

The M.P. Ayurvedic, Unani Tatha Prakritik Chikitsa Vyavasayi Rules, 1973

MADHYA PRADESH

India

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Rule

THE-M-P-AYURVEDIC-UNANI-TATHA-PRAKRITIK-CHIKITSA-VYAVASAYI RULES, 1973

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The M.P. Ayurvedic, Unani Tatha Prakritik Chikitsa Vyavasayi Rules, 1973Published vide Notification No. 10-2-73-4-17, dated 14th March, 1973In exercise of the powers conferred by Section 42 of the Madhya Pradesh Ayurvedic, Unani Tatha Prakritik Chikitsa Vyavasayi Adhiniyam, 1970 (No. 5 of 1971), the State Government hereby makes the following rules, the same having been previously published as required by sub-section (1) of the said Section, namely:-

Chapter I Preliminary

1. Short title.

- These rules may be called The Madhya Pradesh Ayurvedic, Unani Tatha Prakritik Chikitsa Vyavasayi Rules, 1973.

2. Definitions.

- In these rules, unless the context otherwise requires,-(a)"Act" means the Madhya Pradesh Ayurvedic, Unani Tatha Prakritik Chikitsa Vyavasayi Adhiniyam, 1970 (No. 5 of 1971);(b)"Returning Officer" means the Registrar appointed under sub-section (1) of Section 20 of the Act;(c)"Form" means a form appended to these rules;(d)"Director" means the Director of Health (Medical) Services, Madhya Pradesh;(e)the words and expressions used in the Act and not defined in these

rules shall have the meaning assigned to them in the Act.

Chapter II

Election to The Board

3. Election of the President.

(1)As soon as may be after the election and nomination of the members under Section 4 of the Act are completed, the Director shall fix the date, place and time for the election of the President and the Returning Officer shall thereupon issue a notice by Registered post to all the members accordingly to meet and elect the President.(2)The meeting for the election of the President shall be presided over by the Director.(3)At any time before 12 noon on the day so fixed any member may nominate another member for election by delivering to the Returning Officer a nomination paper signed by himself as proposer and by a third member as seconder and stating the name of the member nominated; and that the proposer has ascertained that such member is willing to serve as President if elected.(4)On the date fixed for election, the Director shall read out to the members, the names of the members nominated together with those of their proposers and seconders and if only one member has been so nominated, shall declare that member to be duly elected as the President and if more than one member have been so nominated the members shall proceed to elect the President by ballot.(5)Where more than two candidates have been nominated and at the first ballot no candidate obtains more votes than the aggregate votes obtained by the other candidate, the candidate who has obtained the smallest number of votes shall be excluded from the election and balloting shall proceed. The candidate obtaining the smallest number of votes at each ballot being excluded from the election until one candidate obtains more votes than the aggregate votes of the remaining candidates. The candidate who obtains more votes than those obtained by the remaining candidates or than the aggregate votes obtained by the remaining candidates, as the case may be, shall be declared to have been elected as President.(6)Whereas at any ballot any two or more candidates obtain an equal number of votes and one of them has to be excluded from the election, under sub-rule (5) the determination as between the candidates whose votes are equal of the candidate who is to be excluded shall be by drawing of lots.

4. Election of the Vice-President.

- The election of the Vice-President shall be held by the President on the date fixed by him and the procedure prescribed in Rule 3 shall mutatis mutandis apply for the election of the Vice-President.

5. Preparation of electoral rolls.

(1)For the purpose of election under Section 4 of the Act, the Returning Officer, shall prepare in each Revenue Commissioner's Division, an electoral roll in Form I containing the names of all registered practitioners residing or practising in the division. The electoral rolls so prepared shall be published in the "Madhya Pradesh Gazette" at least two months before the election together with a notice stating that any objection relating to entries in or omission from the said electoral roll be

preferred to the Returning Officer at his office on or before the date to be specified in the notice.(2)In the case of practitioner not residing in Madhya Pradesh his name shall be entered in the electoral roll of Revenue Commissioner's Division in which he originally practised.(3)No practitioner's name shall be included in the electoral rolls of more than one Revenue Commissioner's Division.

6. Hearing of objections.

- On or after the said date the Returning Officer shall consider the objections so received and revise the electoral rolls on the basis of the register of Vaidyas, Hakims and Prakritik Chikitsak maintained under the Act and shall publish in the "Madhya Pradesh Gazette" the final electoral rolls on or before the date fixed by the President for this purpose. These electoral rolls shall then be deemed to be final and conclusive.

7. Nominations.

(1)Any practitioner whose name is on the electoral rolls of a Revenue Commissioner's Division and who is not disqualified under Section 6 of the Act may be nominated as a candidate for election for the Revenue Commissioner's Division.(2)Such nomination shall be made by means of a nomination paper in Form II which shall be supplied by the Returning Officer to any elector who may apply for the same.(3)Every nomination paper shall be subscribed by two electors as proposer and seconder provided that no elector shall subscribe more nomination papers than one. Provided also that if more than one nomination paper are subscribed by the same elector the nomination paper first received by the Returning Officer shall, if otherwise in order, be held to be valid, and if more than one nomination papers signed by the same elector be received simultaneously by the Returning Officer, all of such nomination papers shall be held to be invalid.(4)On receipt of a nomination paper the Returning Officer shall forthwith endorse thereon the date and hour of receipt.

8. Deposit.

(1)At the time of delivery of a nomination paper, there shall be enclosed with the nomination paper a post Office money order receipt for Rupees 50 (Fifty) in favour of the Board, and no candidate shall be deemed to be duly nominated unless such receipt is enclosed with the nomination paper.(2)If a candidate by whom or on whose behalf the deposit has been made withdraws his candidature in the manner and within the time specified hereinafter or if the nomination of any such candidate is refused, the deposit shall be returned to the person by whom it was made, and if any candidate dies before the commencement of the poll, such deposit, if made by him, shall be returned to his legal representative or if not made by the candidate, shall be returned to his legal representative or if not made by the candidate, shall be returned to the person by whom it was made.(3)If a candidate by whom or on whose behalf the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled by him does not exceed $\frac{1}{8}$ (one eighth) of the total number of votes polled, the deposit shall be forfeited to the Board.(4)For the purpose of sub-rule (3) the number of votes polled shall be deemed to be the number of voting papers, other than rejected voting papers, counted.(5)The deposit made in respect of a candidate whether he is

elected or not shall, if it is not forfeited under sub-rule (3), be returned to the candidate or to the person who has made the deposit on his behalf, as the case may be, as soon as may be after the publication of the result of the election in the Gazette.

9. Rejection and scrutiny of nomination paper.

(1) Nomination papers which are not received by the Returning Officer in his office before 12 noon on the date fixed by the President for the purpose and notified in the Gazette shall be rejected. (2) Every candidate and his proposer and seconder may attend the office of the Returning Officer at the time and place fixed by the President for the purposes. (3) The Returning Officer shall then examine the nomination papers and may either of his own motion or on objection made, decide all questions which may arise as to the validity of any nomination and his decision on any question shall be final.

10. Procedure after scrutiny of nomination papers.

(1) If the number of duly nominated candidate from a Revenue Commissioner's Division is one, the Returning Officer shall forthwith declare such candidate to be elected. (2) If the number of such candidates exceeds one, the Returning Officer shall forthwith publish their names and addresses in the Gazette and shall further cause their names to be entered in voting papers in Form III. (3) Any candidate duly nominated may withdraw his candidature by sending to the Returning Officer a written and signed withdrawal letter not later than two clear days before the date appointed for the scrutiny and counting of votes and it shall not be permissible to him subsequently to cancel such withdrawal. (4) On receiving notice of such withdrawal the Returning Officer shall publish the fact of such withdrawal in Gazette. (5) If a candidate, who has been duly nominated and has not withdrawn his candidature in the manner and within the time specified in sub-rule (3), dies after the expiry of the time of submitting notice of withdrawal of candidature and before the commencement of the poll the Returning Officer shall upon being satisfied of the fact of the death of the candidate, declare that all proceedings with reference to the election shall be commenced new in all respect as if for a new election. (6) On or before such date as may be fixed by the President for the purpose, the Returning Officer shall send by registered post to each elector a voting paper in Form III signed by the Returning Officer : Provided that no election shall be invalidated by reason of the non-receipt by an elector, of his voting paper.

11. Voting.

(1) Every elector desirous of recording his vote shall send his voting paper by registered post to the Returning Officer at his office after recording his vote thereon in the manner prescribed therein : Provided that voting papers which are not received by the Returning Officer before 12 noon on the date fixed for the purpose by the President shall be rejected. (2) An elector who has inadvertently dealt with his voting paper in such a manner that it cannot properly be used as a voting paper, may, on delivering it to the Returning Officer and satisfying him of the inadvertence obtain another voting paper in place of the spoilt paper and the former shall together with its counterfoil, be marked as cancelled.

12. Placing voting papers in safe custody.

(1)After satisfying himself that the electors have affixed their signatures to the counterfoils, the Returning Officer shall tear off the counterfoils, and place them in safe custody pending disposal under Rule 16.(2)The Returning Officer shall at the time of scrutiny endorse "Rejected" on any voting paper which may be rejected on the ground that it does not comply with the instructions on the voting paper.

13. Scrutiny of voting papers.

(1)The Returning Officer shall scrutinise and count the votes at his office at 12 noon on the date fixed for the purpose by the President.(2)Every candidate may be present in person, or may send a representative duly authorised by him in writing to watch the process of counting.(3)The Returning Officer shall show the voting papers if requested but not the counterfoils, to the candidates or their representatives.(4)If any objection is made to any voting paper on the ground that it does not comply with the instructions therein or to the rejection by the Returning Officer of a voting paper, it shall be decided at once by Returning Officer whose decision shall be final.

14. Result of voting.

(1)Where the counting of votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.(2)Where an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such an additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

15. Retention of voting papers and their destruction.

- Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election and shall retain the same for a period of six months and thereafter cause them to be destroyed.

16. Publication of the names of elected candidates.

- The Returning Officer shall forthwith send the names of the elected candidates to the State Government to be published by them in the Gazette.

17. Power of Government to declare election to be void.

- The State Government may, of its own motion or on objection made, declare any election that has been held, to be void on account of any corrupt practice or other sufficient cause and may call on the electorate to make a fresh election. The decision of the State Government under this rule shall be

final.

18. Decision of the Government to be final.

- The decision of the State Government on any question that may arise as to the intention, construction or application of rules 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 shall be final.

Chapter III

Appeal

19. Particulars of appeal.

- An appeal to the Board, preferred under clause (b) of sub-section (2) of Section 19 of the Act, against the decision of the Registrar regarding the registration of any person or the making of any entry in the Register, shall be in writing and shall state the grounds on which the claim in the appeal is made together with the names of persons concerned, their qualification, the date on which and the authorities from which they were received, and other material particulars.

20. Appeal to be referred to a committee.

- On receipt of the appeal it shall be referred to a committee constituted from amongst the members of the Board for consideration and report.

21. Power of committee to call documents.

- The committee shall have power to call for the original degree, diploma or licence from the person concerned for inspection and also such other documentary or oral evidence as may be considered necessary by it.

22. Committee to report to the Board.

- On conclusion of its inquiry the committee shall make a report to the Board embodying such recommendations as it may think fit to make together with the reasons for the recommendations.

23. Submission of appeal-and report to the Board.

- The appeal, the committee's report on it and all other documents in connection with the cases shall be laid before the Board at its next meeting.

24. Date of hearing of appeal to be notified by the Board.

- The date on which the appeal is to be taken up by the Board shall be notified to the persons concerned. They shall also be allowed, if they so choose, to represent their case before the Board, either personally or by their legal representative.

Chapter IV Registrar

25. Qualification for appointment.

(1) For appointment on the post of Registrar, a degree from a recognised University shall be essential qualification but in addition a degree holder in Law shall be given preference for the appointment on this post. (2) Second essential qualification-A person qualified in an examination in Ayurveda from a recognised institution. (3) A minimum five years administrative experience under a Government or non-Government institution shall be essential for the post.

26. Scale of pay of Registrar.

(1) The scale of pay of the post of the Registrar shall be Rs. 275-275-300-15-405-EB-20-425-25-475. (2) The dearness and other allowances admissible in the case of similar posts under the State Government shall be applicable for this post also. (3) The benefit of dearness and other allowance granted, from time to time, by the State Government to its employees shall be admissible to the employees of the Board.

27. Appointment of Registrar.

(1) The Registrar shall be appointed by the Board from a panel of not less than 3 persons recommended by the committee constituted under sub-rule (2) provided that if the Board does not approve of any of the persons so recommended, or the person or persons approved by the Board out of those recommended by the committee are not willing to accept the appointment, the Board may call for fresh recommendations from such committee. (2) The committee shall consist of the President, Vice-President of the Board and one nominee of the State Government. (3) The committee shall call applications for the post after publication of an advertisement in the daily newspapers in accordance with the draft approved by it. The district employment officer will also be informed. (4) The convenor, with the approval of the Committee shall call candidates for interview on the date, time and place specified by him.

28. Condition of service.

(1) The appointment of the Registrar shall be made on two years probation and thereafter the Board shall either confirm him if satisfied with his work or extend the period of probation for a further

period of one year at a time provided the Board is not satisfied with his work it may terminate his services during the period of probation after giving a notice of one month or in lieu of the notice one month salary.(2)The services of the Registrar shall be non-pensionable and shall be governed by Contributory Provident Fund Scheme.(3)The Registrar shall be entitled for casual leave, earned leave and travelling allowance, etc., as admissible to Government servants of his category.(4)The superannuation age of the Registrar shall ordinarily be 55 years and thereafter he shall be retired. Provided that if the incumbent is physically fit an unanimous recommendation is made by the Board that his services are essential beyond 55 years, a resolution to this effect shall have to be passed by the Board and the extension can be granted with a condition that no extension shall, in no case be beyond 60 years of age.(5)For disciplinary matters against the Registrar the provisions of the Madhya Pradesh Civil Services (Classification, Control and Appeal) Rules, 1966 shall apply mutatis mutandis.

Chapter V

Registration of Practitioners

29. Form of register to be nominated by the Board.

- The form of the State Register of practitioners to be maintained by the Board under Section 24 of the Act, shall be in Form IV.

30. Verification of Register.

- The State Register of practitioners shall be verified by the President by affixing his signature.

31. Application for registration.

- The application for registration shall be in Form V and shall be accompanied by a copy, duly attested by Gazetted Officer, of the certificate, degree or diploma approved for registration in the Act. It may also enclose with it attested copies of such other certificates as the practitioner may wish to submit for consideration in deciding the application. The Registrar may also require the applicant to furnish such other certificates and testimonials, etc., as he may deem necessary. Original certificates, etc., shall not be enclosed with the application, but the Registrar may require any applicant to produce them.

32. Deposit of Fees.

(1)Any person applying for having his name entered in the State Register of practitioners for registration under sub-section (1) of Section 25 of the Act shall have to deposit Rs. 20 by money order alongwith the application.(2)A person whose name has been entered in the State Register of the practitioners and who has acquired a degree, diploma or other equal qualification in Ayurved, Unani or Naturopathy, he may register his additional qualification under Section 26 of the Act by

sending an application to the Registrar together with a fee of Rs. 5 by money order.(3)A person who desires his registration as a temporary clinic practitioner under Section 27 of the Act, may apply to the Registrar by enclosing a certificate of the concerning examination passed for the purpose. The Registrar on receipt of such application alongwith the certificate shall issue a temporary registration certificate.(4)In case of loss or destruction of the certificate of a registered practitioner, the person concerned may make an application to the Registrar with a fee of Rs. 5 duly certified by a Magistrate for the loss of certificate and another certificate shall be issued by the Registrar on his being so certified.

33. Change in address.

- Every practitioner shall be careful to see that he reports immediately to the Registrar if there is any change in his address and also reply to him of the communication received from the Registrar in this connection so that his correct address may properly be entered in the State Register of practitioners.

34. Publication of the State Register of practitioners.

- It shall be obligatory on the Registrar to get the State register of practitioners published in every five years provided that the first publication is made before hundred and twenty days of the expiry of three years from the date of the constitution of the Board. The Registrar shall along with blank papers, keep a copy of such printed list in which he shall make entry of any change or removal as required in that year.

35. Certificate of Registration.

- Every such person whose name has been entered into the State register of practitioners may make an application to Registrar in Form VI and shall be entitled to obtain the certificate of registration. The certificate shall be issued from the Board Office within 9 months from the date of the receipt of the application for registration. Instructions to the persons whose application has been rejected shall be given within 30 days from the date of order of rejection on their application.

36. Proof of Registration.

- The last edition of the register shall be the legal proof of register provided that in case of a person whose name has not been printed in the State register of practitioners and who can produce a copy duly signed by the Registrar that his name is registered in the Board office, the same shall be the proof of the fact that he is a registered person.

37. Application for inclusion in the practitioners list.

- Such persons who are desirous to include their names in the list of practitioners under sub-section (2) of Section 28 of the Act may apply to the Registrar in Form VII together with a fees of Rs. 50. The Registrar after being satisfied with the application shall include his name in the practitioners

list and intimate the same to the person concerned.

38. Registration of the practitioners of dissolved Board.

- All registered practitioners registered under any of the repealed Acts specified under Section 44 of the Act, if possess the requisite qualification on the date of establishment of the Board shall be given a certificate after their names have been registered under Rule 35 but before obtaining the certificate, old registration certificate shall have to be sent to the Registrar.

39. Removal of the practitioners name from the State Register of practitioners.

- Registrar shall arrange to publish in the largely circulated daily paper for the removal of registered practitioners name under sub-section (4) of Section 21 of the Act for the reasons given in writing and if no reply has been received from such practitioner within six months the Registrar shall remove his name from the Register of the practitioners.

Chapter VI Repeal

40. Repeal.

- All rules corresponding to these rules in force in any region of the State of Madhya Pradesh immediately before the commencement of these rules are hereby repealed :Provided that anything done or any action taken under any of the rules so repealed shall, unless such thing done or action taken is inconsistent with any of the provisions of these rules; be deemed to have been done or taken under the corresponding provisions of these rules. Form I[See Rule 5]Revenue Commissioner Division.....List of Registered Practitioners qualified to vote in the Revenue Commissioner Division.....under clause (c) of sub-section (1) of Section 4 of the Madhya Pradesh Ayurvedic, Unani and Prakritik Chikitsa Vyavasayi Adhiniyam, 1970

Serial No.	Registration number in case of persons qualified to vote	Name	Father's name	Address
(1)	(2)	(3)	(4)	(5)

I certified that all the persons whose names are entered in the above roll are qualified to vote under clause (c) of sub-section (1) of Section 4 of the Madhya Pradesh Ayurvedic, Unani and Prakritik Chikitsa Vyavasayi Adhiniyam, 1970. Date.....Returning Officer Form II[See Rule 7]Nomination Paper Election under clause (c) of sub-section (1) of Section 4 of the Madhya Pradesh Ayurvedic, Unani and Prakritik Chikitsa Vyavasayi Adhiniyam, 1970

Name of candidate	Father's name	Registration number and name of constituency for which	Address	Signature of proposer together with full name	Signature of seconder together with full name
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the nomination made		andRegistration number	andRegistration number
(1)	(2)	(3)	(4)
(1)	(2)	(3)	(4)

I hereby declare that I am the person about whom the above particulars in column (3) are given and that I agree to this nomination. (Signature) Candidate..... Returning Officer Note. - Nomination papers which are not received by the Returning Officer before 12 noon on the..... shall be invalid. Form III [See sub-rules (2) and (6) of Rule 19] Voting Paper Counterfoil Serial No. Serial No. Voting Paper One member is to be elected to the Board from the Revenue Commissioner's Division..... by the persons entered in the electoral roll under sub-section (1) of Section 4 of the Act.

I hereby declare that I am the person whose name appears in the electoral roll.	Serial number	Name of candidate duly nominated	Vote
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Signed..... Serial number on the roll..... Registration No..... Name of the Constituency.....
..... Returning Officer. Instructions

1. Each elector has one vote.

2. He shall vote by placing the mark X opposite the name of the candidate whom he prefers.

3. The voting paper shall be invalid if the mark X is placed opposite the names of more than one candidate or if the mark is so placed as to render it doubtful to which candidate it is intended to apply.

4. The elector shall sign the declaration on the counterfoil. Without such signature the voting paper shall be invalid.

5. If an elector fills in more than one voting paper, all votes recorded by him shall be invalid.

6. Voting papers shall be sent to the Returning Officer by registered post. Voting papers which are not received by the Returning Officer before 12 noon on the..... shall be rejected.

Form IV [See rule 29] Madhya Pradesh Ayurvedic, Unani Tatha Prakritik Chikitsa Board State Register of Practitioners

Serial No.	Name	Father's name	Qualifications and date when obtained	Fees
(1)	(2)	(3)	(4)	(5)

Age	Place of Practice	Date and place of registration	Signature of Registrar	Remarks
(6)	(7)	(8)	(9)	(10)

Form V[See Rule 31]Form of Application for registrationToThe RegistrarMadhya Pradesh Ayurvedic Tatha Unani ChikitsaPadhati Avam Prakritik Chikitsa Board,Bhopal.I have the honour to request that my name be registered in the state Register of Practitioners maintained for Ayurvedic, Unani and Naturopathy systems of practitioners and I may kindly be furnished with the certificate of registration.

2. The information necessary for registration is given below: -

Copies of diplomas, certificates and testimonials duly attested by a Gazetted Officer are enclosed herewith.

3. Rs. 20 as registration fee has been sent by money order under No.dated.....

1. Name

2. Father's name

3. Address

4. Date of birth and age on the date of presenting application.

5. Place of practice-

(a)Town or village(b)Post Office(c)District

6. Qualifications and date of obtaining them.

7. The name of college or institution from where he passed the examination.

8. Date on which applicant started practice.

It is certified that the above given information is true and I promise that I shall abide by the rules laid down by the Madhya Pradesh Ayurvedic Tatha Unani Chikitsa Padhati Avam Prakritik Chikitsa Board, from time to time, in respect of etiquette of practice to be observed as

practitioner.Date.....Signature of applicantForm VI[See Rule 35]Madhya Pradesh Ayurvedic Tatha Unani Chikitsa Padhati Avam Prakritik Chikitsa Board, Bhopal(Seal)Certificate of RegistrationCertificate No.

1. Name

2. Father's name

3. Address

4. Qualifications

5. Age

6. Place of practice

7. Date of registration

It is certified that this is a true copy of the entry of the above specified name in the State Register of practitioners maintained by the Madhya Pradesh Ayurvedic Tatha Unani Chikitsa Padhati Avam Prakritik Chikitsa Board, Bhopal.

Bhopal.....Dated..... RegistrarMadhya PradeshAyurvedicTatha Unani Chikitsa PadhatiAvam PrakritikChikitsaBoard, Bhopal.

Form VII[See Rule 37]Application for inclusion of name in the Practitioners listToThe Registrar,Madhya Pradesh Ayurvedic Tatha Unani ChikitsaPadhati Avam Prakritik Chikitsa Board, Bhopal.Dear Sir,I have the honour to request you to please enlist my name in the practitioner's list maintained by you and I may be informed of the same.

2. The information necessary for enlistment is being given below alongwith relevant copies of certificates duly certified by the Magistrate.

3. Rs. 50 being the enlistment fee has been remitted by money order No.....dated.....

(1)Name(2)Father's name(3)Address(4)Date of birth and age (on the date of submitting the application).(5)Place of practice-(a)City or Village(b)Post Office(c)District(6)Duration of practiceI solemnly affirm that I have never applied for registration or enlistment ever before, I have been practising at the above place for the last.....years.....Signature of applicant