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PART IV (A) – PROVINCIAL COUNCILS

Provincial Councils Notifications

NORTH WESTERN PROVINCE PROVINCIAL COUNCIL

**North Western Provincial Ayurveda and Indigenous Medicine Statute No. 09 of 2017 of the
North Western Provincial Council**

THE above mentioned Statute passed by the Provincial Council of the North Western Province on 21st November 2017 and assented by the Governor of North Western Province on 27th November 2017 is hereby published for the information of the Public.

R. M. R. M. RATHNAYAKE,
Council Secretary,
Provincial Council,
North Western Province.

Council Office,
North Western Provincial Council,
Kurunegala,
29th November, 2017.



Provincial Council of the
North Western province of the
Democratic Socialist Republic of Sri Lanka

**NORTH WESTERN PROVINCIAL AYURVEDA AND
INDIGENOUS MEDICINE STATUTE No. 09 OF 2017 OF
THE NORTH WESTERN PROVINCIAL COUNCIL**

Provincial Ministry of Health, Indigenous Medicine, Social Welfare,
Probation & Child Care, Women's Affairs and Council Affairs of the
North Western Province

NORTH WESTERN PROVINCIAL COUNCIL

**North Western Provincial Ayurveda and Indigenous Medicine Statute No.09 of 2017 of the
Provincial Council of the North Western Province**

A Statute to provide for The policy planing, formulation of plans, implementation and operation for the establishments of Ayurvedic Hospitals and Dispensaries, granting financial assistance to such dispensaries and hospitals, establishment and maintenace of herbariums and for the facilitation for the successful implementation of such activities and to provide for all matters connected therewith and incidental thereto.

The provisions of the Statute are inconsistent with the Ayurveda Act, No. 31 of 1961.

Be it enacted by the Provincial Council of the North Western Province of the Democratic Socialist Republic of Sri Lanka as follows:

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| 01. | This Statute may be cited as the North Western Provincial Ayurveda and Indigenous Medicine Statute No.09 of 2017 of the Provincial Council of the North Western Province and shall come into operation on such date as may be appointed by the Governor of the North Western Province. | Short title and
date of
operation |
| 02. | the objects of the Statute are as follows: | Objects of the
Statute |
| | (1) to provide for the establishment and maintenance of the North Western Provincial Department of Ayurveda; | |
| | (2) to formulate, plan, implement and monitor policies in relation to Ayurvedic activities in the North Western Province in compliance with the National Policy; | |
| | (3) to establish an Advisory Council for Indigenous medicine and to provide provincial medical research facilities; | |
| | (4) to establish and maintain Ayurvedic Hospital Development Committees and Ayurvedic Conservation Councils; | |
| | (5) to maintain, preserve and promote Ayurvedic, Siddhi, Yunani and Indigenous medical practices in the North Western Province; | |
| | (6) to establish, maintain and facilitate Ayurvedic Central Dispensaries and Hospitals; | |
| | (7) to establish medicinal gardens, to manufacture indigenous and Ayurvedic medicines and to maintain manufactories and stores for the purpose; | |
| | (8) to coordinate among and obtain the active participation of government, semi-government, non-government, voluntary institutions and individuals for the promotion and regulation of indigenous medical practices. | |

PART I**Establishment, powers, constitution and functions of the North Western Provincial Department of Ayurveda**

Establishment of the Provincial Department of Ayurveda

03. There shall be established the “North Western Provincial Department of Ayurveda” (hereinafter referred as the “Department”) for the execution of the objects of this Statute.

Appointment of the Provincial Commissioner of Ayurveda and Constitution of the Department

04. (1) A qualified Ayurvedic Medical Officer in terms of the Minute of the Ayurvedic Medical Service shall be appointed as the “Provincial Commissioner of Ayurveda” to exercise and perform powers, provisions and functions of this Statute. Such appointment shall be made by the Governor of the province in consultation with the Minister in charge of the subject.
- (2) The staff of the Department shall be comprised of Deputy Commissioners, Assistant Commissioners, Directors of Hospitals, Medical Officers incharge, Public Health supervising Medical Officers, Ayurvedic Medical Officers, Ayurvedic Public Health Medical Officers and other staff as may be required for the both districts of Puttalam and Kurunegala to assist the Commissioner.
- (3) The Commissioner may delegate the powers and functions vested in the Commissioner under this Statute, to Deputy Commissioners, Assistant Commissioners, Directors of Hospitals, Medical Officers incharge, Public Health supervising Medical Officers, Ayurvedic Medical Officers, Ayurvedic Public Health Medical Officers and other officials for the purpose of exercise and execution of such powers and functions.
- (4) All the officers and employees who hold the approved posts in the Department of Ayurveda of the North Western Province by the day on which this Statute comes into force shall be deemed to be officers and employees appointed under this Statute on their current service conditions.
- (5) All officers appointed for the purpose of this Statute shall be deemed as public officers within the meaning of the Penal Code.

Functions of the Department

05. The duties and functions of the Department shall be as follows:
- (1) to formulate the Annual Action Plan and the Annual Development Plans and to implement the said Annual Development Plans and the Annual Action Plan effectively after obtaining approval therefor;
- (2) to establish, administer, and maintain Provincial Ayurvedic hospitals, District Ayurvedic hospitals, Ayurvedic Base hospitals, Rural Ayurvedic hospitals, Central Ayurvedic Dispensaries, Ayurvedic Clinics, and Ayurvedic Promotional Centers, and to provide treatment services;
- (3) to establish and maintain necessary institutions for the maintenance and promotion of public health services;

- (4) to provide health education and community health services for the prevention of diseases;
 - (5) to ensure the provision of a qualitative, efficient, and effective service for the patients;
 - (6) to preserve, promote and propagate traditional indigenous medical practices and to obtain the services of traditional indigenous medical practitioners with special skills on special occasions;
 - (7) to establish, maintain medicinal plant cultivations, herbariums, medicinal plant nurseries, to provide necessary facilities and instructions for indigenous and Ayurvedic pharmaceutical products and to encourage, regulate and monitor indigenous and Ayurvedic pharmaceutical manufacturing;
 - (8) to register hospitals, dispensaries, pharmaceutical manufactories, in the field of indigenous medicine or indigenous medical laboratories, service centers or affiliated institutions which do not fall under the purview of the Department of Local Government and to enter and inspect such institutions as and when necessary;
 - (9) to establish and maintain Ayurvedic Hospital Development Committees and Ayurveda Conservation Councils;
 - (10) to maintain paying wards for the provision of indigenous medical services;
 - (11) to provide facilities to the local and foreign tourists to obtain indigenous medical treatment;
 - (12) to implement programmes dedicated for the promotion of knowledge, attitudes and skills needed for the enhancement of the field of indigenous medicine;
 - (13) to maintain stores, issue and recommend alchemical and dangerous drugs required by registered indigenous medical practitioners;
 - (14) to establish a Provincial Ayurvedic Research Board to carry out necessary research for the advancement of the field of Ayurveda and for the maintenance of qualitative patient care service;
 - (15) to implement in collaboration with universities practical training programmes to train medical students at the universities;
 - (16) to conduct National Vocational Qualification (NVQ) level training programmes for the Department Staff and issue certificates;
 - (17) to maintain and update a data system relevant to the field of Ayurveda;
 - (18) to provide, monitor and regulate the indigenous medical affairs and services provided online; and
 - (19) to establish a Standard Institution and provide necessary facilities thereto for the quality assurance of raw materials for manufacturing and pharmaceuticals manufactured;
06. (1) Any institution or individual shall provide such information and reports as may be required by the Commissioner or any other officer authorized by him for the purpose of achievement and performance of objects and functions of this Statute.

Powers of the
Department

- (2) The Commissioner or any other officer authorized by him shall have the power to enter any indigenous medical centre or any institution which provides indigenous services in the North Western Province at any time with or without prior notice in order to carry out any action in this Statute including –
- (a) the conduct of any inspection, inquiry, investigation, or survey;
 - (b) the conduct of an inspection of necessary documents or obtaining necessary information;
 - (c) taking into custody of necessary documents.
- (3) In the case of entry into an Institution providing indigenous medical services under the purview of a Local Government Authority, to carry out the functions set out in sub section 6 (2), the Chief Executive Officer of such Authority shall be informed in advance.
- (4) No person is permitted to inspect medical reports of inmates for which action the sanction of the Court is required unless the aforesaid officials have been assigned with specific powers to inspect documents and reports except for information for which sanction of the Court is required.

PART II

Policy Planning and formulation of Plans

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| Policy planning | 07. The responsibility to formulate policies in relation to indigenous medical practices in the North Western Province in compliance with the National Policy shall be vested with the Provincial Ministry. For the purpose, proposals may be sought from the Hospital Development Committees established in Ayurvedic hospitals and Central dispensaries, government, semi-government, non-government institutions, voluntary organizations and individuals. |
| formulation and implementation of the Plan | 08. The Commissioner shall formulate annually the Provincial Ayurvedic Plan having regard to the population in the province, infrastructure, social and other relevant factors and criteria shall submit the same for the approval of the Secretary. |
| provision of services | 09. The Provincial Ministry of Indigenous Medicine and Provincial Department of Ayurveda shall provide in compliance with the objects and provisions of this Statute, services related to indigenous medicine including creating awareness among the public of the use of indigenous medical practices to ensure health and sanitation of the population in the province and encouraging them to avail themselves of such indigenous medical practices, developing and preserving traditional indigenous medical practices, establishing and maintaining central Ayurvedic dispensaries, establishing and maintaining medicinal gardens, manufacturing of pharmaceuticals necessary for indigenous medical practices and obtaining directly or indirectly the assistance of government, non-government institutions, voluntary organizations and individuals for its affairs. |

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| 10. | The Provincial Minister of Indigenous Medicine (hereinafter referred to as the ‘Minister’) may issue instructions, provide guidance, and make regulations for the achievement and implementation of objects and provisions of this Statute. | powers of the Minister |
| 11. | The Secretary to the Provincial Ministry of Indigenous Medicine shall implement, operate and administer the Provincial Indigenous Medical Policy in compliance with the provincial policies on Ayurvedic and Indigenous medicine, subject to the directions, instructions and guidance issued from time to time by the Minister to give effect to the provisions of this Statute. | powers of the Secretary |
| 12. | Any person aggrieved by any order or determination made by any officer under the provisions of this Statute or any regulation made thereunder may submit an appeal there from to the Minister. The Minister may after an inquiry conducted thereon by the Secretary or any other officer or a Board of Inquiry appointed by him at the direction of the Minister, confirm or amend or disallow such order or determination. | Appeal |
| 13. | There may be established Deputy or Assistant Commissioner’s offices in both Kurunegala and Puttalam districts. | establishment of district offices |

PART III

North Western Provincial Ayurvedic and Indigenous Medical Advisory Board

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| 14. | (1) There shall be established a Provincial Indigenous Medical Advisory Board (hereinafter referred to as the “Advisory Board”) comprising of 15 members to facilitate and assist the policy planning on indigenous medicine and implementation of all functions relating to indigenous medicine including, formulation, implementation and operation of plans. | Provincial
Indigenous
Medical Advisory
Board |
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This Advisory Board shall be appointed for the purpose of providing necessary advice to the Provincial Minister in charge of the subject of Indigenous Medicine and the Secretary to the Provincial Ministry in charge of the subject of Indigenous Medicine shall be the Chairman of the Advisory Board. The Provincial Commissioner of Ayurveda shall be the Secretary.

- (2) The other members of the Advisory Board shall be as follows:
- (a) North Western Provincial Commissioner of Local Government or his representative;
 - (b) North Western Provincial Director of Education or his representative;
 - (c) a representative of the North Western Provincial Legal Division;
 - (d) North Western Provincial Director of Health Services or his representative;
 - (e) Provincial Director of Ayurvedic hospitals;

- (f) two Ayurvedic Specialists in the Provincial Public Service;
- (g) two Chairmen of the District Ayurveda Conservation Councils;
- (h) two competent indigenous medical practitioners representing the administrative districts of the province; and
- (i) two representatives with knowledge and experience in the field of indigenous medicine.

Appointment of
members to the
Advisory Board

- (3) The members of the Advisory Board mentioned under (a) to (h) in subsection 14 (2) above shall be ex-officio members of the Advisory Board.
- (4) The members of the Advisory Board mentioned under (h) and (i) in subsection 14 (2) above shall be appointed by the Minister and hereinafter be referred to as appointed members.
- (5) Every appointed member of the Advisory Board shall hold such office for a period of three (03) years unless he vacates his post earlier or removed from office by the Minister and such member shall be eligible to be reappointed.

disqualification of
member

- (6) Any person ;
 - (a) who is not or has ceased to be a citizen of Sri Lanka or has convicted for a criminal offence before Court or been declared as insolvent or been subject to any penalty or disciplinary order of the Provincial Department of Ayurveda, shall be eligible neither to be appointed nor to remain as an appointed member of the Advisory Board;

appointment of
members on
behalf of
vacating
members

- (7) In the event of determination of the majority of the members of the Advisory Board that any appointed member is unable to perform duties of his office due to illness or absence from the country, the Minister may appoint another member in place of such member.
- (8) The Minister may appoint another person in place of any appointed member who vacates or is removed from his office to hold such office for the unexpired period of office of such appointed member.

formulation of
procedures

- (9) The Advisory Board shall formulate such procedures as may be necessary for the conduct of business of the meetings of the Advisory Board subject to the provisions of this Statute.

actions of the
Board not to
be null and
void

- (10) Any action or deliberation of the Advisory Board shall not become null and void by reason only of there being a vacancy in the Advisory Board or any shortcoming in the appointment of members to the Board.

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| (11) Members of the Advisory Board participating in the meetings thereof may be remunerated at such rates as may be approved by the Governor with the concurrence of the Minister in charge of the subject. | remuneration to members |
| (12) The Advisory Board shall convene at least once in every two (02) calendar months. | meetings of the Board |
| (13) The quorum of the meetings of the Advisory Board shall not be less than ½ of the membership. | the quorum of the meetings |
15. The functions of the Indigenous Medical Advisory Board shall be as follows:
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| (1) to make proposals and recommendations to the Minister to determine the duties and functions on all matters relating to the development and regulation of indigenous medical practices within the North Western Province ; | Functions of the Indigenous Medical Advisory Board |
| (2) to formulate procedures and processes and make proposals and recommendations for the conduct of affairs relating to all branches of Ayurveda, and in particular Ayurvedic literature, fundamentals in Ayurvedic doctrine, Ayurvedic clinical treatments, Ayurvedic drugs, pharmacology and pharmacopoeia, in order to enhance the indigenous medical system; | |
| (3) to make proposals, observations, recommendations and advice on matters relating to indigenous medicine including the following as and when demanded by the Minister: | |
| (a) the maintenance of indigenous medical libraries, museums, herbariums, laboratories, and other institutions; | |
| (b) the publication of ayurvedic manuscripts, ayurvedic textbooks or other ayurvedic journals or Papers; | |
| (c) the standardization of ayurvedic drugs. | |

PART IV Ayurvedic Hospital Development Committees

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| 16. There may be established a Hospital Development Committee each in every Ayurvedic hospital in the North Western Province for the execution of development and rehabilitation and related work in such hospitals with the participation of the public. The constitution of the Committee shall be as follows: | Establishment and constitution of Hospital Development Committees |
| (a) Divisional Secretary of the area; | |
| (b) Ayurvedic Medical Officer incharge of the hospital and the Public Health Medical Officer; | |
| (c) Officer incharge of the police station of the area or his representative; | |
| (d) Grama Niladhari of the G.N. Division where the hospital is situated; | |
| (e) the Principal of the nearest school or his representative; | |
| (f) the Secretary of the Local Authority or his representative; | |
| (g) two traditional indigenous medical practitioners; | |
| (h) three persons representing government and nongovernment organizations and/or the intellectuals of the area. | |

Quorum	17. The quorum of the meetings of the Committee shall be 07 members.
appointment of Chairman, Secretary and members of the Committee	<p>18. (1) The Divisional Secretary shall be the Chairman of the Committee and the Ayurvedic Medical Officer in charge of the hospital shall be the Secretary of the Committee.</p> <p>(2) The members of the Committee mentioned under (a) to (f) in Section 16 above shall be exofficio members of the Committee.</p> <p>(3) The members of the Committee mentioned under (g) and (h) in Section 16 above shall be appointed by the Minister and hereinafter be referred to as 'appointed members'.</p> <p>(4) A member from and among standing members of the Committee shall be appointed as the Treasurer of the Committee.</p>
formulation of procedures	19. The Committee shall formulate such procedures as may be necessary for the meetings and conduct of business of the meetings of the Committee subject to the provisions of this Statute and the procedures so formulated shall be approved by the Commissioner.
Functions of the Committee	<p>20. The functions of the Ayurvedic Hospital Development Committee shall be as follows:</p> <p>(1) to design and make proposals on Indigenous medical and Ayurvedic programmes to be implemented within the area of authority of the hospital or central dispensary;</p> <p>(2) to coordinate between the hospital and the public, government, semi government, non-government organizations and individuals;</p> <p>(3) The Ayurvedic Hospital Development Committee fund may establish and maintain a Bank Account in a State Bank and the same shall be subject to the internal audit of the Ministry incharge of the subject of indigenous medicine;</p> <p>(4) to assist the provision of qualitative service to enhance the health conditions of the people in the area through the use of indigenous medical practices;</p> <p>(5) to submit necessary proposals / recommendations on development of affairs of the hospitals or central dispensaries to the authorities concerned and to assist the implementation of and implement the approved proposals.</p>

PART V

General Provisions

power to institute action	21. The Commissioner or any other officer authorized by him shall have the power to institute action when any offence is committed by an Officer of the Government or Public Service under Section 29 of this Statute and disciplinary action shall be taken against any such Government or Provincial Public Officer if he is so related with such an offence.
power to make regulations	<p>22. (1) The Minister may make regulations for and in respect of matters connected with giving effect to provisions of this Statute.</p> <p>(2) Every regulation made by the Minister shall be published in the <i>Gazette</i> and such regulation made by the Minister shall within 30 days after its publication in the <i>Gazette</i>, be brought before the Provincial Council for approval.</p>

- (3) Any regulation which is so approved by the Provincial Council shall be deemed to be rescinded without prejudices to anything previously made thereunder.
- (4) A notification of the date on which any such regulation is deemed rescinded shall be published in the *Gazette*.
23. Financial provisions needed for the maintenance of the Department and institutions under its purview and services in executing its functions under this Statute shall be allocated from the Annual Budget of the province and from the Provincial Council Fund and any other source approved by the government. Allocation of financial provision
24. New Indigenous medical institutions may be established on permanent or temporary basis taking into consideration the population expansion in the Province, extent of land, spreading of diseases, nutritional condition, environmental influence and transport facilities and the Indigenous Health Administrative Divisions may be established and re-organized. The Minister shall publish such re-organizations in the *gazette*. Establishment of Indigenous medical institutions and reorganization of divisions
25. All indigenous medical institutions presently situated within the North Western Province and all movable and immovable assets thereof existing on the day prior to the date of coming into operation of this Statute shall from such date deemed to have been vested in the Department. Vesting of Indigenous Medical Institutions of the Provincial Council in the Department
26. The Commissioner shall have the power to provide necessary indigenous health services for the local body areas within the Province and he shall require the local authorities whenever necessary to provide necessary particulars and information with regard to health conditions in such areas. Health activities within the local body areas
27. The Commissioner may require any person to furnish reports or information as may be required by the Commissioner in giving effect to the provisions of this Statute within a reasonable period of time to such official duly authorized for the purpose. Information to be furnished
28. Any specimen form, notice, license, or any other document which has been prescribed for the purpose of implementation of the subject of Indigenous Medicine presiding immediately to coming into operation of this Statute shall be treated as a specimen form, notice, license, or any other document prescribed under this Statute. Interim provisions

PART VI Offences and Penalties

29. Any person who :- offences
- (i) makes false or wrong declarations deliberately on a report or any other document under this Statute or for the purpose of this Statute or a regulation or an order made under this Statute;
- (ii) fails or refuses to furnish any information or report being ordered by an individual or an institution as required under this Statute ;

- (ut) fails to comply with directives or notices issued by the Commissioner without a valid reason;
- (iv) obstructs or prevents any person from exercising or carrying out any power or duty or function assigned to such person under this Statute or any regulation made there under;
- (v) willfully breaches or neglects to comply and/or obstructs the complying with this Statute or any provision or regulation made there under; shall be guilty of an offence under this Statute.
- Penalties 30. Any person who commits an offence under this Statute shall on conviction after summary trial before a Magistrate, be liable to a fine not exceeding Rs. 20,000.00 or to imprisonment for a term not exceeding 06 months or to both such fine and imprisonment.

PART VII Interpretations

- interpretation 31 In this Statute unless the context otherwise requires:-
- “Provincial Council” means the Provincial Council of the North Western Province ;
- “province” means the North Western Province including the Administrative Districts of Kurunegala and Puttalam;
- “Governor” means the Governor of the North Western Province ;
- “Cabinet of Ministers” means the Cabinet of Ministers of the Provincial Council of the North Western province;
- “Minister” means the Minister incharge of the subject of Indigenous Medicine of the Provincial Council of the North Western Province ;
- “Secretary” means the Secretary to the Ministry incharge of the subject of Indigenous Medicine of the Provincial Council of the North Western Province ;
- “Commissioner” means the Commissioner of the Department of Ayurveda of the Provincial Council of the North Western Province;
- “Local Authority” means the Municipalities, Urban Councils, and Pradeshiya Sabhas of the North Western Province;
- “Indigenous medicine” means Ayurveda, Siddha, Yunani and Traditional medical practices;
- “Pharmaceuticals” means the Ayurveda, Siddha, Yunani and Traditional pharmaceuticals;
- “other ancillary services” means astrology, exorcism, animal and plant medical practices, acupuncture, and other local and foreign optional medical practices;
- “indigenous medical institutions” means all institutions providing indigenous medical services; for the purpose of this Statute
- “indigenous medical institutions” includes hospitals, clinics or dispensaries, Ayurvedic resorts, massaging centers, pharmacies, medicinal gardens and nurseries, sales outlets, manufactories, pharmaceutical stores, manufactories of perfumes and drugs, counseling centers, Ayurvedic salons, and any other institution running under the name of Ayurveda;
- “Indigenous practitioners and Traditional practitioners” means all traditional, Ayurvedic, Siddha, Yunani, homeopathy, practitioners registered or not registered with the Ayurvedic Medical Council practicing in the North Western province.
- Sinhala text to prevail in case of inconsistency 32. In the event of any inconsistency between the Sinhala, Tamil and English texts of this Statute, the Sinhala text shall prevail.