

The Punjab State Faculty of Ayurvedic and Unani Systems of Medicine Act, 1963

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Act 38 of 1963

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The Punjab State Faculty of Ayurvedic and Unani Systems of Medicine Act, 1963 Punjab Act 38 of 1963. Statement of Objects and Reasons. - "The work relating to the holding of examinations as well as registration in the case of Ayurvedic and Unani Practitioners is now being done under the provisions of the East Punjab Ayurvedic and Unani Practitioners Act, 1949, and Pepsu Ayurvedic and Unani Practitioners Act, 2008 Bk. These Acts would stand repealed as soon as a unified Bill entitled "The Punjab Ayurvedic and Unani Practitioners Bill, 1963" which has already been introduced in the last session of the Punjab Legislature is enacted and enforced. Received the assent of the Governor of Punjab on the 12th October, 1963 and was first published in the Punjab Government Gazette Legislative Supplement, dated the 28th October, 1963. An Act to establish a Faculty in the State of Punjab in order to impart instruction, regulate the conduct of examinations, and confer degrees, diplomas and Certificates in the Ayurvedic System and Unani System of Medicine. Be it enacted by the Legislative of the State of Punjab in the Fourteenth Year of the Republic of India as follows :-

1. Short title and commencement.

(1) This Act may be called the Punjab State Faculty of Ayurvedic and Unani Systems of Medicine Act, 1963. (1A) [It extends to the States of Punjab and Haryana, as constituted under Punjab Reorganisation Act, 1966 (31 of 1966).] [Sub-section (1A) inserted by Government of India, S.O. No. 3711, dated 10th November, 1970.]. (2) It shall come into force on such date as the State Government may by notification appoint.

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)["Director of Ayurveda" means the Director of Ayurveda, Punjab or, as the case may be, the Director of Ayurveda Haryana and includes a Deputy Director of Ayurveda, an Assistant Director of Ayurveda and such other officer as the State Government of Punjab or Haryana may appoint for exercising the powers and performing the functions of the Director of Ayurveda under this Act and the rules made thereunder;] [Substituted by Government of India, S.O. No. 3711, dated 10th November, 1970.](b)["Faculty" means the Punjab State Faculty of Ayurvedic and Unani Systems of Medicine or the Haryana State Faculty of Ayurvedic and Unani Systems of Medicine;] [Substituted by Government of India, S.O. No. 3711, dated 10th November, 1970.](c)"Inspector" means an Inspector appointed by the Faculty under clause (j) of Section 12;(d)"qualifying examination" means an examination specified in sub-section (2) of section 15;(e)"recognized institution" means a teaching institution recognized by the Faculty of Indian Medicine, Punjab Government, Health Department, Notification No. HBII-24(15)-1961/3607, dated the 27th January, 1961, or a teaching institution recognized under Section 14;(f)"Secretary" means the Secretary of the Faculty appointed under sub-section (1) of section 13;(g)[all other words and expressions used but not defined in his Act shall, in relation to the State of Punjab, have the meanings assigned to them in the Punjab Ayurvedic and Unani Practitioners Act, 1963 (Punjab Act, 42 of 1963) and in relation to the State of Haryana have the meanings assigned to them in that Act as amended by the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Act, 1969 (Haryana Act No. 18 of 1969).] [Substituted by Government of India, S.O. No. 3711, dated 10th November, 1970.]

2A. [Construction of certain references in the Act. - In the application of this Act to the State of Haryana, any reference therein to any expression mentioned in column (1) of the Table below shall be construed as a reference to the corresponding expression mentioned in column (2) of the said Table.] [Substituted by Government of India, S.O. No. 3711, dated 10th November, 1970.]

| (1) | (2) |
|---|---|
| State Government | Government of the State of Haryana. |
| Punjab State Faculty of Ayurvedic and Unani Systems of Medicine | Haryana State Faculty of Ayurvedic and Unani Systems of Medicine. |
| Each House of the State Legislature | The Legislative Assembly. |
| Both Houses agree | The Legislative Assembly agrees. |
| Official Gazette | Official Gazette of the Government of Haryana. |

3. Establishment of the Faculty.

(1) With effect from such date as the State Government may, by notification, appoint, there shall be established for the purpose of this Act a Faculty to be known as "the Punjab State Faculty of

Ayurvedic and Unani Systems of Medicine".(2)The Faculty shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power, subject to the provisions of this Act, to acquire, hold and dispose of property, and to contract, and may by that name sue and be sued.(3)[* * *] [Sub-section (3) Government of India, S.O. No. 3711, dated 10th November, 1970.](4)[* * *] [Sub-section (4) omitted by ibid.]

3A. [Provision for Faculties in Punjab and Haryana. - (1) The Faculty established under section 3 and functioning and operating in the States of Punjab and Haryana, the Union Territory of Chandigarh and the part of the Union Territory of Himachal Pradesh to which this Act extends, immediately before the appointed day as defined in the Punjab State Faculty of Ayurvedic and Unani Systems of Medicine (Reconstitution and Reorganisation) Order, 1970, issued under Section 4 of the Inter-State Corporation Act, 1957 (Central Act 38 of 1957), shall, as from that date, stand dissolved and the members thereof shall, notwithstanding anything contained in section 7, cease to hold office as such members and a new Faculty shall be constituted by the State Government concerned for each of the States of Punjab and Haryana in accordance with sub-section (2).

(2)As from the date referred to in sub-section (1) -(a)the Punjab State Faculty of Ayurvedic and Unani Systems of Medicine shall consist of a Chairman who shall be the Director of Ayurveda, Punjab, or, if the post of Director is vacant, such other officer as the State Government, may, by notification, appoint, a Vice Chairman who shall be the Deputy Director or Assistant Director of Ayurveda and the following other members to be appointed by notification by the State Government, namely :-(i)two principal from the recognised institution in Ayurvedic System and Unani System;(ii)two members of the Board recommended by it; and(iii)Three registered practitioners whose names are entered or deemed to be entered in Part I of the Register, of whom one shall be a person practising the Unani System;(b)the Haryana State Faculty of Ayurvedic and Unani Systems of Medicine shall consist of a Chairman who shall be the Director, Health Services, Haryana, a Vice-Chairman who shall be the Deputy Director (Ayurveda), Haryana and the following other members to be appointed by notification by the State Government, namely :-(i)one Principal from the recognised institutions in Ayurvedic System and Unani System;(ii)one member of the Board recommended by it; and(iii)two registered practitioners whose names are entered or deemed to be entered in Part I, or the corresponding Part, of the Register, of whom one shall be a person practising the Unani System.]

4. Power of State Government to remove members of Faculty from office in certain cases.

- The State Government may remove from office any member of the Faculty who -(a)has been adjudged as an insolvent,(b)has been convicted of such offence involving moral turpitude as the

State Government may, by notification, specify, (c) has become physically or mentally incapable of acting as such member, (d) absents himself without sufficient cause from three consecutive ordinary meetings of the Faculty, (e) ceases to be principal of the institution, or member of the Board or ceases to be a registered practitioner, or (f) so abuses his position as to render his continuance in office detrimental to public interest.

5. Employees of the Faculty.

- Subject to the provisions of Section 13 and the rules made by the State Government in this behalf, the Faculty may, for the purpose of enabling it to efficiently perform its functions under this Act, appoint such number of persons as its employees as it may think fit and determine their remuneration and other conditions of service.

6. Vacancies etc. not to invalidate proceedings of the Faculty.

- No act done, or proceeding taken, under this Act by the Faculty shall be invalid merely on the grounds - (a) of any vacancy or defect in the constitution of the Faculty; or (b) of any defect or irregularity in the appointment of a person acting as a member thereof; or (c) of any defect or irregularity in such act or proceeding not affecting the merits of the case.

7. Term of office.

(1) The term of office of the members of the Faculty referred to in clauses (i), (ii) and (iii) of sub-section (3) of section 3 shall be five years to be computed from the date of publication of the notification : Provided that a person appointed to fill a casual vacancy shall hold office only so long as the member in whose place he is appointed would have held office if the vacancy had not occurred. (2) An outgoing member shall continue in office until the appointment of his successor has been notified and shall be eligible for re-appointment.

8. Resignation.

- Any member of the Faculty may at any time resign his office by letter addressed to the Chairman and the resignation shall take effect from the date it is accepted by the State Government.

9. Vacancies.

- When the office of a member of the Faculty becomes vacant by his death, resignation, removal or otherwise, the vacancy shall be filled in the same manner as is provided in Section 3.

10. Time and place of meeting of Faculty.

- The Faculty shall meet at such time and place and every meeting of the Faculty shall be convened and held in such manner as may be prescribed by regulations or rules, as the case may be, made

under this Act :Provided that until such regulations or rules are made, the Chairman shall be competent to convene and hold a meeting of the Faculty at such time and place and in such manner as he may deem expedient by letter addressed to each member.

11. Procedure at meetings of Faculty.

(1)The Chairman or, in his absence, the Vice-Chairman shall preside at every meeting of the Faculty and in the absence of both, the members present shall elect one of themselves to preside at the meeting.(2)All questions at a meeting of the Faculty shall be decided by the votes of the majority of the members present and voting.(3)Three members of the Faculty shall form the quorum.(4)At every meeting of the Faculty, the Chairman for the time being shall, in addition to his vote as a member of the Faculty, have a second or casting vote in case of equality of votes.

12. Powers and functions of the Faculty.

- Subject to the provisions of this Act, the powers and functions of the Faculty shall be -(a)to prescribe the course of training and the standard and subjects of qualifying examinations including the examinations prior to such qualifying examinations;(b)to hold qualifying examinations and other examination, to appoint examiners, to fix their fees and allowances and to declare the results of examinations;(c)to grant degrees, diplomas or certificates;(d)to award stipends, scholarships, medals, prizes and other rewards;(e)to recommend recognition to teaching institutions for the purpose of giving instruction in the Ayurvedic System or Unani System, or to recommend the cancellation of their recognition;(f)to prepare, publish and prescribe text-books and to publish statements of prescribed courses of study;(g)to found and maintain a library;(h)to recommend schemes for post-graduate training and research in the Ayurvedic System or Unani System;(i)to provide for the inspection of institutions giving instruction in Ayurvedic System or Unani System and to require such institutions to furnish such information as the Faculty may direct;(j)to appoint such Inspectors from amongst the practitioners entered in Part I of the Register as may be necessary for carrying out the provisions of this Act or the rules, regulations or bye-laws made thereunder;(k)to appoint any committee or board of studies as may be necessary and to lay down their constitution, duties and functions;(l)to exercise such other powers and perform such other functions as may be specified in this Act, or in the rules, regulations or bye-laws made thereunder, or as the State Government may be notified direct for carrying out the purposes of this Act.Explanation. - The committees or boards of studies referred to in clause (k) may have such persons as their members as are not members of the Faculty.

13. Secretary of the Faculty.

(1)The Faculty shall, with the previous approval of the State Government, appoint a Secretary who shall receive such salary and allowances and be subject to such conditions of service as may be prescribed by the rules made under this Act.(2)Subject to the provisions of this Act and any general or special order of the Faculty, it shall be the duty of the Secretary to arrange for, and to maintain, and to be responsible to the Faculty for, the efficient running of its office.

14. Recognition of institutions.

(1) Any teaching institution seeking recognition under this Act shall send an application to the Secretary and shall give full information in respect of the following matters, namely :-(a) the constitution and personnel of the managing body; (b) subjects and courses in which it gives or proposes to give instruction; (c) accommodation, equipment and the number of students for whom provision has been or is proposed to be made; (d) the strength of the staff, their salaries, qualifications and the research work done by them; (e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution. (2) The Secretary shall place the application before the Faculty and the Faculty may direct the Secretary to call for any further information which it may deem necessary and may also direct an inquiry to be made by a competent person or persons authorised by it in this behalf. (3) After recording the report of such inquiry and after making such further inquiry as may be necessary, the Faculty shall forward the application together with its report to the State Government stating its opinion whether the recognition asked for should or should not be granted. (4) The State Government may thereupon grant or refuse the recognition or may grant it subject to such conditions as it deems fit and the decision of the State Government shall be final.

15. Qualifying examination.

(1) The faculty shall by bye-laws prescribe the course of training and qualifying examinations including the examinations prior to qualifying examinations and may also provide by such bye-laws that instruction and examinations shall, as far as possible, be given or held in such languages as may be specified therein. (2) A qualifying examination shall be an examination in the Ayurvedic System or Unani System held by the Faculty for the purpose of granting a degree, diploma, or certificate in the Ayurvedic System or Unani System and such other examination for that purpose as the State Government may by notification direct : Provided that the students of the recognized institutions only shall be competent to appear in the examination. [15A. Temporary provisions in respect of holding examination. - Until the Faculty established for the State of Haryana under Section 3A intimates to the Faculty established for the State of Punjab under that Section that the former has made arrangements for holding the qualifying examinations which, immediately before the appointed day as defined in the Punjab State Faculty of Ayurvedic and Unani Systems of Medicine (Reconstitution and Reorganisation) Order, 1970, issued under Section 4 of the Inter-State Corporations Act, 1957 (Central Act 38 of 1957) were being held by the Punjab State Faculty of Ayurvedic and Unani Systems of Medicine, the Faculty established for the State of Punjab shall allow the students from recognised institutions situated in the State of Haryana to appear for the qualifying examination held by the Faculty established for the State of Punjab and the fees received from such students shall be paid to the Punjab State Faculty of Ayurvedic and Unani Systems of Medicine.] [Inserted by Government of India, S.O. No. 3711, dated 10th November, 1970.]

16. Conferring, granting or issuing degrees, diplomas or certificates by unauthorised institutions.

(1) No person or institution, other than the Faculty, shall confer, grant or issue or hold himself or itself out as entitled to confer, grant or issue any degree, diploma or certificate referred to in sub-section (2) of Section 15 or which is identical with or is a colourable imitation of any such degree, diploma or certificate. (2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to one thousand rupees. (3) Where an offence under this section has been committed by a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly: Provided that, nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence. (4) Notwithstanding anything contained in sub-section (3), where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly. Explanation. - For the purposes of this section. - (a) "company" means any body corporate and includes a firm or other association of individuals, and (b) "director" in relation to a firm is a partner in the firm.

17. Bye-Laws.

(1) The Faculty may, with the previous approval of the State Government, make bye-laws not inconsistent with this Act or the rules made thereunder for the following matters, namely: - (a) the course of study for training and qualifying and other examinations; (b) the language in which the examinations shall be conducted and instruction given; (c) the admission of students of recognised institutions; (d) the conditions under which students shall be admitted to degree, diploma, or certificate's course and to the qualifying examinations; (e) the conditions of appointment of examiners and the conduct of examinations; (f) the conditions for the recognition of teachers in recognised institutions; (g) the requirement for the recognition of teaching institutions; (h) such other matters as may be necessary for the exercise of powers and performance of functions to be exercised or performed by the Faculty under this Act. (2) All bye-laws shall be published in the official Gazette. (3) In submitting bye-laws for the approval of the State Government under this Section the Faculty shall send a copy of its proceedings relating to the passing of such bye-laws and shall state the number of its members representing the Ayurvedic System and Unani System, who voted for or against such bye-laws or did not vote in respect of such bye-laws. (4) In approving the said bye-laws, the State Government shall give due consideration to the opinion of the members of Ayurvedic System and Unani System as expressed in the proceedings. (5) The State Government may by notification and in consultation with the Faculty cancel any bye-law made under this section.

18. Rules.

(1)The State Government may, by notification and after previous publication, make rules to carry out the purposes of this Act.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters :-(a)the manner in which the meetings of the Faculty shall be convened and held;(b)the salary, allowances and other conditions of service of the Secretary;(c)the application of fees levied by the Faculty;(d)travelling and other allowances payable to members of the Faculty and their conditions of service;(e)the execution of instruments and mode of entering into contracts by or on behalf of the Faculty, and the proof of documents purporting to be executed, issued or signed by or on behalf of the Faculty;(f)the furtherance of any of the objects of this Act.(3)Every rule made under this Section shall be laid as soon as may be after it is made before [* * *] [The words 'each House of' omitted by the Adaptation of Punjab Laws Order, 1970] the State Legislative while it is in session for a total period of ten days, which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is laid or the session immediately following, [the legislature] [Substituted for the words 'both Houses' by the Adaptation of Punjab Laws Order, 1970] agree in making any modification in the rule or [the legislature] [Substituted for the words 'both Houses' by the Adaptation of Punjab Laws Order, 1970] agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19. Regulations.

(1)The Faculty may, with the previous approval of the State Government make regulations not inconsistent with this Act or the rules made thereunder for any of the following matters, namely:-(a)the time and place at which the Faculty shall hold its meetings;(b)the salary, allowances and other conditions of service of officers and servants of the Faculty other than the Secretary;(c)all other matters which may be necessary for the purpose of carrying out the objects of this Act.(2)All regulations shall be published in the Official Gazette.

20. Control of State Government.

- If at any time it appears to the State Government that the Faculty has neglected to exercise, or has exceeded or abused, any powers conferred upon it under this Act or has neglected to perform any duty imposed upon it by this Act, the State Government may, communicate the particulars of such neglect, excess or abuse to the Faculty; and if the Faculty fails to remedy such neglect, excess or abuse, within such time as may be fixed by the State Government in this behalf, the State Government may for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the Faculty to be exercised and performed by such agency and for such period as the State Government may think fit.

21. Transitional provisions.

(1)The Faculty of Indian Medicine, Punjab, notified and constituted under Punjab Government, Health Department, Notification No. HBII-24(15)1961/3607, dated the 27th January, 1961, shall, until the Faculty is established and constituted under and in accordance with the provisions of this Act, be deemed to be the Faculty established and constituted under this Act for the purpose of carrying out the provisions of this Act.(2)Anything done or any action taken by the Faculty of Indian Medicine, Punjab, so notified and constituted (including any appointment made, notification, order, instruction or direction issued, bye-law or form framed, qualifying or other examinations held, training or courses of studies prescribed, degrees, diplomas or certificates conferred, granted or issued, institutions recognized or affiliated, fees fixed or levied or stipends, scholarships, medals, prizes or rewards awarded) shall be deemed to have been done or taken under the provisions of this Act and shall continue to be in force accordingly unless and until superseded or amended by anything done or any action taken under this Act.[Section 3A inserted by *ibid.*]