall be such as may be prescribed. (4) A copy of the periodical list shall be evidence in all Courts, and in all judicial or quasi-judicial proceedings, that the persons therein specified are registered according to the provisions of this Act and the absence of the name of any person from such copy shall be evidence, until the contrary is proved, that such person is not registered according to the provisions of this Act: Provided that, in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the entry of the name of such person in the register shall be evidence that such person is registered under the list prepared and maintained under section 18. (5) The provisions of sub-sections (1) to (4) shall apply mutatis mutandis to the list prepared and maintained under section 18.

## **24. No refund of fees.**

(1) Fees paid under sections 17, 18, 20, 21 and 22 shall not be refunded.

## **25. Rights of registered practitioners.**

- Notwithstanding anything contained in any law for the time being in force-(i)the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing a person recognised by law as a medical practitioner or a member of the medical profession shall, in all Acts of the State Legislature in force in the State, and in all Central Acts (in their application to the State) in so far as such Acts relate to any matters specified in list II or list III in the Seventh Schedule to the Constitution of India; include a practitioner whose name is entered in the register under this Act;(ii)any certificate, required by or under any Act from any medical practitioner or medical officer shall be valid if such certificate has been signed by a registered practitioner;(iii)it shall be lawful for every registered or enlisted practitioner, to use in full after his name the words "Registered Medical Practitioner", or "Enlisted Medical Practitioner", as the case may be;(iv)every registered practitioner shall be exempt, if he so desires, from serving on an inquest;(v)a registered practitioner shall be eligible to hold any appointment as a physician, surgeon, or other medical officer in any Ayurvedic or Unani dispensary, hospital, infirmary or lying-in-hospital, supported by, or receiving a grant from, the State Government and treating patients according to the Ayurvedic and Unani systems of medicine or in any public establishment, body or institution dealing with such system of medicine.

## **Chapter IV**

### **[Recognition of Qualifications] [Heading substituted by Gujarat 40 of 1965, dated 31st December, 1965.]**

#### **26. to 28.**

[\*\*\*] [Sections 26, 27 and 28 deleted by Gujarat 40 of 1965, dated 31st December, 1965.]

## **29. Amendment of Schedule.**

(1)If it appears to the State Government [\*\*\*] [The words 'on the report of the Faculty or otherwise' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] that the courses of study and examinations prescribed by any university, body or institution conferring any degree, diploma, certificate or any other like award not entered in the Schedule, are such as to secure the possession by its recipient of the requisite knowledge and skill for the efficient practice of the Ayurvedic or Unani system of medicine including surgery, midwifery and gynaecology, the State Government may from time to time by notification in the Official Gazette amend the Schedule and include therein such degree, diploma, certificate or, as the case may be, award, subject to any conditions that may be specified in respect thereof.(2)Any university, body or institution desirous of the inclusion in the Schedule of any degree, diploma, certificate or award in the Ayurvedic or Unani system of medicine conferred by it, [may make an application in writing to the State Government in that behalf in the prescribed manner] [Substituted by Gujarat 40 of 1965, dated 31st December, 1965.](3)If it appears to the State Government [\*\*\*] [The words 'on the report of the Faculty or otherwise' deleted by

Gujarat 40 of 1965, dated 31st December, 1965.] on the report of the Faculty or otherwise that the course of study or examinations prescribed by any university, body or institution for any degree, diploma, certificate or award entered in the Schedule under this section are not such as to secure the maintenance of any adequate standard of proficiency for the practice of the Ayurvedic or Unani system of medicine, as the case may be including the practice of medicine, surgery, midwifery and gynaecologist it shall be lawful for the State Government at any time, by notification in the Official Gazette to remove any such degree, diploma, certificate or, as the case may be award from the Schedule:[Provided that before removing any degree, diploma, certificate or award from the Schedule, the State Government shall require the University, body or institution to take such steps and within such reasonable time as may be directed by the State Government, to bring the course of study or examinations for such degree, diploma or award to the required standard.] [Proviso substituted by Gujarat 40 of 1965, dated 31st December, 1965.]

## **Chapter V**

### **General Provisions Applicable to All Medical Practitioners**

#### **30. Prohibition of medical practice by persons not registered or enlisted.**

(1)Save as otherwise expressly provided in any special law for the time being in force, no person other than a medical practitioner whose name is entered in-(i)the register or the list maintained under this Act;(ii)the register or the list prepared and maintained under any law for the time being in force in relation to the qualifications and registration of Homoeopathic practitioners in any part of the State; or(iii)the register prepared and maintained under the Bombay Medical Act, 1912 (Bombay VI of 1912), the said Act as adapted and applied to the Saurashtra area of the State or any other corresponding law for the time being in force in any part of the State; or(iv)the Indian Medical Register prepared and maintained under the Indian Medical Council Act, 1956 (CII of 1956),shall practise any system of medicine in the State:Provided that, the State Government may by notification in the Official Gazette, direct that, subject to such conditions as it may deem fit to impose and the payment of such fees as may be prescribed, the Provisions of this section shall not apply to any class of persons, or to any areas as may be specified in such notification.(2)Any person who acts in contravention of the provisions of sub-section (1) shall, on conviction, be punished-(i)for a first offence with fine which may extend to five hundred rupees;(ii)for a second offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees; and(iii)for every subsequent offence, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees.

#### **31. Registered practitioners competent to give valid certificates or expert evidence.**

(1)Notwithstanding anything contained in any law for the time being in force, a birth or a death certificate, or a medical or fitness certificate, or any other give valid certificate required by any law to be signed or authenticated by a duly qualified practitioner, shall be valid only if it has been signed or authenticated by practitioner registered under-(i)this Act;(ii)the Bombay Medical Act, 1912

(Bombay VI of 1912), or the said Act as adapted and applied to the Saurashtra area of the State or any other corresponding law for time being in force in any part of the State;(iii)any law for the time being in force in relation to the qualifications and registration of Homoeopathic practitioners in any part of the State; or(iv)the Indian Medical Council, 1956 (CII of 1956)(2)No person other than a practitioner registered under any of the laws specified in sub-section (I) 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 on any matter relating to medicine, surgery or midwifery.

### **32. Conferring, granting or issuing colourable imitations of degrees, diplomas or licences to be an offence.**

(1)Save as otherwise expressly provided in any special law for the time being in force, no person other than-(a)a university established by law,\*\*\* [Clause (b) deleted by Gujarat 40 of 1965, dated 31st December, 1965.](c)an authority specified or notified under the Indian Medical Degrees Act, 1916 (VII of 1916),(d)an authority authorised under any law for the time being in force in relation to the qualifications and registration of Homoeopathic practitioners in any part of the State, or(e)an authority empowered or recognised as competent, by the State Government to confer, grant or issue any degree, diploma, licence; certificate or any other like award,shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or any other like award,(i)which states or implies that the holder, grantee or recipient thereof is qualified to practise any system of medicine, or(ii)which is identical with, or is a colourable imitation of, any degree, diploma, licence, certificate or award granted by a body or institution specified in clause (a), (b), (c), (d) or (e) of this sub-section.(2)Any person who contravenes the provisions of sub-section (1), and where any such contravention is committed by an association, every Member of such association who knowingly or wilfully authorises or permits the contravention; shall, on conviction, be punished-(i)for a first offence, with fine which may extend to one thousand rupees;(ii)for a subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees, or with both.

### **33. Prohibition against addition of any title, description, etc. to name of an person, unless authorised to do so.**

(1)No person shall add to his name any title, description, letters or abbreviations which imply that he holds a degree, diploma, licence, or certificate or any other like award as his qualification to practise any system of medicine, unless,(a)he actually holds such degree, diploma, licence or certificate or any other like award, and(b)such degree, diploma, licence or certificate or any other like award,(i)is recognised by any law for the time being in force in India or in any part thereof, or(ii)has been conferred, granted or issued by a body or institution referred to in sub-section (1) of section 32, or(iii)has been recognised by the Medical Council of India.(2)Any person who contravenes the provisions of sub-section (I) shall, subject to the provisions of any special law for the time being in force, be punished, on conviction,(i)for a first offence, with fine which may extend to five hundred rupees;(ii)for a subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees or with both.



### **34. Liberty to practise in rural areas.**

- Notwithstanding anything contained in this Chapter a person may, subject to the payment of such fees as may be prescribed, practise any system of medicine other than Homeopathy in any rural area-(a)if he has commenced practice in that system in any village in the said area prior to a date on which a practitioner registered under the Bombay Medical Act, 1912 (Bombay VI of 1912) or under the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938) (or any law corresponding thereto) for the time being, in force, has commenced, and is in regular practice in, medicine in that village, and(b)so long as he continues to so practise in that village place of practice.Explanation 1. - For the purposes of this section "rural area" means any local area, which was not within the limits of a municipal corporation, municipal borough, municipal district, cantonment or notified area:-(i)on the first day of March, 1939, if such local area forms part of the Bombay area of the State;(ii)on the first day of March, 1951, if such local area forms part of the Saurashtra area of the State; or(iii)on the 31st day of July 1949, if such local area forms part of the Kutch area of the State.Explanation 2. - The term "notified area" in Explanation 1 means a notified area declared under the Bombay District Municipal Act, 1901 (Bombay III of 1901) or the said Act as adapted and applied to Saurashtra area of the State.

### **35. Offences under Act to be cognisable.**

- All offences under this Act shall be cognizable.

### **36. Indemnity to persons acting under the Act.**

- No suit, prosecution or other legal proceeding 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 by-laws made thereunder.

## **Chapter VI**

## **Miscellaneous**

### **37. Rules.**

(1)The State Government, may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may be made:-(a)for the whole or any part of the State, and(b)to provide for all or any matters expressly required or allowed by this Act to be prescribed by rules.(3)All rules made under this section shall be laid for not less than thirty days before the State Legislature as soon as possible after they are made, and shall be subject to rescission by the State Legislature or to such modifications as the State Legislature may make during the session in which they are so laid, or the session immediately following.(4)Any rescission or modification so made by the State Legislature shall be published in the Official Gazette and shall

thereupon take effect.

### 38.

[\*\*\*] [Section 38 deleted by Gujarat 40 of 1965, dated 31st December, 1965.]

### 39. Control of State Government.

(1) If at any time it appears to the State Government that the Board [\*] **[The words 'or the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] or its President** [\*] [The words 'or Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] has failed to exercise or has exceeded or abused any of the powers conferred upon it or him by or under this Act, or has otherwise ceased to function, or has become incapable of functioning, the State Government may notify the particulars thereof to the Board [\*] **[The words 'or Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] or the President** [\*] [The words 'or the Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] as the case may be. If the Board [\*] **[The words 'or the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] or the President** [\*] [The words 'or the Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] fails to remedy such failure, excess or abuse within such reasonable time as the State Government may fix in this behalf, the State Government may [after giving the President, or the Board] [Substituted for 'after giving the President, Chairman, Board' by Gujarat 40 of 1965, dated 31st December, 1965.] [\*] **[The words 'or Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.], as the case may be, an opportunity to render an explanation, remove the President** [\*] [The words 'or the Chairman' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] or dissolve the Board [\*] **[The words 'or the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.], as the case may be, and cause all or any of the powers, duties and functions of the Board** [\*] [The words 'or the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] to be exercised and performed by such person or persons and for such period not exceeding one year as it may think fit, and shall take steps to constitute a new Board [\*\*\*] [The words 'or new Faculty, as the case may be' deleted by Gujarat 40 of 1965, dated 31st December, 1965.]. (2) Notwithstanding anything contained in this Act, or in the rules [\*] **[The words 'or by-laws' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] if at any time it appears to the State Government that the Board** [\*] [The words 'or the Faculty' deleted by Gujarat 40 of 1965, dated 31st December, 1965.] or any other authority empowered to exercise any of the powers or to perform any of the duties or functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person or persons, in such manner and for such period not exceeding six months and subject to such conditions, as it thinks fit.

## Chapter VII

### Repeal and Transitional Powers

## 40. Repeal and savings.

(1) Subject to the provisions of this Chapter, with effect on and from the date on which the Board is constituted under this Act, under sub-section (6) of section 3 (hereinafter referred to as "the specified date")-(a) the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938) in its application to the Bombay area of the State of Gujarat; (b) the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938) as adapted and applied to the Saurashtra area of the State; and (c) the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938) in its application to the Kutch area of the State; shall stand repealed. (2) With effect on and from the specified date-(a) the Board of Ayurvedic and Unani Systems of Medicine and the Faculty of Ayurvedic and Unani Systems of Medicine constituted for the Bombay area of the State under sub-section (2) of section 3C of the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938), and (b) the Board of Indian System of Medicine and the Faculty of Indian System of Medicine constituted under section 3 of the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938) as adapted and applied to the Saurashtra area of the State, shall stand dissolved and all the members thereof shall vacate office. (3) The register and the list kept or maintained or deemed to be kept and maintained-(a) (i) under the Bombay Medical Practitioners' Act 1938 (Bombay XXVI of 1938), in its application to the Bombay area of the State of Gujarat; or (ii) under the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938) as adapted and applied to the Saurashtra area of the State, and (b) in force immediately before the appointed day, shall be deemed to be the register and the list respectively under this Act, until the register and the list are prepared under section 17 or 18, as the case may be. (4) Any appointment, notification, rule, by-law, regulation, notice, order, form or instrument made, issued or given under any of the Acts repealed under sub-section (1) and subsisting immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the relevant provision: of this Act and continue in force unless and until superseded by any appointment, notification, rule, by-law, regulation, notice, order, form or instrument made, issued or given under this Act.

## 41. and 42.

[\*\*\*] [Sections 41 and 42 deleted by Gujarat 40 of 1965, dated 31st December, 1965.]

## 43. Provision regarding Registrar.

(1) The Registrar appointed-(a) under section 14 of the Bombay Medical Practitioner' Act, 1938 (Bombay XXVI of 1938) in its application to the Bombay area of the State; (b) under section 14 of the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938) as adapted and applied to the Saurashtra area of the State; and holding office immediately before the appointed day shall cease to hold office of Registrar on the appointed day. (2) The State Government may, by an order direct the absorption of any person who ceases to hold office of Registrar under sub-section (1) and who is not appointed as Registrar under section 16, in a suitable post under the Board or the Faculty or may direct the termination of the employment of such person. Until such order is issued by the State Government the person so ceasing to hold office under sub-section (1) shall be paid by the Board such pay and allowances as he was drawing immediately before the appointed day. Any such person

whose employment is terminated under this sub section shall be entitled to receive from the Board such leave, pension, gratuity or other retirement benefits as he would have been entitled to receive on being invalided out of service of the respective Board, and may receive such additional amount by way of compensation as the Board may with the sanction of the State Government determine.

#### **44. Vesting of rights, duties, etc.**

- Save as otherwise provided by or under this Act and unless there is anything repugnant in the subject or the context-(1)all rights of the Boards dissolved under sub-section (2) of section 40 (hereinafter in this section referred to as "the dissolved Boards") shall on the appointed day vest in the Board constituted under sub-section (6) of section 3 (hereinafter in this section referred to, as "the Board");(2)all the property, movable or immovable, which on the day immediately preceding the appointed day vested in the dissolved Boards shall subject to all limitations and conditions as were in force on that day, vest in the Board;(3)all sums due to the dissolved Boards on any account shall be recoverable by the Board which shall be competent to take any measure or institute any proceedings which it would have been open to the dissolved Boards to take or institute if this Act had not come into operation;(4)all debts, liabilities and obligations incurred by or on behalf of the dissolved Boards, immediately before the appointed day and subsisting on the said day, shall be deemed to have been incurred by the Board in exercise of the powers conferred on it by this Act and shall continue in operation accordingly;(5)all proceedings and matters pending before any authority or officer immediately before the appointed day under any of the Acts repealed under section 40 shall be deemed to be transferred to and continue before the corresponding authority under this Act competent to entertain such proceedings and matters;(6)all prosecutions instituted by or on behalf of or against any of the dissolved Boards and all suits and other legal proceedings instituted by or against any of the dissolved Boards or any officer of such Boards on behalf of the dissolved Boards, pending on the appointed day, shall be continued by or against the Board:(7)save as otherwise provided in section 43 in respect of the Registrar, all other officers and servants in the employ of the dissolved Boards immediately before the appointed day, officers and servants employed by the Board and shall, until provision is otherwise made in accordance, with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service or retirement benefits which they were entitled to or subject to on the appointed day:Provided that-(i)the service rendered by such officers and servants before the appointed day shall be deemed to be service rendered under the Board,(ii)if in the opinion of the Board, the services of any officer or servant are, not necessary or suitable to the requirements of service under it, it may, with the previous approval of the State Government, discontinue the services of any such officer or servant and any officer or servant whose services are so discontinued shall be entitled to receive from the Board such leave, pension, gratuity or other benefits as he would have, if this Act had not been passed, been entitled to receive on being invalided out of service of the respective dissolved Boards and may receive such additional amount by way of compensation as the Board may with the sanction of the State Government determine.(8)The provisions of clauses (1) to (7) shall mutatis mutandis apply to the Faculties dissolved under sub-section (2) of section 40 as if, in the said clauses, there had been substituted, for the words "the dissolved Boards" and the words "the Board", the words "the dissolved Faculties" and words "the Faculty of Ayurvedic and Unani Systems of Medicine", respectively in the application of the said clauses to the Faculties dissolved under sub-section (2) of section 40.The

Schedule(See Sections 2(c), [17, 21 and 29] [Substituted for '15, 17, 21, 29 and 41' by Gujarat 40 of 1965, dated 31st December, 1965.])Qualifications the possession of which entitles a person to registration

## Part A – Qualifications in the Ayurvedic system of Medicine, Shuddha Ayurvedic Courses

Sr. No.	Granting Authority	Qualification	Abbreviations for registration and conditionsfor registration, if any
1	2	3	4
1.	The Committee for Shuddha Ayurvedic Course appointed underBombay Government Resolution in Local Self Government and PublicHealth Department No. ADR-1253, dated the 17th September 1953.	Ayurved Pravin styled as such under Bombay GovernmentResolution in L. Section G. and P. H. D. No. BMP 1054-H, datedthe 12th July 1956 granted in 1957 and thereafter.	D. S. A. C. (Bombay).
2.	The Committee for Shuddha Ayurvedic Course forthe Gujarat State constituted under Gujarat GovernmentResolution, Local Self Government & Public Health DepartmentNo. SAC-1060-19845-B-III, dated the 28th September, 1960.	Ayurved Pravin styled as such under GujaratGovernment Resolution referred to in the preceding column.	D. S. A. C. (Gujarat)
3.	Post Graduate Training Centre in Ayurved,Jamnagar, constituted under Gujarat Government Notification,Health & Industries Department No. ADR. 1159/5024-B-IIIdated the 10th February 1961.	H. P. A. Certificate	H. P. A. (Jam).
4.	Rajkiya Sanskrit Maha Vidyalaya, Baroda State.	Ayurved-Visharad	-
5.	M. S. University, Baroda.	Ayurved-Visharad	-
6.	Board of Indian Medicine, Saurashtra.	Ayurved-Visharad	-

## Part B – Qualifications in the Unani system of medicine

Sr. No.	Granting Authority	Qualification	Abbreviations for registration and conditionsfor registration, if any
1	2	3	4

1.	Board of Indian Medicine, U.P.	Fazil-et-Tib; Bachelor of Medicine and Surgery.	F. M. B. S.
2.	Aligarh University, Aligarh.	Bachelor of Unani Medicine and Surgery.	B. U. M. S.
3.	Faculty of Ayurvedic and Unani systems of medicine constituted under the Bombay Medical Practitioners Act, 1938.	Mahire-Tib-o-Jarahat.	D. U. S. F.
4.	Board of Examiners in Unani.	Mahire-Tib-o-Jarahat.	M. T. J. (Bor.) (This qualification shall be a recognised qualification if granted in 1942 or 1943).
5.	Ayurvedic and Unani Tabibi College, Delhi.	1. Fazil-e-tib-o Jarahat	F. T. J. (Delhi).

## Part C – Qualifications in the Ayurvedic system of medicine with a course supplemented by modern advances with:---

(a) the Inter Science (B-group) examination as qualification for admission, or (b) the Matriculation or S.S.C. Examination or its equivalent examination as qualification for admission, provided the course is of a duration of six or more years.

Sr. No.	Granting Authority	Qualification	Abbreviations for registration and conditions for registration, if any
1.	Banaras Hindu Banaras.	1. Ayurvedacharya Medicines and Surgery	A. M. S. (Ben).
2.	Ayurvedacharya with Modern medicine & Surgery	A. M. M. S. (Ben).	
3.	Ayurvedacharya with Bachelor of Medicine and Surgery.	A. M. B. S. (Ben) (This qualification shall be recognised only when granted in or after 1952).	
2.	Faculty of Ayurvedic & Unani Systems of Medicine, Bombay, constituted under. Bombay Medical Practitioners Act, 1938.	Graduate of the Faculty of Ayurvedic Medicine	G. F. A. M. (Bombay) (This qualification shall be recognised only if granted in and after 1st January 1956).
3.	Faculty of Ayurvedic & Unani Systems of Medicine, Gujarat.	Graduate of the Faculty of Ayurvedic Medicine	G. F. A. M. (Gujarat)
4.	University of Poona.	Bachelor of Ayurvedic Medicines and Surgery.	B. A. M. S. (Poona).

5.	University of Gujarat.	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S. (Gujarat)
6.	Board of Indian Medicines, U.P.	Ayurvedacharya Bachelor of Medicine & Surgery.	A. M. B. S.
7.	Board of Ayurvedic & Unani System of Medicines, Delhi.	Ayurvedacharya. Dhanvantary.	B. I. M. S. (Delhi).

**Part D – Qualifications in the Ayurvedic system of medicine with course supplemented by modern advances with the Matriculation or S.S.C. Examination or its equivalent Examination as qualification for admission**

Sr. No.	Granting Authority	Qualification	Abbreviations for registration and conditions for registration, if any
1.	Faculty of Ayurvedic & Unani Systems of Medicines, Bombay constituted under the Bombay Medical Practitioners' Act, 1938.	Ayurved Visharad	D. A. S. F. (Bom).
2.	U.P. Ayurved Mahavidyalaya Patan (Baroda State)	Grihit Ayurveda Shastra	L.A.M. (Patan) (This qualification shall be recognised only when granted before 1942).
3.	Gurukul University, Kangri.	Ayurvedalankar.	A. L. (lung) (This qualification shall be recognised only when (a) granted after 1926 but before 1952. (b) granted after 1952 to students admitted by the University before June 1952).
4.	Board of Indian Medicine, U. P.	1. Diploma of Indigenous Medicine. 2. Diploma of Indigenous Medicine & Surgery. 3. Bachelor of Indian Medicine and Surgery.	D. I. M. D. I. M. S. B. I. M. S.
5.	Faculty of Ayurvedic & Unani Systems of Medicine, Gujarat.	1. Fellow of Indian Medicine. 2. Bhishagacharya Dhanvantary.	F. I. M. (Delhi). D. I. M. S. (Delhi).
6.			G. P. A. C.

- |    |   |  |                        |
|----|---|--|------------------------|
|    | Prabhuram Ayurved College,<br>Bombay.   | 1. Graduate of<br>Prabhuram Ayurved<br>College.<br><br>2. Licentiate of<br>Prabhuram Ayurved<br>College. | L. P. A. C.            |
| 7. | Vidarbha Board of Ayurvedic and<br>Unani System of Medicine<br>constituted under the Central<br>Provinces and Berar Ayurvedic and<br>Unani Practitioners Act, 1947 (C. P.<br>and Berar Act IV of 1948). | Bachelor of Ayurvedic<br>Medicine and Surgery.   | B.A.M. Section (Vid.). |
| 8. | Board of Indian Medicine,<br>Hyderabad (Deccan), constituted<br>under the rules made under the<br>Medical Act (Hyd. I of 1312 Fasli).   | Ayurved-Visharad of<br>the Government<br>Ayurvedic College<br>Hyderabad.                                 | A. V. B. (Hyd.)        |

[Sub-section (5) substituted by Gujarat 19 of 1966, dated 17th October 1966.]