

LAW DEPARTMENT

NOTIFICATION

Jaipur, March 10, 1953.

No. F. 12 (50) L/52:—The following Act of the Rajasthan State Legislature has received the assent of His Highness the Rajpramukh on the 4th day of March, 1953 and is hereby published for general information:—

THE RAJASTHAN INDIAN MEDICINE ACT, 1953.

[Received the assent of His Highness the Rajpramukh on the 4th day of March, 1953.]

An Act to provide for the development of Indian systems of medicine, surgery and midwifery and to regulate their practice in Rajasthan.

WHEREAS it is expedient to provide for the development of Indian systems of medicine, surgery and midwifery and to regulate the practice thereof in Rajasthan; It is hereby enacted as follows:—

1. *Short title, extent and commencement.*— (1) This Act may be called the Rajasthan Indian Medicine Act, 1953.

(2) It extends to the whole of Rajasthan.

(3) It shall come into force on such date as the State Government may, by notification in the Rajasthan Gazette, appoint.

2. *Repeal.*— On and from the date this Act comes into force, the Jaipur Ayurvedic and Unani Tibbi Practitioners Act 1943, and the corresponding laws of other covenanting States of Rajasthan shall be repealed and section 6 of the General Clauses Act, 1897

of the Central Legislature shall, so far as may be, apply to such repeal as if the Act and laws so repealed were Central Acts repealed by a Central Act.

3. *Interpretation.*—(1) In this Act, unless there is anything repugnant in the subject or context,—

- (i) "Board" means the Board of Indian Medicine, Rajasthan, established under section 4;
- (ii) "Chairman" means the Chairman of the Board;
- (iii) "Committee" means as Advisory Committee appointed under section 20;
- (iv) "Enlisted" used with reference to a practitioner means that the name of such practitioner is for the time being entered in a list;
- (v) "Hakim" means a practitioner of the Unani system of medicine or surgery;
- (vi) "Indian system of medicine" means the Ayurvedic or the Unani Tibbi system of medicine, whether supplemented or not by modern advances;
- (vii) "List" means a list maintained under section 35;
- (viii) "Member" means a member of the Board or a Committee;
- (ix) "Midwife" means a practitioner of the Indian system of midwifery;
- (x) "Practitioner" means a person practising an Indian system of medicine, surgery or midwifery;
- (xi) "Prescribed" means prescribed by rules or regulations made under and in accordance with the provisions of this Act;

- (xii) "Register" means a register of Vaidyas or Hakims or midwives of either class maintained under section 31;
- (xiii) "Registered", used with reference to a practitioner, means that the name of such practitioner is for the time being entered in a register;
- (xiv) "Registrar" means the person appointed as such under section 26 and includes any person for the time being holding the office or performing the duties of the Registrar under proper authority;
- (xv) "Regulations" means regulations made by the Board under section 48;
- (xvi) "Rules" means rules made by the State Government under section 54;
- (xvii) "Schedule" means the Schedule annexed to this Act;
- (xviii) "State Government" means the Govt. of Rajasthan ;
- (xix) "Vaidya" means a practitioner of the Ayurvedic system of medicine or surgery.

(2) The provisions of the General Clauses Act, 1897 of the Central Legislature shall *mutatis mutandis* apply, so far as may be, to this Act in the same manner as they apply to a Central Act.

4. *Establishment of the Board.*—The State Government shall by notification in the Rajasthan Gazette establish in the manner provided in Section 6, a Board to be called the Board of Indian Medicine, Rajasthan for the purpose of carrying out the provisions of

this Act. Such Board shall be body corporate, shall have perpetual succession and a common seal and may by the said name sue or be sued.

5. *Dissolution of the existing Boards.*—On the date the first Board is established and constituted under the provisions of this Act, any existing Boards of Indian Medicine, established and constituted under the Act and laws repealed by section 2, shall cease to exist and all their assets and liabilities shall devolve upon the Board established and constituted under this Act.

6. *Constitution of the Board.*—(1) The Board shall consist of eleven members, including the Chairman, appointed in the following manner, namely :—

- (i) The Chairman shall be nominated by the State Government preferably from amongst practitioners and shall not be a paid servant of the Government.
- (ii) Three members shall be nominated by the State Government from amongst Vaidyas who are paid servants of the Government.
- (iii) One member shall be nominated by the State Government from amongst Hakims who are paid servants of the Government.
- (iv) Four members shall be elected by the registered Vaidyas from amongst themselves in the prescribed manner.
- (v) One member shall be elected by the registered Hakims from amongst themselves in the prescribed manner.
- (vi) One member shall be elected by the registered midwives from amongst themselves in the prescribed manner.

(2) Notwithstanding anything contained in sub-section (1) all the members of the first Board established under section 4 shall be nominated by the State Government.

(3) Every member other than the Chairman of the Board must possess at least ten years' experience of practice in an Indian system of medicine, Surgery or midwifery, as the case may be.

(4) The Board shall elect in the prescribed manner one of its members to be the Vice-Chairman whose term of office shall be for one year.

7. *Nomination of members in default of election.*— If any electoral body referred to in sub-section (1) of section 6 fails, by such date as may be prescribed, to elect the requisite number of member or members which it is entitled to elect, the State Government shall fill up the vacancy or vacancies by nomination of a person or persons qualified to be elected by the particular electoral body concerned.

8. *Disqualifications for membership.*—(i) No person shall be qualified to be elected or nominated as a member or Chairman of the Board —

- (a) who is an undischarged insolvent, or
- (b) who has been adjudicated by a competent Court to be insane or of unsound mind, or
- (c) who has been convicted of an offence declared by Government to involve moral turpitude, or
- (d) who is an employee of the Board or has directly or indirectly or by himself or a partner any share or interest in any contract

with, by, or on behalf of the Board, unless in the latter case Government remove the disqualification.

(2) No person whose name has been removed from the register shall be eligible for election or for nomination under section 7.

9. *Notification of elections, nominations and vacancies.*—Every election or nomination of a member or Chairman of the Board and every vacancy in the office of a member or Chairman shall be notified in the Rajasthan Gazette.

10. *Reconstitution of Board.*—Within two years from the date on which this Act comes into force and thereafter upon the expiry of every five years, the Board shall be reconstituted and for that purpose there shall be fresh nominations and general elections in the prescribed manner.

11. *Disabilities for continuing as member.*—[1] If any member, during the period for which he has been nominated or elected—

[a] absents himself without sufficient cause from three consecutive ordinary meetings of the Board, or

[b] becomes subject to any of the disqualifications mentioned in section 8, or

[d] being a legal practitioner, appears in any suit or proceeding, civil or criminal, against the Board, or

[d] obtains any employment under the Board or has without the previous sanction of the State Government acquired directly or indirectly

by himself or by a partner any share or interest in any contract with, by or on behalf of the Board.

the Board may remove him from membership :

Provided that, before removing a member under this sub-section, the Board shall call for his explanation and record its finding thereon.

(2) Notwithstanding anything contained in sub-section [1], a Chairman shall be removable by the State Government only.

12. *Appeal by members removed.*—Any other member other than the Chairman removed by the Board under section 11 may within ninety days from the date of such removal appeal to the State Government and the order of the State Government on any such appeal shall be final.

13. *Resignation.*—(1) Any member other than the Chairman may at any time resign his office by a letter addressed to the Chairman. Such resignation shall take effect from the date on which it is accepted by the Board.

(2) A Chairman wishing to resign may tender his resignation to the Government. Such resignation when accepted shall be published in the Rajasthan Gazette and shall take effect from the date notified therein.

14. *Filling of Casual vacancies.*—[1] If a member or Chairman dies or resigns or from any cause whatsoever ceases to be such member or Chairman, as the case may be, the vacancy so created shall be filled up by election or nomination, as the case may be, within such period as may be prescribed.

(2) The term of office of a member or Chairman, elected or nominated to fill up the vacancy mentioned in sub-section (1), shall be the remainder of the term of office of the member or Chairman in whose place he has been so elected or nominated :

Provided that, in the case of an elected member, if the vacancy is for a period of six months or less, the State Government may direct that the vacancy be left unfilled until the next general election.

15. *Term of Office.*—Save as otherwise provided in this Act, the term of office of the Chairman or a member shall be five years :

Provided that the outgoing Chairman or member shall continue in office until the election or nomination of his successor, as the case may be.

16. *Eligibility for re-election or re-nomination.*—A member or Chairman shall on the expiry of his term of office be eligible for re-nomination or re-election as the case may be :

Provided that no person shall hold office as Chairman consecutively for more than two terms.

17. *Quorum.*—It shall be necessary for the transaction of any business of the Board that not less than five members there of shall be present :

Provided that, in an adjourned meeting, all business postponed for want of quorum at the original meeting may be transacted if not less than three members attend such meeting.

18. *Procedure at meetings.*— (1) The Chairman or in his absence the Vice - Chairman shall preside at every meeting of the Board. In the absence of both, the members present shall elect one among themselves for the purpose.

(2) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting. In case of equality of votes the person presiding shall have a second or casting vote.

19. *Time and place of meetings*:—The Board shall meet at such time and place, and every meeting of the Board shall be summoned in such manner as may be prescribed by regulations :

Provided that until regulations are made, it shall be lawful for the Chairman to summon a meeting or meetings of the Board at such time and place as he may deem expedient by a letter addressed to each member on a clear notice of fifteen days.

20. *Establishment of Advisory Committees* :— (1) The Board shall, subject to any rules made in this behalf, appoint the following Advisory Committees, namely ;—

- (i) an Ayurvedic Committee,
- (ii) a Unani Tibbi Committee, and
- (iii) a midwifery Committee.

(2) Each Committee shall consist of—

- (a) the Chairman who shall preside over its meetings, and
- (b) two members who shall be—

- (i) Vaidyas in the case of the Ayurvedic Committee
- (ii) Hakims in the case of the Unani Tibbi Committee, and
- (iii) midwives in the case of the midwifery Committee,

appointed by the Board from amongst its own members or outsiders or both as it may decide.

(3) The term of each Committee shall be co-extensive with the term of the Board which appointed it.

Explanation : - The term of a Board shall mean the period for which its Chairman and members are entitled to hold office under section 15.

(4) Such members of the Committees as do not happen to be members of the Board shall be entitled to the same rights and privileges and be subject to the same liabilities as the latter and the provisions of sub-section (3) of section 6, sub-section (1) of section 8, sub-section (1) of section 11, section 12, sub-section (1) of sections 13 and sections 14 and 16 shall apply to such members in the same manner as they apply to members of the Board.

(5) No business shall be transacted at any meeting of a Committee when the Chairman or both members are absent. The provisions of sub-section (2) of section 18 and of section 19 shall apply to meetings of Committees as they apply to meetings of the Board.

21. *Validity of proceedings*:—No disqualification of or defect in the nomination, election or appointment of the Chairman or a member or any person acting as the presiding authority of a meeting shall be deemed to vitiate any act or proceeding of the Board or the committee in which such Chairman, member or person has taken part.

22. *Functions of Committees*.—(1) Each Committee shall advise the Board generally on all matters relating to the system which it represents and shall exercise such powers and perform such functions as may be prescribed by rules.

(2) In particular and without prejudice to the generality of the foregoing provision, each Committee shall, in relation to the system which it represents,—

- (a) inquire into and advise the Board on all matters specified in sections 38, 39, 40 and 42;
- (b) make proposals to the Board for the exercise of all or any of its powers under section 23;
- (c) hear appeals made to the Board under sections 32, 34 and 36;
- (d) advise the Board on matters specified in Sections 47 and 48, and
- (e) enquire into and advise the Board generally for carrying out the purposes, and in furtherance of the objects, of this Act.

(3) The Board may refer to any Committee such other matters as it may consider necessary for inquiry and advice.

(4) All decisions taken by a Committee shall be placed before the Board which may—

- (i) accept them with or without modification, or
- (ii) reject them with or without a direction for reconsideration.

(5) The Chairman may, whenever he thinks it expedient to do so, summon a joint meeting of all or any two or more of the Committee for the consideration of any matter or matters. At such joint meetings the same procedure shall be observed as at meeting of the Board.

23. *Allotment of funds and their control.*—(1) The State Government may place a lump-sum allotment at the disposal of the Board every year for

distribution according to rules made by the State Government to the Ayurvedic and Unani Tibbi dispensaries, hospitals, infirmaries, lying in hospitals, surgical institutions and maternity houses in Rajasthan and other suitable institutions consistent with the aims and objects of this Act.

- (2) The State Government may likewise place at the disposal of the Board any sum or sums earmarked for specific purposes, and the Board shall administer them for those purposes only and subject to the conditions, if any, laid down by the State Government,

24. *Payment of expenses.*—(1) There shall be paid to the Chairman and members such travelling and other expenses as may be prescribed.

(2) No Chairman or member shall receive any pay or special pay.

25. *Powers and duties of Chairman.*—(1) The Chairman shall preside over and conduct the meetings of the Board and the Committee and shall cause the recommendations of each Committee to be placed before the Board. He shall cause all decisions of the Board to be executed and carried out in a lawful manner without any unnecessary delay and shall be responsible to the Board for such execution and carrying out.

(2) The Registrar and all other officers and servants of the Board shall be under the direct control and supervision of the Chairman and shall abide by his order.

26. *Registrar.*—(1) The State Government shall appoint, for the purposes of this Act, a person being a practitioner, to be the Registrar who shall ex-officio be the Secretary of the Board and each Committee and shall receive such salary and allowances as the State Government may from time to time determine.

(2) The Registrar shall not be removable from his office or otherwise punishable except with the approval of the State Government.

27. *Other Officers and servants.*—(1) The State Government may appoint such other officers and servants as may be necessary for carrying out the purposes of this Act and determine the number and designations of such officers and servants and their salaries and allowances.

(2) The State Government shall make rules regulating the power of the Board to punish the officers and servants of the Board appointed under this section.

28. *Conditions of service etc.*—(1) The Conditions of service of the Registrar and other officers and servants of the Board appointed under section 27 shall be the same as those of servants of the State Government of similar status, and all questions of their pay, allowances, promotion, leave, pension and provident fund shall be governed by rules applicable to the latter.

29. *Chairman etc. to be public servants.*—The Chairman, members, Registrar and other officers and servants appointed under section 27 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

30. *Duties of Registrar.*—(1) Subject to the provisions of this Act to any general and special orders of the Board It shall be the duty of the Registrar to keep

the registers and lists and discharge such other functions as are required to be discharged by him under this Act or by rules or regulations made thereunder.

(2) The Registrar shall, so far as practicable keep the registers and lists correct and up-to date and may from time to time enter therein any material alteration in the addresses or qualifications of the practitioners :

Provided that no alteration in the entries in respect of additional qualifications shall be made unless a fee of two rupees is paid in respect of each such qualification.

(3) As Secretary of the Board and committees, the Registrar shall, under the control, direction and supervision of the Chairman, issue notices of Meetings of the Board and Committees, prepare and keep minutes of all such meetings, place the decisions of the Committees before the Board and carry out all decisions of the Board.

(4) The Registrar shall also remove from the registers and lists the names of such practitioners entered therein as are found upon inquiry or otherwise to have died or to have ceased to be qualified for such entry or as have been subjected to an order of the Board made under sub-section (1) of section 42.

(5) For the purpose of sub-section (4) the Registrar may write to any registered or enlisted practitioner at the address which is entered in a register or list to enquire whether he has ceased to practice or has changed his residence, and if no answer is received to the said letter within three months, the Registrar may issue a registered reminder and in case no reply is received within one month from the date of its issue; he may remove the name of the said practitioner from the register or list, as the case may be:

Provided that the Board may, if it thinks fit, direct that the name of the said practitioner be re-entered in the appropriate register or list.

31. *Maintenance of registers.*—The Board shall maintain in the prescribed form and in the prescribed manner,—

- (i) a register of Vaidyas,
- (ii) a register of Hakims, and
- (iii) a register of midwives,

each such register being divided into two parts—

- (a) the first part containing the names of Vaidyas, Hakims, and midwives, as the case may be belonging to class A, and
- (b) the second part containing the names of those belonging to class B.

32. *Persons entitled to be registered.*—(1) Every person possessing any of the qualifications mentioned in Part A of the Schedule shall, subject to the other provisions of this Act and on payment of the fee prescribed by section 33, be entitled, subject to such conditions as the Board may prescribe, to have his name entered in the appropriate register as a “A” class Vaidya Hakim, or midwife, as the case may be.

(2) Every person possessing any of the qualifications mentioned in Part B of the Schedule shall likewise be entitled on payment of the fee prescribed by section 33, to have his name entered in the appropriate register as a “B” class Vaidya, Hakim, midwife, as the case may be.

(3) Applications for registration shall be made to and disposed of by the Registrar,

(4) Any application for registration made by a person whose case is not clearly governed by the provisions of this Act or of the rules and regulations made thereunder, shall be referred to the Board for such decision as it may deem fit in consultation with the appropriate Committee.

(5) Any person aggrieved by the decision of the Registrar on any application for registration or regarding the Making of any entry or alterations in a register or regarding the removal of his name therefrom, may within ninety days of such decision appeal to the Board.

(6) Such appeal shall be heard and decided in the prescribed manner.

(7) The Board may, on its own motion or on the application of any person, cancel or alter any entry in a register if in the opinion of the Board such entry was fraudulently or incorrectly made or obtained.

33. *Fees for registration.*—There shall be paid a fee of ten rupees for registration in either part of each register by the person seeking registration:

Provided that a practitioner already registered at the commencement of this Act under section 16 of the Jaipur Ayurvedic and Unani Tibbi Practitioners Act, 1943, shall be required to pay a fee of two rupees only for such registration.

34. *Transfer of class.*—(1) Any person who is for the time being registered as a 'B' class practitioner may, subject to the other provisions contained in this Act and the rules or regulations made thereunder and on payment of a fee of five rupees, apply to the Registrar for being registered as 'A' class practitioner,

(2) The provisions of section 32 shall apply to every such application.

35. *Maintenance of lists.*—The Board shall also maintain in the prescribed form and in the prescribed manner separate lists of practising Vaidyas, Hakims and midwives who are neither registered nor qualified to be registered.

36. *Persons entitled to be enlisted.*—(1) (a) Every practitioner, not being a registered practitioner, who proves to the satisfaction of the Registrar that he has been in regular practice for the prescribed number of years in Rajasthan of an Indian system of medicine, surgery or midwifery, and

(b) every person, not being a practitioner, registered or enlisted under this Act, who satisfies the Registrar that he intends to start the practice in Rajasthan of an Indian system of medicine, surgery or midwifery and possesses the requisite qualifications, or fulfils the requisite conditions, prescribed for such practice

shall be entitled to have his name entered in the appropriate list on payment of the fee prescribed by section 37.

(2) The provisions of section 32, sub-section (3) to (7), shall *mutatis mutandis* apply, so far as may be, to the lists and to enlistment under this section.

37. *Fees for enlistment.*—There shall be paid a fee of ten rupees for entry in a list by the person seeking enlistment:

Provided that the practitioners already enlisted at the commencement of this Act under section 18 of

the Jaipur Ayurvedic and Unani Tibbi Practitioners Act, 1943, shall be required to pay a fee of two rupees only for such enlistment.

38. *Amendment of Schedule*:--(1) If the Board is satisfied:—

- (a) that a title, degree or certificate granted by a University, medical corporation, examining body or other institution, not included for the time being in Part A of the schedule, is a sufficient guarantee that the person holding such title, degree or certificate possesses the knowledge or skill requisite, in the opinion of the Board, for efficient practice as a "A" class Vaidya, Hakim or midwife, or
- (b) that such title, degree or certificate not included for the time being in Part B of the Schedule is a sufficient guarantee that the person holding the same possesses the knowledge or skill requisite in the opinion of the Board, for efficient practice as a "B" class Vaidya Hakim, or midwife, or
- (c) that any such title, degree or certificate for the time being included in Part "A" of the Schedule is not a sufficient guarantee, as aforesaid, for efficient practice as a "A" class Vaidya, Hakim, or midwife but that the same is a sufficient guarantee, as aforesaid for practice as a "B" class Vaidya, Hakim or midwife, or
- (d) that any such title, degree or certificate for the time being included in either Part of the Schedule is not a sufficient guarantee as aforesaid for efficient practice as a practitioner of either class it may direct—

- (i) in the case mentioned in clause (a), that the possession of such title, degree or certificate shall, subject to the other provisions of this Act and on payment of the fee prescribed by section 33, entitle a person to have himself registered as a "A", class Vaidya Hakim or midwife, as the case may be, or
- (ii) in the case mentioned in clause (d), that the possession of such title, degree or certificate shall likewise entitle a person to have himself registered as a "B" class Vaidya, Hakim or midwife, as the case may be, or
- (iii) in the case mentioned in clause (c), that the names of the persons possessing such title, degree or certificate shall, if registered in Part A of the registers, be removed therefrom but that any such person shall, subject to the other provisions of this Act and on payment of the fee prescribed by section 34, be entitled to have himself registered as a "B" class Vaidya, Hakim or midwife, as the case may be, or
- (iv) in the case mentioned in clause (d), that the possession of such title, degree or certificate shall not entitle a person to have himself registered as a practitioner of either class and that the names of any persons possessing the same shall, if registered in either part of the register, be removed therefrom, and the Schedule shall thereupon be deemed to have been altered accordingly.

(2) Every direction of the Board under sub-section (1) shall be subject to confirmation by the State Government and shall take effect upon the publication of such confirmation in the Rajasthan Gazette.

39. *Qualifications and conditions for enlistment.*—(1) The Board shall, with the previous approval of the State Government and in consultation with the appropriate Committee,—

- (a) prescribe the minimum qualifications which shall be required of a person for enlistment under section 36, and
- (b) lay down the conditions which a person seeking such enlistment shall be required to have fulfilled or to fulfil.

(2) Notwithstanding anything contained in sub-section (1), any practitioner whose name has been removed from either part of the register in pursuance of a direction under section 38 shall be entitled, subject to the other provisions of this Act and on payment of the fee prescribed by section 37, to have his name entered in the appropriate list irrespective of whether or not such practitioner possesses the qualifications prescribed, or fulfils the conditions laid down, under this section.

40. *Power of Board to call for information from medical institutions.*—The Board shall have power for the purposes of section 38 and 39 to call upon the governing body or other authorities of a Medical Corporation, examining body or other institution, whether or not included in or desirous of being included in the Schedule,—

- (a) to furnish such reports, returns or other information as the board may require to enable it

to judge of the efficiency of the instruction given therein in the Indian system of medicine, surgery or midwifery; and

- (b) to provide facilities to enable a member deputed by the Board in this behalf to be present at the examinations held by such Corporation, body or institution.

41. *Information required of applicants for registration or enlistment.*—(1) Every person who applies to have his name entered in a register must satisfy the Board that he is possessed of some degree, title or certificate for the time being mentioned in the Schedule; and he must inform the Registrar of the date on which he obtained the degree, title or certificate which entitles him to claim registration under this Act, and shall furnish any other information required by the Registrar in order to enable him to discharge his duties under this Act.

(2) Every person who applies to have his name entered in a list must satisfy the Board that he is entitled to such enlistment by virtue of the qualifications or conditions prescribed under section 39 and he must likewise inform the Registrar of all particulars relating to such qualifications or conditions and shall furnish other information required by the Registrar in order to enable him to discharge his duties under this Act.

42. *Power of Board to prohibit entry in or to direct removal from a register or list.*—(1) The Board may prohibit the entry in, or order the removal from, a register or list of the name of any person —

- (a) who has been sentenced by a Criminal Court in India to imprisonment for an offence declared

by the State Government to involve such moral turpitude as would render the entry or continuance of his name in the register or list undesirable, or

- (b) whom the Board after enquiry by itself or through a Committee (at which opportunity has been given to him to be heard in his defence and to appear either in person or by counsel, vakil, pleader or advocate, and which may in the discretion of the Board, be held in camera) has found guilty of professional misconduct or other infamous conduct by a majority of at least two-thirds of the members present and voting at the meeting.

(2) The Board may direct that the name of any person against whom an order has been made under subsection (1) shall be entered or entered as the case may be, after having satisfied itself that due to the lapse of time or otherwise the disability mentioned in subsection (1) above has ceased to have any force.

43. *Notice of deaths and erasure of names from register.*—(1) Every Registrar of Deaths who receives notices of the death of a person whose name he knows to be entered in a register or list shall forthwith transmit by post or otherwise to the Registrar a certificate of such death, signed by him and stating particulars of the time and place of death.

(2) On receipt of such certificate or other reliable information regarding such death, the Registrar shall remove the name of the deceased person from the register or list as the case may be.

44. *Penalty on unregistered person representing that he is registered.*—If a person whose name is not entered

in a register or list falsely pretends that it is so entered or uses in connection with his name or title any words or letters representing that his name is so entered, he shall, whether any person is actually received by such representation or not, be punishable, on conviction by a Magistrate of the first class, with fine which may extend to two hundred rupees.

45. *Procedure in inquiries.*—For the purpose of any inquiry held under clause (b) of section (1) of section 42, the Board or a Committee, as the case may be, shall exercise the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850 of the Central Legislature as adapted to Rajasthan and the provisions of sections 5, 8 to 10, 14 to 16, 19 and 20 of the said Act shall, so far as may be applied to every such inquiry.

46. *Publication of names entered in the registers.*—(1) The Registrar shall, in every year and from time to time as occasion may require, on or before a date to be fixed in this behalf by the Board, cause to be published in the Rajasthan Gazette and in such other manner as the Board, may prescribe a full or supplementary list of the names for the time being entered in either part of each register and setting forth—

- (a) all names so entered arranged in alphabetical order;
- (b) the registered address and appointment held by, or actual employment of, each person whose name is so entered; and
- (c) the registered title, and qualifications of each such person:

Provided that the Registrar shall from time to time get published in the Rajasthan Gazette the names

of such practitioners whose names have been duly removed under any of the provisions of this Act.

(2) In any proceeding it shall be presumed that every person entered in the list published under subsection (1) is a registered practitioner and that any person not so entered is not a registered practitioner:

Provided that in the case of a person whose name has been entered in a register after the last publication of the list as aforesaid, a certified copy, signed by the Registrar, of the entry of the name of such person in a register shall be evidence that such person is registered under this Act. Such certificate shall be issued free of charge, but a duplicate thereof shall be issued on payment of a fee of two rupees.

47. *Powers of the Board.*—The Board shall have the following powers, namely:—

(1) — (1) to recognize educational or instructional institutions of Indian system of medicine, surgery and midwifery for purposes of registration or enlistment;

(2) to grant scholarships to such students as may be poor and deserving, or meritorious; and with the sanction of the State Government to grant to students domiciled in Rajasthan scholarships for research or special study in any institution that the Board may think fit;

(3) to suspend, or withdraw the recognition of any institution; and

(4) subject to rules made by the State Government to distribute grants out of the funds placed at the disposal of the Board, to Ayurvedic and Unani Tibbi dispensaries and hos-

pitals, infirmaries, lying in hospitals, surgical institutions and maternity houses in Rajasthan; and

- (5) to adopt such measures and to do such acts as may be necessary for the furtherance of the objects of this Act and not inconsistent with the provisions thereof.

48. *Making of regulations.*—Subject to the provisions of this Act and of the rules made thereunder, the Board may frame regulations for regulating the following matters, namely—

- (i) condition on which institutions may be recognised for the purpose of registration or enlistment;
- (ii) the time and place at which meetings of the Board and committees shall be held;
- (iii) the issue of notices convening such meetings;
- (iv) the conduct of business thereat;
- (v) matters which are required under this Act to be prescribed by the regulations;
- (vi) matters which are required under this Act to be prescribed by the Board; and
- (vii) all other matters which may be necessary for the purpose of carrying out the objects of this Act.

(2) All such regulations shall be published in the Rajasthan Gazette.

(3) The State Government may, by notification in the Rajasthan Gazette, cancel any regulation.

49. *Disposal of fees.*—All fees received by the Board on account of registration or enlistment under this Act shall be credited to the Board and shall be applied for the purposes of this act, in accordance with rules.

50. *Special privileges of "A" class registered practitioners*:—A registered practitioner of "A" class alone shall be deemed to be qualified—

- (i) for examining and investigating into cases and matters of medico-legal character, and
- (ii) for giving expert evidence under section 45 of the Indian Evidence Act, 1872, at any inquest or in any Court of law in respect of any such cases and matters relating to the Indian system of medicine, surgery or midwifery.

51. *Qualified practitioner's certificates*:—Notwithstanding anything contained in any law for the time being in force and subject to the provisions of section 50—

- (1) The expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing that a person is recognized by law as a medical practitioner or a member of the medical profession shall, in all laws in force in Rajasthan and in all Acts of the Central Legislature (extended for the time being in their application to Rajasthan) be deemed to include save as otherwise provided in this Act, a registered practitioner.

(2) A certificate required under any law or rule having the force of law from any medical practitioner or medical officer shall be valid. If such certificate has been granted by a registered practitioner.

(3) A registered practitioner shall be eligible to hold any appointment as a Vaidya, Hakim, midwife or other medical officer in any Ayurvedic or Unani

dispensary, hospital, infirmary, lying in hospital, surgical institution or maternity house supported by or receiving a grant from the state Government or in any public establishment, body or institution dealing with an Indian system of medicine, surgery or midwifery.

(4) A registered practitioner shall be entitled to sign or authenticate:—

- (a) a birth or death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner; and
- (b) a medical or physical fitness certificate required by law or rule to be signed or authenticated by a duly qualified medical practitioner.

52. *Reservation of certain appointments to Vaidyas etc. who have qualified themselves from educational institutions recognised by the Board.*—Except with the special sanction of the State Government, no person, other than a registered Vaidya, Hakim or midwife who has qualified himself or herself from an institution recognised by the Board for the purpose, and is a domiciled resident of Rajasthan, shall be competent to hold an appointment as medical officer of health or as Vaidya, Hakim, midwife or other medical officer in an Ayurvedic or Unani Tibbi hospital, infirmary, dispensary, lying in hospital, surgical institution or maternity house maintained by or under the control of the State Government or a local authority:

Provided that Vaidyas, Hakims, and midwives in the employ of the State Government or a local authority on the date on which this Act comes into force shall continue to hold their appointments.

53. *Exemption from serving on inquest.*—Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempted, if he so desires, from serving on any inquest or as a Juror or assessor under the Code of Criminal Procedure, 1898.

54. *Rules.*—(1) The State Government may, after previous publication, from time to time make rules consistent with this Act to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the State Government may make rules for any of the following matters, namely:—

- (a) the time at which and the place and manner in which election shall be held under section 6;
- (b) the regulation of elections under this Act;
- (c) the conduct of and the maintenance of correct minutes of meetings of the Board;
- (d) the manner in which vacancies shall be filled under section 14;
- (e) the salary and allowances and other conditions of service of the Registrar and other officers and servants of the Board;
- (f) the form of the registers and lists of Vaidyas, Hakims and midwives to be maintained under this Act;
- (g) the application of fees chargeable under this Act;
- (h) the manner in which appeals against the decisions of the Registrar shall be heard by the Board;

- (i) the expenses payable to the Chairman and members ;
 - (j) anything that is required under this Act to be prescribed by rules ;
 - (k) anything that is required under this Act to be prescribed otherwise than by the Board; and
 - (l) the furtherance of the objects of the Act;
- (3) All such rules shall be published in the Rajasthan Gazette.

55. *Appeals to State Government from decisions of Board.*—(1) An appeal shall lie to the State Government from every decision of the Board under this act, except a decision made by the Board as an appellate authority.

(2) Every appeal under sub-section (1) shall be preferred within three months of the date of such decision.

56. *Bar to suit and other legal Proceedings.*—(1) No suit or other legal proceeding shall lie against the State Government in respect of an act done in the exercise of the powers conferred by this Act.

(2) No suit or other legal proceedings shall be maintainable against the Board or the Chairman or any member or the Registrar or any other officer or servant of the Board or any member of a Committee or any person acting under the direction of the Board or of a Committee or of the Registrar or any other officer or servant of the Board in respect of anything done under this Act, lawfully and in good faith and with reasonable care and attention.

57. *Mode of proof of Board's records.*—A copy of any proceeding, receipt, application, plan, notice, order, entry in a register, or other document in the possession of the Board shall, if duly certified by the Registrar or other person authorised by the Board in this behalf,

be received as *prima facie* evidence of the existence of entry or document and shall be admitted as evidence of the entry or document and of the matters therein recorded in every case where and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters.

58. *Restriction on the summoning of Board's servants to produce documents.*—No member, officer or servant of the Board shall in any legal proceeding to which the Board is not a party; be required to produce any register or document or to appear as witness to prove the matters recorded therein, unless by order of the Court made for special reasons.

59. *Control of Board by State Government.*—If at any time it shall appear to the State Government that the Board has failed to exercise or has exceeded or abused a power conferred upon it under this Act or has failed to perform a duty imposed upon it by this Act the State Government may, if it considers such failure, excess, or abuse to be of serious character, notify the particulars thereof to the Board, and if the Board fails to remedy such default, excess or abuse within such time as may be fixed by the State Government in this behalf, the State Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such agency and for such period as it may think fit:

Provided that it shall take steps within six months to constitute a new Board, under the provisions of this Act.

60. *Court competent to try offences under this Act and cognizance of offences.*—(1) No court other than the Court of a Magistrate of the first class shall take cognizance of, or try, an offence under this Act.

(2) No court shall take cognizance of any offence under this Act except on a complaint in writing of an officer empowered by rules made in this behalf.

61. *Prohibition of practice of persons not listed.*—No person other than a registered or enlisted practitioner shall practise or hold himself out, whether directly or by implication, as practising or as being prepared to practise the Indian system of medicine, surgery or midwifery :

Provided that the State Government may, by notification in the Rajasthan Gazette, direct that the provisions of this section shall not apply to any class of persons or in a specified area.

62. *Penalty.*—Any person who acts in contravention of the provisions of section 61 shall on conviction for each offence be punishable with fine, which may extend to two hundred rupees.

63. *Saving.*—Nothing in sections 61 and 62 shall apply to any person:—

- (a) who is entitled to practise under the Rajasthan Medical Act, or
- (b) who limits his practice to the art of dentistry; or
- (c) who practises homeopathy, or
- (d) who, being a nurse or a dai, attends on a case of labour.

64. *Conferring, granting or issuing diploma, licence, etc. by unauthorised person or institution:*—(1) No person in Rajasthan other than an association or institution recognized by the Board under this Act shall confer, grant or issue or hold itself out as entitled to confer,

grant or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee, or recipient is qualified to practise an Indian system of medicine, surgery or midwifery.

(2) Whoever contravenes the provisions of this section shall on conviction be punishable with fine which may extend to five hundred rupees, and if the person so contravening is an association, every member of such association who knowingly and wilfully authorises or permits the contravention shall on conviction, be punishable with fine which may extend to two hundred rupees.

65. *False assumption of degree, diploma or certificate to be an offence:—*Whoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted or issue by any association or institution recognized by the Board under this Act or that he is qualified to practise an Indian system of medicine, surgery or midwifery under the provisions of this Act shall on conviction, be punishable with fine which may extend to fifty rupees for the first offence and to fine which may extend to two hundred rupees for every subsequent offence.

THE SCHEDULE

(See Section 32)

Part A

PERSONS WHO ARE ENTITLED TO HAVE THEIR NAMES ENTERED IN PART A OF THE REGISTERS

1. Vaidyas, Hakims or midwives who have passed the final examination of the Faculty of Ayurvedic or Unani Tibbi system of medicine, surgery or midwifery held by any University established by law in India or who hold a degree of any such University in an Indian system of medicine surgery or midwifery.

2. Vaidyas, Hakims or midwives who have passed the final examination held by a Board or Faculty of Indian Medicine, surgery or midwifery established by law in any State of India other than Rajasthan or by any institution affiliated to any such Board or Faculty.

3. Vaidyas who hold the degree of Bhishagacharya of the Government Ayurvedic College, Jaipur or the degree of Ayurvedacharya of the Ayurved Vidyapith.

4. Vaidyas, Hakims or midwives who have passed an examination from an Ayurvedic or Unani Tibbi Institution in or outside Rajasthan recognised by the Board for purpose of registration in part A of the registers.

5. Vaidyas, Hakims or midwives practising in Rajasthan—

- (a) who at the commencement of this Act are registered as "A" class Vaidyas, Hakims or midwives under the Jaipur Ayurvedic and Unani Tibbi practitioners Act, 1943, or
- (b) who, though not possessing any of the qualifications specified in this part—are in the opinion of the Board, of sufficient standing, reputation and ability and are so well-known for their skill in their profession as to entitle them to claim registration in part A of the registers provided that they fulfil the prescribed condition as to the length of their practice.
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Part B.

PERSONS WHO ARE ENTITLED TO HAVE THEIR NAMES ENTERED IN PART B OF THE REGISTERS

1. Vaidyas, Hakims or midwives who have passed an examination from any Ayurvedic or Unani Tibbi institution in or outside Rajasthan recognised by the Board for purposes of registration, in Part B of the registers.

2. Vaidyas who have obtained any of the following degrees after regular study in a duly recognised institution, namely :

- (i) the Bhishagvar degree of the Rajasthan Ayurvedic College, or
- (ii) the Ayurved Shastri or Ayurvedacharya degree of the Maharaja's Sanskrit College Jaipur, or
- (iii) the Visharad degree of the Ayurved Vidya-pith.

3. Vaidyas, Hakims or midwives who at the commencement of the Act are registered as "B" class Vaidyas, Hakims or midwives under the Jaipur Ayurvedic and Unani Tibbi Practitioner Act, 1943.

4. Vaidyas, Hakims or midwives practising in Rajasthan who, though not possessing any of the qualifications specified in this part, are, in the opinion of the Board, of sufficient standing, reputation and ability and are so well known for their skill in their profession as to entitle them to claim registration in Part B of the registers, provided that they fulfil the prescribed condition as to the length of their practice.

PRABHU DAYAL LOIWAL,
Secretary to the Government.