

Tamilnadu Siddha Medical Council, Chennai.

From  
Dr. K. Palanichamy, B.I.M.,  
Registrar,  
Tamilnadu Siddha Medical  
Council, Chennai-600 106.

To  
The Secretary,  
Central Council of Indian  
Medicine, Institutional  
Janakpuri, Area,  
New Delhi - 110 058.

22  
K. Dis. No. 79/TNSMC/2000 dated 14-3-2000

3 Sir,

Sub: Tamilnadu Siddha Medical Council, Chennai-  
Supply of State Act regulating the registra-  
tion and practice in Siddha System of Medi-  
cine - Regarding.

Ref: Your Lr. Ref. F. No. 22-27/98-SA dated 23-2-2000.

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With reference to your letter cited above, I am sending herewith two copies of the State Act, which provides registration to Siddha practitioners of Siddha System of Medicine. The schedule of qualifications regulating the registration and practice in Tamil Nadu State is appended in the Act.

Yours faithfully,

*[Handwritten signature]*  
21/3/2000

*[Handwritten signature]*  
Registrar.

*[Handwritten signature]*  
14/3/2000

Encl: 2 copies of State Act.

*[Handwritten signature]*  
21/3/2000

*[Handwritten signature]*

Tamil Nadu Siddha Medical Council  
Chennai

A Bill to provide for the development of the Siddha system of medicine and of the registration of practitioners of Siddha medicine in the State of Tamil Nadu and for matters connected therewith and incidental thereto.

BE it enacted by the Legislative Assembly of the State of Tamil Nadu in the Forty-Eighth Year of the Republic of India as follows :—

## CHAPTER I.

### PRELIMINARY.

1. (1) This Act may be called the Tamil Nadu Siddha System of Medicine (Development and Registration of Practitioners) Act, 1997. Short title, extent and commencement.

(2) It extends to the whole of the State of Tamil Nadu.

(3) It shall come into force on such date as the Government may, by notification, appoint and different dates may be appointed for different provisions of this Act.

2. In this Act, unless the context otherwise requires,—

Definitions.

(1) "commencement of this Act", in relation to any provision of this Act, means the date of the coming into force of that provision.

(2) "Council" means the Tamil Nadu Siddha Medical Council established under section 4;

(3) "Government" means the State Government ;

(4) "hospital", "asylum", "infirmity", "dispensary", "lying-in-hospital" or "sanatorium" means an institution where the methods of treatment is carried on in Siddha medicine and which are approved by the Council ;

(5) "member" means a member of the Council and includes the President ;

(6) "modern medicine" means modern scientific medicine commonly known as allopathic medicine in all its branches and includes surgery and obstetrics but does not include veterinary medicine and surgery ;

(7) "practitioner" means any person engaged in the practice of Siddha medicine ;

(8) "President" means the President of the Council nominated under sub-section (1) of section 6 ;

(9) "register" means the register of practitioners maintained under sub-section (1) of section 19 ;

(10) "registered practitioner" means a practitioner whose name is for the time being entered in the register ;

(11) "Registrar" means the Registrar of the Council appointed under sub-section (1) of section 15 ;

(12) "regulations" means the regulations made by the Council under this Act ;

(13) "rules" means the rules made by the Government under this Act ;

(14) "Schedule" means the Schedule to this Act ;

(15) "Siddha medical institution" means any college or institution providing courses of study or training in Siddha system of medicine for admission to the examinations for degrees, diplomas, titles or certificates specified in the Schedule ;

(16) "Siddha medicine" means the system of medicine founded by Siddhars ;

(17) "University" means any University in India established by law and having a faculty of Siddha medicine.

## CHAPTER II.

### ESTABLISHMENT OF SIDDHA MEDICAL INSTITUTION.

3. (1) No person shall establish any Siddha medical institution except with the prior approval of the Council and the Government :

Provided that the approval of the Government under this sub-section shall be given only after the Council has given its approval.

(2) Nothing contained in sub-section (1) shall apply to the Siddha medical institution established by the Government.

(3) (a) Every application for approval of the Council under sub-section (1) shall be made in such form, with such particulars and in such manner as may be prescribed in the regulations.

(b) Every application for approval of the Government under sub-section (1) shall be made in such form, with such particulars and in such manner as may be prescribed.

(4) Notwithstanding anything contained in sub-section (1), any Siddha medical institution established before the date of commencement of this Act and is in existence on the date of such commencement shall be deemed to have been approved by the Council and by the Government under this section.

New Siddha medical institution not to be established without approval of Council and Government.

## CHAPTER III

## ESTABLISHMENT OF COUNCIL

4. (1) The Government shall, by notification, establish for the State of Tamil Nadu a Council called the Tamil Nadu Siddha Medical Council. Establishment of Council.

(2) The Council shall be a body corporate, shall have perpetual succession and a common seal, shall have power to acquire, hold and dispose of property (both movable and immovable) and to contract and shall sue and be sued by the said name.

5. (1) The Council shall consist of the following members, namely:— Constitution of Council.

(a) the Secretary to Government in-charge of Health and Family Welfare, *ex-officio*;

(b) the Director of Indian Medicine and Homoeopathy, *ex-officio*;

(c) the Heads of the Government Siddha Medical Colleges, *ex-officio*;

(d) the Head of the Central Research Institute (Siddha), Chennai, *ex-officio*;

(e) one member elected from among themselves by the registered practitioners who possess any of the qualifications specified in Part I of the Schedule;

(f) two members elected from among themselves by the registered practitioners who possess any of the qualifications specified in Part II of the Schedule;

(g) four members elected from among themselves by the registered practitioners who possess any of the qualifications specified in Part III of the Schedule;

(h) six members elected from among themselves by the registered practitioners who possess the qualification specified in Part IV of the Schedule;

(i) one member elected from among themselves by the registered practitioners who possess the qualification specified in Part V of the Schedule;

(j) one member elected from among themselves by the teaching staff of the Siddha Medical Institution who are registered practitioners;

(k) three members nominated by the Government from among the registered practitioners; and

(l) one member nominated by the Government from among the eminent Tamil Scholars who have rendered service for the development of Siddha system of medicine

(2) Save as otherwise provided in this Act, the term of office of the elected and nominated members shall be five years from the date of his election or nomination, as the case may be and shall be eligible for re-election or re-nomination.

(3) If for any reason, the Secretary to Government in-charge of Health and Family Welfare or the Director of Indian Medicine and Homoeopathy, is unable to attend any meeting of the Council, he may depute any officer of his department not lower in rank than that of Deputy Secretary to Government or, as the case may be, Medical Officer to attend such meeting. The Officer so deputed shall have the right to take part in the proceedings of the Council and shall have the right to vote

6. (1) There shall be a President for the Council who shall be nominated by the Government from among the members of the Council. President.

(2) The President shall hold office so long as he continues to be a member of the Council.

(3) The President shall exercise such powers and perform such duties as may be prescribed.

7. Notwithstanding anything contained in this Chapter, the Government shall constitute the first Council by nominating its members including the President and the Council so constituted shall hold office for such period not exceeding one year from the date of its constitution as may be specified by the Government:

Constitution of first Council by Government by nomination.

Provided that the first Council constituted under this section shall cease to function as soon as a Council is constituted in accordance with the provisions of this Act and the rules.

8. No person shall be eligible for being elected or nominated as a member if he—

Disqualification for membership

(1) is not ordinarily a resident in the State of Tamil Nadu ;

(2) is not a registered practitioner, except in the case falling under clause (1) of sub-section (1) of section 5;

(3) is an applicant to be adjudicated as an insolvent or is an undischarged insolvent ;

(4) is of unsound mind and stands so declared by a competent court ;

(5) has been sentenced by a criminal court to imprisonment for any offence involving moral turpitude ;

(6) is a paid employee of the Council or

(7) has not completed twenty-five years of age.

9. A member shall be deemed to have vacated his office.—

Cessation of membership.

(1) on sending his resignation in writing to the President;

(2) on his absence, without excuse sufficient in the opinion of the Council, from three consecutive meetings of the Council ;

(3) on his ceasing to ordinarily reside in the State of Tamil Nadu for twelve consecutive months;

(4) on removal of his name from the register;

(5) on his applying to be adjudicated, or on his being adjudicated, as an insolvent;

(6) on his being declared to be of unsound mind by a competent court;

(7) on the expiry of the term of office mentioned in sub-section (2) of section 5;

(8) on his being sentenced by a criminal court to imprisonment for any offence involving moral turpitude; or

(9) on his becoming a paid employee of the Council.

10. (1) The Government may, by order in writing, remove any member if, in the opinion of the Government, such member is guilty of gross misconduct in any respect, professional or otherwise, which renders him unfit to be a member.

Removal of member.

(2) No member shall be removed under sub-section (1) without being given an opportunity of making his representation. A copy of the order removing him shall be communicated to him.

11. (1) Any casual vacancy in the office of an elected or a nominated member shall be filled up by election or nomination, as the case may be, in accordance with the provisions of section 5; **Filling up of casual vacancies.**

Provided that no casual vacancy in the office of an elected member occurring within six months before the date of the expiry of the term of office of the member shall be filled except with the previous sanction of the Government;

Provided further that any casual vacancy in the office of a nominated member occurring within six months before the date of the expiry of the office of the member may, if the Government deem fit, be kept unfilled.

(2) A member filling a casual vacancy shall hold office so long as the member in whose place he is elected or nominated would have been entitled to hold office if the vacancy had not occurred.

12. (1) There shall be an Executive Committee of the Council consisting of—

**Executive Committee.**

(a) the President, ex-officio; and

(b) four members elected from among themselves by the members of the Council at the first meeting of the Council, in the manner prescribed.

(2) Every member of the Executive Committee shall hold office so long as he continues to be a member of the Council.

(3) Any casual vacancy in the office of a member of the Executive Committee shall be filled up by the Council by electing a member of the Council and the member so elected in the casual vacancy shall hold office for the residue of the term for which the person in whose place he is elected would have been a member of the Executive Committee.

(4) The Council may, in accordance with the rules and with the previous sanction of the Government, delegate any of its powers or functions to the Executive Committee.

13. (1) The Council may,—

**Powers of Council.**

(a) establish Siddha medical institution with the approval of the Government;

(b) give approval to establish Siddha medical institution and to withdraw such approval with the previous approval of the Government;

(c) grant aid to Siddha medical institution;

(d) direct the governing body or the authority in-charge of any Siddha medical institution, the establishment of which has been approved by the Council, to furnish within such period as may be specified in such direction, such reports, returns or other information as the Council may require to judge the efficiency of such institution;

(e) inspect Siddha medical institution and also hospitals, dispensaries, asylum, infirmary, lying-in-hospital and sanatorium;

(f) recommend to Government the opening of new hospitals and dispensaries;

(g) prescribe and publish text books for the courses provided by the Siddha medical institution;

(h) evolve norms for standardisation of Siddha medicine;

(i) make regulations for the manufacture and sale of Siddha medicine;

(j) unearth various Siddha medicine and formulations kept secret by hereditary practitioners and popularise them;

(k) formulate the aims and patterns of research on scientific lines in Siddha medicine :

(l) undertake any research or research oriented programme.;

(m) propagate the research activities and their results in Siddha medicine both at national and international levels :

(n) procure rare and esoteric cudgeon leaf literature, old manuscripts and rare printed books in Siddha medicine and undertake their publications and documentation ;

(o) make regulations for the conduct of its meetings .

(p) suggest new courses of study and to make regulations for such courses ;

(q) receive grants, donations, gifts and endowments ;

(r) incur such expenditure, adopt such measures and do such acts as may be necessary for the furtherance of the powers and functions mentioned in this section ;

(s) prescribe by regulations the standards of professional conduct and etiquettes and code of ethics to be observed by a registered practitioner ; and

(t) promote activities and research in the development of medicinal herbs and minerals.

(2) The Council shall perform such other functions as the Government may direct for carrying out the purposes of this Act.

14. (1) The Council and the Executive Committee shall meet at such time and place, and every meeting of the Council or the Executive Committee shall be summoned by such person and in such manner as may be prescribed by regulations :

Meetings of  
Council and  
Executive  
Committee.

Provided that until such regulations are made, it shall be lawful for the President to summon a meeting of the Council or the Executive Committee at such time and place as he may deem expedient by letter addressed to each member of the Council or of the Executive Committee.

(2) All questions at any meeting of the Council or the Executive Committee shall be decided by a majority of the members present and voting and in the case of equality of votes, the President or the member presiding shall have and exercise a second or casting vote :

Provided that in the case of equality of votes at an election, the choice shall be by casting lots.

(3) The members of the Council and the members of the Executive Committee shall be paid such daily and travelling allowances as may be prescribed.

15. (1) (a) The Council shall appoint a Registrar who shall be,—

(i) the Secretary to the Council :

(ii) the Treasurer to the Council unless the Council appoints another person as Treasurer; and

(iii) the Secretary to the Executive Committee ;

(b) The Council may, at any time, remove the Registrar from office by a resolution passed at a special meeting convened for the purpose and by a majority of not less than two-thirds of the members present and voting :

Provided that before taking any action under this clause to remove the Registrar, he shall be given an opportunity of making his representation.

Officers and  
other servants  
of Council.

(c) The appointment of Registrar under clause (a) or his removal from office under clause (b) shall be subject to the approval of the Government and shall not take effect until such approval has been given.

(2) When any temporary vacancy occurs in the office of the Registrar or if the Registrar is, by reason of absence, illness or for any other reason, unable to exercise the powers and perform the duties of his office, his powers and duties shall be exercised and performed by such person and in such manner and for such period, not exceeding three months, as the President may direct.

(3) The Council may also appoint such other officers and servants as it may deem necessary for the performance of its function under this Act.

(4) The remuneration and other conditions of service of the Registrar and other officers and servants of the Council shall be such as may be specified by regulations.

(5) All officers and servants of the Council including the Registrar appointed under this section shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Central Act XLV  
of 1860.

16. If at any time it appears to the Government that the Council has neglected to exercise or has exceeded or abused any power conferred upon it by or under this Act or has neglected to perform any duty imposed upon it by or under this Act, they may notify the particulars of such neglect, excess or abuse to the Council and issue such directions as may be necessary to rectify such neglect, excess or abuse, within such time as may be specified in this behalf. If the Council fails to rectify such neglect, excess or abuse within the time specified, the Government may, for the purpose of rectifying such neglect, excess or abuse, cause any of the powers and duties of the Council to be exercised and performed by such person or authority for such period as the Government may deem fit.

**Control by  
Government.**

17 (1) Notwithstanding anything contained in section 16, the Government may appoint a Special officer, who is, or has been, or is qualified to be appointed as a District Judge, to inquire any neglect, excess or abuse referred to in section 16 and refer to him the particulars of such neglect, excess or abuse for inquiry. The Special Officer shall conduct the inquiry in a summary manner and report to the Government as to the truth of the particulars referred to him and in case of any such neglect, excess or abuse being found by the Special Officer to have been established, the Special Officer shall recommend the remedial measures which are in his opinion necessary.

**Inquiry by  
Special  
Officer.**

(2) The Government may direct the Council to carry out the remedial measures recommended by the Special Officer within such time as may be specified in the direction. If the Council fails to comply with any such direction, the Government may pass such orders or take such action as they deem necessary to give effect to the recommendation of the Special Officer.

(3) The Special Officer shall have power to administer oaths and to enforce the attendance of witnesses and the production of documents and such other powers as are necessary for the purpose of any inquiry to be conducted by him, as are exercised by a civil court under the Code of Civil Procedure, 1908.

Central Act V  
of 1908.

## CHAPTER IV.

## REGISTRATION OF PRACTITIONERS.

18. (i) Subject to the other provisions of this Act,—

Registrar  
of practi-  
tioners.

(a) every person who possesses any of the qualifications specified in the Schedule ; or

(b) every person who does not possess any of the qualifications specified in the Schedule but possesses any of the qualifications recognised by the Council; shall be entitled to have his name entered in the register maintained under sub-section (1) of section 19.

(2) Every application for registration under this Act shall be sent to the Registrar together with such fee not exceeding two hundred and fifty rupees as may be prescribed in the rules and with such proof of qualification for registration as may be prescribed by the Council by regulations.

(3) Notwithstanding anything contained in sub-section (1), the Council may refuse to register any person who has been convicted of any offence which, in the opinion of the Council, implies a defect of character disqualifying him to be registered or who, after an inquiry at which opportunity has been given to him to be heard in person or by pleader, has been held by the Council to have been guilty of infamous conduct in any professional respect.

(4) Every registration under sub-section (1) shall be in force for a period of five years and may, subject to the provisions of sub-section (5), be renewed for a period of five years at a time.

(5) Every application for renewal of registration under sub-section (4) shall be made within such time and with such fee, not exceeding twenty five rupees, as may be prescribed and the provisions of this Act shall, as far as may be, apply in relation to the renewal of a registration as they apply in relation to registration.

19. (1) There shall be maintained a register in separate Parts for each of the following Classes of practitioners, namely ;—

Register of  
practitioners  
and its main-  
tenance.

(i) practitioners who possess any of the qualifications specified in Part I of the Schedule and registered under this Act ;

(ii) practitioners who possess any of the qualifications specified in Part II of the Schedule and registered under this Act ;

(iii) practitioners who possess any of the qualifications specified in Part III of the Schedule and registered under this Act ;

(iv) practitioners who possess the qualification specified in Part IV of the Schedule and registered under this Act ;

(v) practitioners who possess the qualification specified in Part V of the Schedule and registered under this Act ; and

(vi) practitioners who possess any of the qualifications specified in Part VI of the Schedule and registered under this Act.

(2) The register maintained under sub-section (1) shall be in such form and shall contain such particulars as may be prescribed.

(3) The Registrar shall keep and maintain the register referred to in sub-section (1) in accordance with the provisions of this Act and the rules and the order of the Council and to revise the register from time to time and publish it in such manner as may be prescribed.

(4) The register maintained under sub-section (1) shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872.

20. (1) Any registered practitioner may apply to the Registrar in such manner and with such fee, not exceeding one hundred rupees, as may be prescribed, for registration under a new name or in respect of any additional qualification obtained subsequent to the registration under this Act. **Alteration of register.**

(2) Every application under sub-section (1) shall be considered in such manner as may be prescribed and the entry made in the register in respect of the applicant shall be amended or, as the case may be, cancelled and new entry made in the appropriate Part of the register.

21. (1) Every person whose name has been entered in the register shall be issued a Certificate of registration in such form as may be prescribed. **Certification of registration.**

(2) Where it is shown to the satisfaction of the Registrar that the Certificate of Registration issued under sub-section (1) has been lost, destroyed or mutilated, the Registrar may, on payment of such fee, not exceeding fifty rupees, as may be prescribed, issue a duplicate certificate thereof.

22. (1) The Council may, if it is satisfied that any entry in the register has been made fraudulently or incorrectly, after giving notice to the person concerned and after hearing his objections, if any, order that such entry in the register be cancelled or amended, as the case may be. **Removal of name from register.**

(2) (a) The Council may, after giving the registered practitioner an opportunity of making his representation, direct the removal, altogether or for a specified period, from the register, of the name of the registered practitioner if—

(i) he has been convicted of any offence which implies in the opinion of the Council a defect of character; or

(ii) he has been held by the Council to have been guilty of infamous conduct in any professional respect; or

(iii) he has not renewed his registration under sub-section (4) of section 18.

(b) The Council may, subject to the rules, direct that any name so removed shall be restored on application from the person concerned.

(3) (a) The Council may, subject to the rules, direct the deletion from the register of the name of any registered practitioner if—

(i) the registered practitioner is dead:

Provided that the information regarding the death is furnished by such officer, in such form, and in such manner, as may be prescribed;

(ii) the registered practitioner has made an application for the deletion of his name from the register.

(b) Any practitioner whose name has been deleted from the register under clause (a) (ii) may apply for fresh registration under sub-section (1) of section 18.

(4) Whenever the name of any registered practitioner is directed to be removed or deleted from the register by the Council, it may publish or cause to be published the fact of such removal or deletion in such manner as it deems fit.

23. (1) Any person aggrieved by an order of the Council under sub-section (3) of section 18 or under section 22 may appeal to the Government. **Appeal.**

(2) Every appeal under sub-section (1) shall be preferred within three months from the date of the receipt of the order appealed against.

Provided that the Government may allow further time not exceeding three months for preferring any appeal, if they are satisfied that the appellant had sufficient cause for not preferring the appeal in time.

(3) In disposing of an appeal under this section, the Government may, after giving the Appellant an opportunity of making his representation, pass such order thereon as they may deem fit.

(4) The order of the Government on such appeal shall be final.

(5) The Government may, pending the exercise of their powers under this section, pass such interlocutory order as they may deem fit.

24. (1) Any inquiry under sub-section (3) of section 18 may be held by the Council or by a Committee consisting of three members of the Council elected from among its members for the purpose. The Council or the Committee, as the case may be, may, at its discretion, hold such inquiry *in-camera*. When the inquiry is held by a Committee, it shall make a report to the Council which shall pass orders under sub-section (3) of section 18.

Procedure for inquiries.

(2) For the purpose of any inquiry under section 18, the Council or the Committee referred to in sub-section (1) shall be deemed to be a court within the meaning of the Indian Evidence Act, 1872 and shall exercise all the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850 and such inquiries shall be conducted, as far as may be, in accordance with the provisions of section 5 and sections 8 to 20 of the Public Servants (Inquiries) Act, 1850.

Central Act  
1 of 1872.  
Central Act  
XXXVI of 1850  
Central Act  
XXXVI of 1850.

25. Notwithstanding anything contained in any law for the time being in force—

(1) a certificate required by law to be given by a medical practitioner shall be valid, if it is signed by any registered practitioner belonging to such class of registered practitioners as may be specified by the Government from time to time; and

Privileges of registered practitioners.

(2) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word or expression importing reference to a person recognised by law as a medical practitioner, or as a member of the medical profession, shall, in any provincial Act as defined in clause (46) of section 3 of the General Clauses Act, 1897 or in any State Act as defined in clause (59) of the said section 3 or in any Central Act in its application to the State of Tamil Nadu, in so far as any such Act relates to any of the matters specified in List II or List III in the Seventh Schedule to the Constitution, be deemed to include a practitioner registered under section 18.

Central Act X  
of 1897.

## CHAPTER V.

## PENALTIES.

26(1) Notwithstanding anything contained in any law for the time being in force.—

(a) no person other than a person registered under section 18 shall practise Siddha medicine:

Prohibition of practice in Siddha Medicine by person not registered.

Explanation.—For the purpose of this clause—

(i) (A) a person who holds himself out as being able to, or who by any advertisement, demonstration, exhibition or teaching offers or undertakes, by any means or method whatsoever, to diagnose, treat or operate according to Siddha medicine, or to give Siddha medicine for any ailment, disease, injury, pain, deformity or physical condition or prescribes Siddha medicine or other remedy according to Siddha system of medicine shall be deemed to practise Siddha medicine;

(B) "advertisement" includes any word, letter, notice, circular, picture, illustration, model, sign playboard and board or other document any announcement made orally or by any means of producing or transmitting light, sound, smoke or other audible or visible representation;

(ii) a person who—

(A) mechanically fits or sells lenses, artificial eyes, limbs or other apparatus or appliances; or

(B) is engaged in the mechanical examination of eyes for the purpose of constructing or adjusting spectacles, eye-glasses or lenses; or

(C) practices physiotherapy or electrotherapy or chiropody or naturopathy or hydropathy or Yogic healing; or

(D) does domestic administration of family remedies; or

(E) being registered under the Dentists Act, 1948 limits his practice to the act of dentistry; or

(F) being a nurse, midwife, health visitor, or auxiliary nurse—midwife registered under the Tamil Nadu Nurses and Midwives Act, 1926, or a dhai attending to labour cases,

shall not be deemed to practise Siddha medicine.

(b) no person other than a registered practitioner, unless authorised by the Government in this behalf, shall be entitled to—

(i) sign or authenticate a birth or a death Certificate or a medical or a physical fitness certificate or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner;

(ii) give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating to medicine surgery or midwifery;

(c) except with the special sanction of the Government, no person other than a registered practitioner shall hold any appointment as physician, surgeon or any other office (by whatever designation called) in any hospital, asylum, infirmary, dispensary, lying-in-hospital, sanatorium or other similar institution dealing with Siddha medicine or with Siddha and modern medicines.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

Central Act  
XVI of 1948.

Tamil Nadu  
Act III of 1926.

Central Act I of  
1872.

27. (1) No person other than—

- (a) a University; or
- (b) an institution established by the Council; or

(c) an authority empowered or recognised as competent, by the Government, to confer, grant or issue any degree, diploma, licence, certificate, or any other like award entitling the holder thereof to practice Siddha medicine,

shall confer, grant or issue or hold himself as entitled to confer, grant or issue any degree, diploma, licence, certificate or any other like award which is identical with, or is a colourable imitation of, any degree, diploma, licence, certificate or award conferred, granted or issued by a University, an institution or an authority referred to in clauses (a), (b) or (c) and purports to entitle the holder thereof to practice Siddha medicine.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable—

(i) for the first offence, with fine which may extend to one thousand rupees; and

(ii) for the second or any subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to two thousand rupees or with both.

28. (1) No person shall add to his name any title, description, letter or abbreviation which implies that he holds a degree, diploma, licence or certificate or any other like award as his qualification to practice Siddha medicine unless—

(a) he actually holds such degree, diploma, licence, certificate or any other like award; and

(b) such degree, diploma, licence or certificate or any other like award—

- (i) is recognised by any law for the time being in force in India or in any part thereof; or

(ii) has been conferred, granted or issued under sub-section (1) of section 27.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable—

(i) for the first offence, with fine which may extend to five hundred rupees; and

(ii) for the second or any subsequent offence with imprisonment for a term which may extend to six months or with the fine which may extend to one thousand rupees; or with both.

29. Any person who falsely pretends to be a registered practitioner shall, whether any person is actually deceived by such pretence or not, be punishable—

(i) for the first offence, with fine which may extend to three hundred rupees; and

(ii) for the second or any subsequent offence, with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees, or with both.

Conferring, granting or issuing colourable imitation of degrees, diplomas, etc., to be an offence.

Prohibition against addition of any title description, etc. to name of any person.

Penalty for falsely pretending to be registered practitioner.

## CHAPTER VI.

## MISCELLANEOUS.

30. (1) No court shall take cognizance of any offence punishable under this Act except on complaint in writing made by the Registrar or any officer authorised by him in this behalf. Jurisdiction of criminal courts.

(2) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

31. No order passed, decision or action taken or direction issued under this Act or the rules or regulations by the Council or by any committee, officer or servant thereof or by the Government or by any officer subordinate to them shall be liable to be called in question in any civil court. Bar of jurisdiction of civil courts.

32. (1) Where an offence against any of the provisions of this Act or any rule made thereunder has been committed by a company, every person who, at the time the offence was committed, was in-charge of and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly. Offences by companies.

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 had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any such offence has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or 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, society or other association of individuals; and

(b) "director" in relation to—

(i) a firm, means a partner in the firm,

(ii) a society or other association of individuals, means the persons who is entrusted under the rules of the society or other association, with the management of the affairs of the society or other association, as the case may be.

33. No act of the Council or any committee thereof or of any person acting as President or as member of the Council or of the Committee shall be deemed to be invalid merely on the ground of:— Acts of Council, committee, etc. not to be invalidated by certain defects.

(a) any vacancy or defect in the constitution of the Council or of the Committee;

(b) the President or any member of the Council or Committee not being entitled to hold or continue in office by reason of any disqualification or any defect or irregularity in his election or nomination, as the case may be; or

(c) any defect or irregularity in such act not affecting the merits of the case.

34. The Government may, if they are satisfied on the report of the Council or otherwise that the course of study and examination prescribed by any University or an institution or authority referred to in sub-section (1) of section 27 conferring, granting or issuing any degree, diploma, licence, certificate or any other like award —

Alteration in the list of qualification mentioned in schedule.

(1) included in the Schedule are not such as to secure the possession by persons obtaining such degree, diploma, licence, certificate or any other like award of the requisite knowledge and skill for the efficient practise of Siddha medicine, or

(2) not included in the Schedule are such as to secure the possession by the persons aforesaid of such knowledge and skill

by notification direct that such degree, diploma, licence, certificate or any other like award—

(a) in a case falling under clause (1), be removed from the Schedule, or

(b) in a case falling under clause (2), be included in the Schedule,

and upon the issue of such notification, the Schedule shall be deemed to have been amended accordingly.

35. (1) The Government may, by notification, make rules to carry out the purposes of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the form in which, the particulars with which and the manner in which, an application for the approval of the Government for establishment of a Siddha medical institution shall be made ;

(b) the powers and duties of the President ;

(c) the election and nomination of members including the President of the Council ,

(d) the manner in which the members of the Executive Committee shall be elected ;

(e) the delegation of powers or functions of the Council to the Executive Committee ;

(f) the daily and travelling allowances payable to the members of the Council and the Executive Committee ;

(g) the fees for registration under this Act ;

(h) the time within which an application for renewal of registration shall be made and the fees therefor ;

(i) the form of the register to be maintained under sub-section (1) of section 19 and the particulars to be contained therein and the manner in which the said register shall be published ;

(j) the fees for registration under a new name or in respect of any additional qualification obtained subsequent to the registration under this Act and the manner in which an application for such registration shall be considered ;

(k) the form in which a certificate of registration shall be issued and the fees for the issue of duplicate certificate of registration ;

(1) all matters expressly required or allowed by this Act to be prescribed.

(3) (a) All rules made under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(b) All notifications issued under this Act shall, unless they are expressed to come into force on a particular day, come into force on the day on which they are published.

(4) Every rule made under this Act and every notification issued under section 34 shall, as soon as possible after it is made or issued, be placed on the table of the Legislative Assembly and if, before the expiry of the session in which it is so placed or the next session, the Assembly makes any modification in any such rule or notification or, the Assembly decides that the rule or notification should not be made or issued, the rule or notification 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 or notification.

36. (1) The Council may, with previous sanction of the Government, by notification, make regulations, not inconsistent with the provisions of this Act and the rules, for enabling it to perform its functions under this Act.

Power to make regulations.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may provide for—

(a) the form in which, the particulars with which and the manner in which, an application for the approval of the Council for establishment of a Siddha Medical Institution shall be made;

(b) the manufacture and sale of Siddha medicine;

(c) the convening of the meetings of the Council and the Executive Committee and the conduct of business at such meetings;

(d) the standards of professional conduct and etiquettes and the code of ethics to be observed by a practitioner;

(e) the remuneration and other conditions of service of the Registrar and other officers and servants of the Council;

(f) the proof of qualification to be sent along with the application for registration under this Act;

(g) any other matter for which provision is to be or may be made in regulations.

37. Notwithstanding anything contained in this Savings Act, any person who has registered his name under the rules for the registration of practitioners of Indian Medicine issued with G.O.Ms. No. 1868, Health, Indian Medicine, Homoeopathy and Family Welfare Department, dated the 31st October 1990 and practising Siddha medicine immediately before the commencement of this Act shall be entitled to continue such practice for a period of six months, if he has made an application for registration under this Act within the said period, and until the disposal of the application by the Council.

Savings

38. The Council may reserve for the decision of the Government any proposal in any matter which in its opinion is of such importance as to be reserved for such decision and no action shall be taken by the Council in respect of such proposal until it is decided by the Government.

Council may reserve proposal for Government decision.

39. The Government may, from time to time, issue such directions, not inconsistent with the provisions of this Act, as they may consider necessary in regard to the exercise and performance of the powers and functions of the Council in matters involving substantial public interest and in like manner may vary or annul any such direction. The Council shall duly comply with and give immediate effect to the directions so issued.

Directions by Government.

40. No suit, prosecution or other legal proceeding shall lie against the Government or any authority or officer of the Government, or the Council or any Committee thereof or any officer or servant of the Council, for anything which is, in good faith, done or intended to be done in pursuance of this Act or any rule or order or regulation made under this Act.

Protection of action taken in good faith.

41. (1) The Government may, by notification, delegate to any authority or officer the powers conferred on them by or under this Act.

Delegation of powers.

(2) The exercise of any power delegated under sub-section (1) shall be subject to such restrictions and conditions as may be specified in the notification and subject to control and revision by the Government.

42. (1) If any difficulty arises in giving effect to the provisions of this Act, the Government may, as occasion requires, by order, not inconsistent with the provisions of this Act, do anything which appears to them to be necessary or expedient for the purpose of removing the difficulty:

Power to remove difficulties.

Provided that, no order under this sub-section shall be made after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be placed on the Table.

**THE SCHEDULE**  
**QUALIFICATIONS IN SIDDHA MEDICINE**

(See sections 2(14) and 34.)

S.No.	Name of the University, Board or Medical Institution.	Recognised Medical Qualification.	Abbreviation for Registration.
(1)	(2)	(3)	(4)
<b>PART I</b>			
1	Board of Examiners in Indian/Indigenous/Integrated Medicine.  Tamil Nadu	Licentiate in Indian/Indigenous /Integrated Medicine.  Higher Proficiency in Indian/Indigenous/Integrated Medicine.	L.I.M.  H.P.I.M.
<b>PART II</b>			
2	Government College of Indian/Indigenous Integrated Medicine, Chennai.	Graduate of the College of Indian/Indigenous/Integrated Medicine.	G.C.I.M.
<b>PART III</b>			
3	(a) University of Madras (b) Madurai-Kamaraj University, Madurai Do. Do. (c) Tamil Nadu Dr. M.G.R. Medical University, Chennai	Bachelor of Indian Medicine (Siddha)- Bachelor of Indian Medicine (Siddha)- Doctor of Medicine (Siddha). Bachelor of Siddha Medicine and Surgery Bachelor of Siddha Medicine and Surgery	B.I.M. B.I.M. M.D. (Siddha) B.S.M. & S. B.S.M. & S.
<b>PART IV</b>			
4	Central Board of Indigenous Medicine, Chennai or Tamil Nadu Board of Indian Medicine	Certificate granted to traditionally trained or hereditary practitioners of Indian Medicine and Enlisted Siddha Medical Practitioners	R.S.M.P. E.S.M.P.
<b>PART V</b>			
5	Board of Examiners in Indigenous Medicine, Tamil Nadu	Village Vaidya Certificate.	V.V.C.
<b>PART VI</b>			
(Qualifications granted by Medical Institutions in countries with which there is a Scheme of reciprocity.)			
6	Government College of Indigenous Medicine, Colombo, Sri-Lanka.	Diploma in Indigenous Medicine and Surgery- (Siddha).  Diploma in Ayurvedic Medicine and Surgery. (Siddha).	D.I.M.S.  D.A.M.S.
7	Institute of Indigenous Medicine, University of Colombo, Sri-Lanka.	Diploma in Ayurvedic Medicine and Surgery (Siddha).	D.A.M.S.
8	University of Jaffna, Sri-Lanka.	Diploma in Ayurvedic Medicine and Surgery (Siddha).	D.A.M.S.

**STATEMENT OF OBJECTS AND REASONS.**

At present there is no law to provide for the development of the Siddha System of medicine and for the regulation of the practitioners of the Siddha Medicine in the State of Tamil Nadu. It has been considered necessary to develop the Siddha System of medicine and to register the practitioners of Siddha Medicine in the State. It has also been considered necessary to establish a Council called the Tamil Nadu Siddha Medical Council for the purpose.

2. The Bill seeks to achieve the above objects.

**ARCOT N. VEERASAMY**  
Minister for Health and Electricity

**FINANCIAL MEMORANDUM**

Clauses 4 and 15 of the Bill seek to establish a Council, by the name "the Tamil Nadu Siddha Medical Council", to provide for the development of the Siddha System of Medicine and for the registration of practitioners of Siddha Medicine in the State of Tamil Nadu and for matters connected therewith and incidental thereto, and for appointment of officers and servants necessary for the performance of the functions of the said Council, respectively. The Bill, when enacted and brought into force, would involve expenditure from the Consolidated Fund of the State.

2. It is not, however, possible to estimate at this stage, with any degree of accuracy, the expenditure to be incurred as a result of the proposed Act.

## MEMORANDUM REGARDING DELEGATED LEGISLATION.

Clauses 1 (3), 4, 6, 7, 34, 35, 39, 41 and 42 of the Bill authorise the Government to issue Notification, orders or direction or to make rules, as the case may be, for the purposes specified therein and clause 36 of the Bill authorises the Tamil Nadu Siddha Medical Council to make regulations for the purposes specified therein.

2. The powers delegated are normal and not of an exceptional character.

## NOTES ON CLAUSES WITH REFERENCE TO THE PROVISIONS OF THE BILL.

- Clause 1 ... It gives the short title to the Act and indicate the extent and the commencement of the Act.
- Clause 2 .. It gives definitions for various expressions.
- Clause 3! .. It gives powers to the Government and to the Council for giving prior approval for the establishment of new Siddha Medical Institutions.
- Clause 4 .. The Government by Notification establish a Tamil Nadu Siddha Medical Council for the State of Tamil Nadu.
- Clause 5 .. Explains the constitution of the Tamil Nadu Siddha Medical Council.
- Clause 6 .. The Government will nominate the President of the Council.
- Clause 7 .. The Government will constitute the first Tamil Nadu Siddha Medical Council by nominating its members.
- Clause 8 .. Explains the disqualification of a person who cannot be elected as a member of the Council.
- Clause 9 .. Explains the circumstances under which a member can be deemed to have vacated his office in the Council.
- Clause 10 .. Explains the circumstances under which the Government can remove a member of the Council.
- Clause 11 .. Explains the way of filling up of a vacancy in the Council.
- Clause 12 .. Explains the constitution of an Executive Committee of the Council.
- Clause 13 -- Empowers the Tamil Nadu Siddha Medical Council to establish Siddha Medical Institution.
- Clause 14 .. Explains the details of the meetings of the Council and the Executive Committee.
- Clause 15 -- Empowers the Council for appointing supporting staff for the functioning of the Council.
- Clause 16 ... Empowers the Government to control over the Council.
- Clause 17 .. Empowers the Government to appoint a Special Officer for inquiry purpose.
- Clause 18! .. Explains who can register their names as per the provisions of this Act.
- Clause 19 .. Explains the maintenance of a register for those who register their names.
- Clause 20! .. Explains how alteration can be made in the Register.

- Clause 21 ... Explains the issuance of a certification who have registered their names in the register.
- Clause 22 ... Explains the circumstance under which a name can be removed from the Register.
- Clause 23 ... Explains the appeal provision of an aggrieved member of the Council.
- Clause 24 ... Explains the procedure for inquiries by the Council or by a Committee.
- Clause 25 ... Explains the privileges of the registered Practitioners who have registered their names as per provisions of this Act.
- Clause 26 ... Prohibits persons who have not registered their names as per the provisions of this Act to practise Siddha Medicine.
- Clause 27 ... Explains that the issuance of degree or diploma by any other person is an offence.
- Clause 28 ... Prohibits any person to add any title, description to his name other than awarded by the Council.
- Clause 29 ... Gives penalty provision for cheating by pretending to be registered practitioners.
- Clause 30 ... Explains the jurisdiction of Criminal Courts of the Council.
- Clause 31 ... Explains the bar of jurisdiction of Civil Courts.
- Clause 32 ... Explains the punishment to be given for the offences committed by the companies against provisions of this Act.
- Clause 33 ... Explains the acts of Council and Committee not to be invalidated by certain defects.
- Clause 34 ... Explains the alteration in the list of qualification mentioned in the Schedule.
- Clause 35 ... Empowers the Government to make rules to carry out the purposes of this Act.
- Clause 36 ... Empowers the Council to make regulations with previous sanction of the Government.
- Clause 37 ... Explains the saving provisions in this Act.
- Clause 38 ... Empowers the Council to reserve any proposal for the decision of the Government.
- Clause 39 ... Explains the directions to be issued by the Government for the exercise of the Council.
- Clause 40 ... Explains how the Government is protected from Legal action when acted in good faith.
- Clause 41 ... Empowers the Government to delegate powers to any authority.
- Clause 42 ... Empowers the Government to make order to remove any difficulties arises in giving effect to the provisions of this Act.