



## The Maharashtra Medical Practitioners Act, 1961

Act 28 of 1961

**Keyword(s):**

Ayurvedic System of Medicine, Board, Faculty, Inspector, President, Recognized Institution, Register, Unani System of Medicine

Amendment appended: 28 of 2014

**DISCLAIMER:** This document is being furnished to you for your information by PRS Legislative Research (PRS). The contents of this document have been obtained from sources PRS believes to be reliable. These contents have not been independently verified, and PRS makes no representation or warranty as to the accuracy, completeness or correctness. In some cases the Principal Act and/or Amendment Act may not be available. Principal Acts may or may not include subsequent amendments. For authoritative text, please contact the relevant state department concerned or refer to the latest government publication or the gazette notification. Any person using this material should take their own professional and legal advice before acting on any information contained in this document. PRS or any persons connected with it do not accept any liability arising from the use of this document. PRS or any persons connected with it shall not be in any way responsible for any loss, damage, or distress to any person on account of any action taken or not taken on the basis of this document.

THE MAHARASHTRA MEDICAL PRACTITIONERS ACT, 1961

CONTENTS.

PREAMBLE.

SECTIONS.

CHAPTER I

PRELIMINARY.

1. Short title, extent and commencement.
2. Definitions.

CHAPTER II

CONSTITUTION, FUNCTIONS AND POWER OF THE BOARD AND THE FACULTY.

3. Constitution and incorporation of Board.
4. Constitution and incorporation of Faculty.
5. Term of office.
6. Casual vacancies.
7. Resignation.
8. Disqualification, disability and removal from office.
9. Meetings of the Board and the Faculty.
10. Proceedings of meetings and validity of acts.
11. Fees and allowances for meetings.
12. Income and expenditure of the Board.
13. Income and expenditure of the Faculty.
14. Powers, duties and functions of the Board.
15. Powers, duties and functions of the Faculty.
16. Registrar and other employees of the Board and Faculty.
- 16A. Executive Committee of Board.
- 16B. Executive Committee of Faculty.

## SECTIONS.

## CHAPTER III

## REGISTRATION OF PRACTITIONERS.

17. Preparation of register.
18. Enlisted practitioners deemed to be registered practitioners on 30th September 1976.
- 18A. Provisional registration for practice.
19. Persons not entitled to registration or enlistment.
20. Removal of names from the register list.
21. Maintenance of register and list.
22. [Deleted.]
23. Publication of list of registered and enlisted practitioners.
- 23A. Renewal of registration.
24. No refund of fees.
25. Rights of registered practitioners to practice.

## CHAPTER IV

## EXAMINATIONS HELD BY FACULTY, COURSES OF STUDIES, RECOGNITION OF INSTITUTIONS AND RECOGNITION OF QUALIFICATIONS.

26. Examinations held by Faculty and courses of studies.
27. Recognition of institutions.
28. Withdrawal of recognition of institutions.
29. Amendment of Schedule.

## CHAPTER V

## MISCELLANEOUS.

30. Rules.
31. By-laws.
32. Control of State Government.

## CHAPTER VI

## GENERAL PROVISIONS APPLICABLE TO ALL MEDICAL PRACTITIONERS.

33. Prohibition of medical practice by persons not registered.
- 33A. Unregistered Persons not to hold certain appointments.
34. Registered practitioners competent to give valid certificates or expert evidence.

35. Conferring, granting or issuing colourable imitations of degrees, diplomas or licences to be an offence.
36. Prohibition against addition of any title, description, etc., to name of any person, unless authorised to do so.
37. Liberty to practise in rural areas.
38. Cognisance of offences.
39. Indemnity to persons acting under the Act.

## CHAPTER VII.

### REPEAL AND TRANSITIONAL PROVISIONS.

40. Repeal and saving.
41. Dissolution of Boards constituted under the repealed Acts and Constitution of new Board.
42. Dissolution of Faculty and constitution of new Faculty.
43. Provision regarding Registrars.
44. Provision regarding examinations.
45. Provision regarding recognised institutions.
46. Vesting of rights, duties, etc.
47. Power to remove difficulties.

### SCHEDULE.

MAHARASHTRA ACT No. XXVIII OF 1961<sup>1</sup>.

[THE MAHARASHTRA MEDICAL PRACTITIONERS ACT, 1961.]

[Received the assent of the President on the 10th day of June 1961 ; assent first published in the *Maharashtra Government Gazette*, Part IV, on the 20th day of June 1961.]

Amended by Mah. 19 of 1962.

" " " 17 of 1965.

" " " 21 of 1966.

" " " 4 of 1969.

" " " 5 of 1972\*.

" " " 17 of 1973 (20-2-1974)\*\*

" " " 30 of 1979 (1-10-1976)\*\*

An Act to regulate the qualifications and to provide for the registration of practitioners of the Ayurvedic <sup>2</sup>[Siddha] and Unani Systems of Medicine, with a view to encourage the study and spread of such systems, and to make certain provisions relating to medical practitioners generally, in the State of Maharashtra; and for that purpose to consolidate and amend the law relating thereto.

WHEREAS it is expedient to regulate the qualifications and to provide for the registration of practitioners of the Ayurvedic <sup>3</sup>[Siddha] and Unani Systems of Medicine, with a view to encourage the study and spread of such systems, and to make certain provisions relating to medical practitioners generally, in the State of Maharashtra; and for that purpose to consolidate and amend the law relating thereto; It is hereby enacted in the Twelfth Year of the Republic of India as follows, namely :—

## CHAPTER I.

## PRELIMINARY.

1. (1) This Act may be called the Maharashtra Medical Practitioners Act, 1961. Shog title, extent and commencement.
- (2) It extends to the whole of the State of Maharashtra.
- (3) The whole Act (except Chapter VI thereof) shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint; and Chapter VI shall come into force on such other date <sup>5</sup>[being a subsequent date] as that Government, by like notification, appoints.
2. (1) In this Act, unless the context otherwise requires,— Definitions.
  - (a) "appointed day" means the date on which the whole Act except Chapter VI thereof comes into force;

<sup>1</sup> For Statement of Objects and Reasons, see *Maharashtra Government Gazette*, 1960, Part V, pages 411-414; for Report of the Joint Committee, see *ibid.*, 1961, Part V, pages 288-327.

<sup>2</sup> The word, "Siddha" was inserted by Mah. 30 of 1979, s. 2.

<sup>3</sup> The word "Siddha" was inserted, *ibid.*, s. 3.

<sup>4</sup> 23rd day of October 1961, vide G. N., U. D. & P. H. D., No. MMP. 1061-(a)/Unification, dated 21st October 1961.

<sup>5</sup> Maharashtra Ordinance No. 1 of 1972 was repealed by Mah. 5 of 1972, s. 9(1).

<sup>6</sup> 1st day of November 1966, vide G. N., U. D. & P. H. D., No. MMP. 1164/51495-H, dated 1st September 1966.

\*\* This indicates the date of commencement of Act.

<sup>1</sup>[(b) "Ayurvedic system of medicine" or "Ayurvedic system" means the *Ashtang* Ayurvedic system of medicine, and, where the context requires, for facility of reference, also includes the system known as "Siddha system" of medicine. In the case of either system, it may be supplemented or not by such modern advances as the Faculty may, from time to time, have determined;]

(c) "Board" means the Maharashtra Board of Ayurvedic and Unani Systems of Medicine established and constituted under this Act;

(d) "by-law" means by-law made under section 31;

(e) "Chairman" means the Chairman of the Faculty;

(f) <sup>2</sup>\* \* \* \* \*

(g) "Faculty" means the Faculty established and constituted under this Act;

(h) "Inspector" means an Inspector appointed by the Faculty;

(i) <sup>2</sup>\* \* \* \* \*

(j) "member" means a member of the Board or the Faculty, as the case may be;

(k) "President" means the President of the Board;

(l) "recognised institution" means any institution recognised under section 27;

(m) "register", except in Chapter VI, means the register of practitioners prepared and maintained under section 17;

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

(o) "Registrar" means the Registrar appointed under section 16;

(p) "rules" means rules made under section 30;

(q) "Schedule" means the Schedule appended to this Act;

(r) "State" means the State of Maharashtra;

(s) "Unani system of medicine" or "Unani system" means the <sup>3</sup>[Unani or Unani Tibb system] of medicine, whether supplemented or not by such modern advances as the Faculty may, from time to time, have determined.

(2) For the purposes of Chapter VI, a person shall be deemed to practise any system of medicine who holds himself out as being able to diagnose, treat, operate, or prescribe medicine or other remedy or to give medicine for any ailment, disease, injury, pain, deformity or physical condition or who, by any advertisement, demonstration, exhibition or teaching offers or undertakes, by any means or method whatsoever to diagnose, treat, operate or prescribe medicine or other remedy or to give medicine for any ailment, disease, injury, pain, deformity or physical condition:

Provided that, a person who—

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

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

<sup>1</sup>Clause (b) was substituted for the original by Mah. 30 of 1979, s. 4(a).

<sup>2</sup>Clauses (f) and (i) were deleted, *ibid.*, s. 4(b).

<sup>3</sup>These words were substituted for the words "Unani System", *ibid.*, s. 4(c).

(iii) practises physio-therapy or electro-therapy or chiripody or naturopathy or hydrotherapy or *yogic* healing ; or

(iv) without personal gain furnishes medical treatment or does domestic administration of family remedies ; or

XVI  
of  
1948.

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

Bom.  
XIV of  
1954.

(vi) being a nurse, midwife or health visitor registered or enlisted under the Bombay Nurses, Midwives and Health Visitors Act, 1954, or any other corresponding law for the time being in force in the State or a *Dai* attends on a case of labour,

shall not be deemed to practise medicine ;

*Explanation.*—In this sub-section—

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

(ii) “ physio-therapy ” means treatment of any ailment, disease, injury, pain, deformity or physical condition, by massage or other physical means, but does not include bone-setting.

## CHAPTER II.

### CONSTITUTION, FUNCTIONS AND POWERS OF THE BOARD AND THE FACULTY.

3. (1) The State Government may, by notification in the *Official Gazette*, constitute a Board to be called “ the Maharashtra Board of Ayurvedic and Unani Systems of Medicine ”.

Constitution  
and  
incorporation  
of Board.

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

(2) The Board shall consist of the following members, including the President,—

(a) five members nominated by the State Government, out of whom at least two shall be registered practitioners ;

(b) ten members elected by registered practitioners as follows, that is to say,—

(i) five members elected by registered practitioners who hold any of the qualifications specified in the Schedule, from amongst themselves, and

(ii) five members elected by the remaining registered practitioners, from amongst themselves :

Provided that, at the end of the expiration of every five years [from the date of the publication of the names of the President and members of the Board on the first elections thereto under section 5] the State Government may by order so divide the number of members to be elected under paragraphs (i) and (ii) amongst the registered practitioners who held any of the qualifications specified in the Schedule, and the remaining registered practitioners, as to be as near as possible in proportion to their numbers on the register at that time ; so however that the total of members elected under paragraphs (i) and (ii) shall remain at ten ;

<sup>1</sup> These words were substituted for the words “ from the commencement of this Chapter ” by Mah. 17 of 1965, s. 2 (a).

Provided further that, any such order shall not affect the constitution of the Board which may be functioning at such time but shall apply to the Board to be constituted next thereafter ;

<sup>1</sup>[(c) two members elected by the members of the Faculty appointed under clauses (vi) to (c) of sub-section (2) of section 4, from amongst themselves, who shall be persons other than those appointed under the preceding clauses.)

(3) If at any election, the electors fail to elect the requisite number of members to the Board, the State Government shall nominate such registered practitioners as it deems fit, to fill the vacancies which remain unfilled after the election, and the practitioners so nominated shall be deemed to have been duly elected under sub-section (2).

(4) The President of every Board constituted within a period of ten years from the commencement of this Chapter shall be nominated by the State Government from amongst the members of the Board ; and thereafter shall be elected by the members from amongst themselves.

(5) The election of members of the Board, under this section, shall be held at such time, and at such place, and in such manner as may be prescribed by rules :

<sup>2</sup>[Provided that, for the purpose of any election under clause (b) of sub-section (2) of this section, the list referred to in sub-section (1) of section 23 (including any addendum or corrigendum thereto duly printed and published) and for the time being in force on such date as the State Government may, by general or special order, notify in this behalf (being a date not earlier than 30 days from the date of issue of such order) shall be the electoral roll.]

Constitution  
and  
incorporation  
of Faculty

4. (1) The State Government may, by notification in the *Official Gazette*, constitute a Faculty of the Ayurvedic and Unani Systems of Medicine, to be called "the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine". The Faculty shall be a body corporate and have perpetual succession and a common seal, and may by the said name sue and be sued.

(2) The Faculty shall consist of the following members, including the Chairman,

<sup>3</sup>[(ai) the Director of Ayurved, *ex-officio* ;]

(a) six members nominated by the State Government, out of whom at least three shall be registered practitioners and at least one shall be a person practising or entitled to practise, under this Act, the Unani System ;

(b) four members, elected from amongst themselves, by the principals or heads of recognised institutions giving instruction in the Ayurvedic and the Unani Systems of Medicine and holding any of the qualifications specified in the Schedule ;

(c) six members, elected from amongst themselves, by persons (other than principals or heads of institutions) who have been for at least two years engaged in teaching in recognised institutions giving instruction in the Ayurvedic and the Unani systems of medicine, and who are registered practitioners ;

<sup>4</sup>[(d) two members elected by the members of the Board appointed under clauses (a) and (b) of sub-section (2) of section 3, from amongst themselves, who shall be persons other than those appointed under the preceding clauses.]

*Explanation.*—If any question arises whether a particular person is practising or is entitled to practise the Unani system or not, the matter shall be referred to the State Government, whose decision shall be final.

<sup>1</sup> Clause (c) was added by Mah. 17 of 1965, s. 2 (d).

<sup>2</sup> This proviso to sub-section (5) was added by Mah. 4 of 1969, s. 2.

<sup>3</sup> Clause (ai) was inserted by Mah. 17 of 1965, s. 3 (a).

<sup>4</sup> Clause (d) was substituted, *ibid.*, s. 3(b).

(3) If at any election the electors fail to elect the requisite number of members of the Faculty, the State Government shall, as far as possible, nominate such person who would have been qualified to be elected to the vacant seat, and such person shall for the purpose of this Act be deemed to have been duly elected under the relevant clause of sub-section (2).

(4) The Chairman of every Faculty constituted within a period of ten years from the commencement of this Chapter shall be nominated by the State Government, from amongst the members of the Faculty ; and thereafter, shall be elected by the members from amongst themselves.

(5) The election of the members of the Faculty under this section shall be held at such time, and at such place, and in such manner, as may be prescribed by rules.

5. (1) The State Government shall, as soon as possible after the election held under sections 3 and 4, by notification in the *Official Gazette*, publish the names of the President, the Chairman and the members of the Board and of the Faculty. <sup>Term of office.</sup>

(2) The President and the Chairman shall hold office for such period as the State Government may specify in the notification published under sub-section (1), provided that, such period shall not exceed the term of office of such President or Chairman as a member under sub-section (3). The term shall commence from the date of the notification published under sub-section (1).

(3) (a) A member of the Board, whether elected or nominated, shall hold office for a period of five years commencing from the date of the notification published under sub-section (1).

(b) The term of office of a member of the Faculty, whether elected or nominated, shall commence from the date of the notification published under sub-section (1) and expire on the day on which the term of the members of the Board expires under clause (a).

(4) The term of an outgoing President, Chairman or member shall notwithstanding anything contained in sub-section (2) or (3) be deemed to extend to and expire with the day immediately preceding the day on which the name of the successor of such President, Chairman or member is published under sub-section (1).

(5) An outgoing member shall be eligible for re-election or re-nomination.

(6) Notwithstanding anything contained in sub-section (3), the State Government may, by notification in the *Official Gazette*, extend from time to time the term of office of the members of the Board for a further period not exceeding two years in the aggregate.

6. (1) Any casual vacancy, previous to the expiry of the term, in the office of the President or the Chairman or a member nominated by the State Government due to his death, resignation, removal, disability or disqualification or any other reason, shall be filled by nomination by the State Government. <sup>Casual vacancies.</sup>

(2) Any such vacancy in the office of a member of the Board elected by registered practitioners, shall be filled by the State Government by nomination of a person from a panel of three registered practitioners recommended by the Board :

Provided that, if the Board fails to make a recommendation under this sub-section, within such time as the State Government may fix, the State Government may appoint any registered practitioner to fill the vacancy.

<sup>1</sup>[(3) Any such vacancy in the office of a member of the Board elected by the members of the Faculty, or in the office of any elected member of the Faculty, shall be filled by election.]

(4) Any person nominated under sub-section (1) or (2) or elected under sub-section (3) to fill a vacancy shall, notwithstanding anything contained in section 5, hold office only so long as the person in whose place he is nominated or elected would have held office, if the vacancy had not occurred.

Resignation.

7. (1) An elected member may at any time resign his office by a notice in writing to the President or the Chairman, as the case may be. A nominated member, may at any time resign his office by a notice in writing to the State Government. Such resignation shall take effect from the date on which the resignation is accepted by the President or the Chairman or the State Government, as the case may be.

(2) The President or the Chairman may at any time resign his office by a notice in writing to the State Government. The resignation shall take effect from the date on which such resignation is accepted by the State Government.

Disquali-  
fication,  
disability  
and removal  
from office.

8. (1) No person,—

- (a) who is an undischarged insolvent ;
- (b) who has been adjudged to be of unsound mind by a competent court ;
- (c) whose name has been removed from the register ; or
- (d) who is a full time officer or servant of the Board or the Faculty,

shall be eligible to be elected or nominated as a member.

(2) If any member—

(a) absents himself from three consecutive meetings of the Board or the Faculty, as the case may be, without such reasons as may, in the opinion of the State Government in the case of the President and the Chairman, and in the opinion of the Board or the Faculty, as the case may be, in the case of any other member, be sufficient ; or

(b) becomes, or is found to be, subject to any of the disqualifications specified in sub-section (1),

the State Government shall declare his office to be vacant.

(3) The State Government may, on the recommendation of the Board or the Faculty, as the case may be, supported by at least two-thirds of the whole number of members, remove any member elected or nominated under this Act, if such member has been guilty of misconduct in the discharge of his duties as a member, or of any disgraceful conduct, or has become incapable of performing his duties as a member:

Provided that, no resolution recommending the removal of any member shall be passed by the Board or the Faculty unless the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.

(4) The State Government may remove the President or the Chairman, if he has been guilty of misconduct in the discharge of his duties under this Act, or of any disgraceful conduct, or has become incapable of performing his duties as the President or, as the case may be, the Chairman :

Provided that, no such action shall be taken unless the President or, as the case may be, the Chairman is given a reasonable opportunity of showing cause why he should not be removed from office.

<sup>1</sup> Sub-section (3) was substituted by Mah. 17 of 1965. s. 4.

9. (1) The meetings of the Board and the Faculty shall be convened, held and conducted in such manner as may be prescribed by rules.

Meetings  
of the  
Board and  
the Faculty.

(2) The President or the Chairman shall preside at the meeting of the Board or the Faculty, as the case may be. If the President or the Chairman, as the case may be, is absent, the members present shall elect one from amongst their number, to preside at the meeting.

(3) All questions at a meeting of the Board or the Faculty shall be decided by a majority of the votes of the members present and voting at the meeting.

(4) The presiding authority at a meeting shall have and exercise a second or a casting vote, in case of an equality of votes.

(5) Seven members of the Board including the President, and eight members of the Faculty including the Chairman, as the case may be, shall form a quorum. When a quorum is required but not present, the presiding authority shall adjourn the meeting to such hour on some future day as it may notify on the notice-board at the office of the Board or the Faculty, as the case may be; and the business which would have been brought before the original meeting, had there been a quorum thereat, shall be brought before the adjourned meeting, and may be disposed of at such meeting or any subsequent adjournment thereof, whether there be a quorum present or not.

10. (1) The proceedings of the discussion of every meeting of the Board and the Faculty shall be treated as confidential and no person shall, without the previous resolution of the Board or the Faculty, as the case may be, disclose any portion thereof :

Proceedings  
of meetings  
and validity  
of acts.

Provided that nothing in this section shall be deemed to prohibit any person from disclosing or publishing the text of any resolution adopted by the Board or, as the case may be, the Faculty, unless the Board or, as the case may be, the Faculty directs such resolution also to be treated as confidential.

(2) No disqualification of or defect in the election, nomination or appointment of any person as a member or as the President or as the Chairman, or as a presiding authority of a meeting, shall of itself be deemed to vitiate any act or proceedings of the Board or as the case may be, the Faculty in which such person has taken part, whenever the majority of persons, parties to such act or proceedings, were entitled to vote.

(3) During any vacancy in the Board or the Faculty, the continuing members may act as if no vacancy had occurred :

Provided that, the number of vacancies shall at any time not exceed six in number.

11. There shall be paid to the President, the Chairman and other members of the Board and Faculty [and to the members of their committees and to the Chairman and members of the appellate authority referred to in sub-section (7) of section 17] such fees and allowances for attendance at meetings, and such reasonable travelling allowances as shall from time to time be prescribed by rules.

Fees and  
allowances  
[for meet-  
ings].

12. (1) The income of the Board shall consist of—

- (a) fees received from practitioners;
- (b) grants received from the State Government, if any; and
- (c) any other sums received by the Board.

Income and  
Expenditure  
of the Board.

<sup>1</sup> These words, brackets and figures were inserted by Mah. 19 of 1962, s. 2(a).

<sup>2</sup> These words were substituted for the words "to President, Chairman and Members", *ibid*, s. 2(b).

(2) It shall be competent for the Board to incur expenditure for the following purposes namely :—

(a) salaries and allowances of the Registrar and the staff maintained by the Board;

(b) fees and allowances paid to the members of the Board <sup>1</sup>[or a committee thereof or of the appellate authority referred to in sub-section (7) of section 17];

(c) such other expenses as are necessary for performing its duties and functions under this Act.

Income and expenditure of the Faculty.

13. (1) The income of the Faculty shall consist of—

(a) fees received from examinees;

(b) any other fees collected by the Faculty;

(c) grants received from the State Government, if any; and

(d) donations and other sums received by the Faculty.

(2) It shall be competent for the Faculty to incur expenditure for the following purposes namely :—

(a) salaries and allowances of the staff including Inspectors maintained by the Faculty;

(b) fees and allowances paid to the members of the Faculty <sup>2</sup>[or a committee thereof];

(c) remuneration paid to paper I—setters, examiners, moderators and other persons appointed by it for the conduct of examinations;

(d) other expenses for the conduct of examinations; and

(e) such other expenses as are necessary for performing its duties and functions under this Act.

Powers, duties and functions of the Board.

14. Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers, duties and functions of the Board shall be—

<sup>3</sup>[(a) to provide for registration of practitioners and to maintain the register;]

(b) to hear and decide appeals from any decision of the Registrar;

(c) to prescribe a code of ethics for regulating the professional conduct of registered <sup>4</sup> \* \* \* \* \* practitioners;

(d) to reprimand a registered <sup>5</sup> \* \* \* \* \* practitioner, or to suspend or remove him from the register <sup>6</sup> \* \* \* \* \* or to take such other disciplinary action against him as may, in the opinion of the Board, be necessary or expedient;

(e) to exercise such other powers and perform such other duties and functions, as are laid down in this Act, or may be prescribed by rules.

Powers, duties and functions of the faculty.

15. Subject to such conditions as may be prescribed by or under the provisions of this Act, and such other directions as the State Government may from time to time give in this behalf, the powers, duties and functions of the Faculty shall be—

(a) to hold examinations and to make all the necessary arrangements of such examinations;

(b) to prescribe the courses of training leading to the examinations held by the Faculty, and to charge fees for such examinations;

<sup>1</sup> This portion was inserted by Mah. 19 of 1962, s. 3.

<sup>2</sup> These words were inserted, *ibid.*, s. 4.

<sup>3</sup> Clause (a) was substituted for the original by Mah. 30 of 1979, s. 5(a).

<sup>4</sup> The words "and enlisted" were deleted, *ibid.*, s. 5 (b).

<sup>5</sup> The words "or an enlisted" were deleted, *ibid.*, s. 5(c).

<sup>6</sup> The words "or the list, as the case may be," were deleted, *ibid.*

- (c) to provide for post-graduate training, and to prescribe courses for post-graduate teaching and examinations;
- (d) to grant degrees, diplomas and marks of honour;
- (e) to award stipends, scholarships, medals, prizes and other rewards;
- (f) to recommend recognition of institutions for the purpose of giving instructions for the courses leading to the examinations held by the Faculty, or to recommend the cancellation of such recognition;
- (g) to recommend the inclusion of any degree, diploma, certificate or award in the Schedule or to recommend the removal of any degree, diploma, certificate or award from the Schedule;
- (h) to prepare, publish and prescribe text books, and to publish statements of prescribed courses of study;
- (i) to provide for the maintenance of an adequate standard of proficiency for the practice of the Ayurvedic or the Unani system of medicine;
- (j) to provide for research in Ayurvedic and Unani systems of medicine;
- (k) to provide for the inspection of recognised institutions, and to require such institutions to furnish such information as may be necessary;
- (l) to provide for the inspection of any other institutions giving instructions for any of the qualifications included in the Schedule;
- (m) to appoint boards of studies and committees consisting of persons who may or may not be members of the Faculty, but at least half of the number of such persons shall be medical practitioners registered under any of the laws mentioned in sub-section (1) of section 34, and to lay down the constitution, the duties and the functions of such boards and committees;
- (n) subject to the approval of the State Government, to receive donations and to determine the conditions of acceptance of donations;
- (o) to exercise such other powers and perform such other duties and functions as are laid down in this Act, or may be prescribed by rules.

16. (1) The State Government shall, after consulting the Board, appoint a Registrar, who shall be the Executive Officer of the Board and the Faculty. The salary, allowances and other conditions of service of the Registrar shall be such as may be prescribed by the State Government.

Registrar and other employees of the Board and Faculty.

(2) The Board may from time to time grant leave to the Registrar :

Provided that, if the period of leave does not exceed two months, the leave may be granted by the President.

(3) During any such temporary vacancy in the office of the Registrar due to leave or any other reason, the Board may, with the previous sanction of the State Government, appoint another person to act in his place, and any person so appointed shall for the period of such appointment, be deemed to be the Registrar for the purposes of this Act :

Provided that, when the period of such vacancy does not exceed two months, the appointment may be made by the President, who shall forthwith report such appointment to the State Government.

(4) The State Government may, after consulting the Board, suspend, dismiss or remove any person appointed as the Registrar, or impose any other penalty upon him.

(5) The Board and the Faculty shall, from time to time, appoint such other officers and servants as it deems necessary for carrying out its duties and performing its functions under this Act :

Provided that, the number and designations and the salaries, allowances and other conditions of service of such officers and servants shall be such as the State Government may from time to time determine.

(6) The Registrar and any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. XLV  
of  
1860.

Executive  
Committee  
of Board.

<sup>1</sup>[16A. (1) The Board shall, as soon as may be, constitute an Executive Committee consisting of the President, *ex-officio*, and such number of other members, elected by the Board from amongst its members, as may be prescribed by rules.

(2) The term of office of, the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committee shall be such as may be prescribed by rules.

(3) In addition to the powers, duties and functions conferred, imposed and entrusted by this Act, the Executive Committee shall exercise such powers, perform such duties, and discharge such functions, of the Board as may be delegated to it by rules or entrusted to it, from time to time, by the Board.

Executive  
Committee  
of Faculty.

16B. (1) The Faculty shall, as soon as may be, constitute an Executive Committee consisting of the Chairman, *ex-officio*, and such number of other members, elected by the Faculty from amongst its members, as may be prescribed by rules.

(2) The term of office of the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committee shall be, such as may be prescribed by rules.

(3) The Executive Committee shall exercise such powers, perform such duties, and discharge such functions, of the Faculty as may be delegated to it by rules or entrusted to it, from time to time, by the Faculty.]

### CHAPTER III.

#### <sup>2</sup>[REGISTRATION OF PRACTITIONERS.]

Preparation  
of Register.

17. (1) As soon as may be after the appointed day, the Registrar shall prepare and maintain thereafter a register of Ayurvedic and Unani practitioners for the State, in accordance with the provisions of this Act.

(2) The register shall be divided into <sup>3</sup>[three parts,] namely :—

(i) Part I containing the names of practitioners who possess any of the qualifications specified in the Schedule;

<sup>4</sup>[(ii) Part II containing the names of practitioners, whose names were included in that part immediately before the 1st day of October 1976;

(iii) Part III containing the names of practitioners, who on the 30th day of September 1976 were enlisted practitioners and who are on that day deemed to have become registered practitioners under section 18.];

Each part shall consist of one or more sections as the State Government may specify in this behalf.

<sup>1</sup> Sections 16A and 16B were inserted by Mah. 19 of 1962, s. 5.

<sup>2</sup> This heading was substituted for the original heading "Registration and Enlistment" by Mah. 30 of 1979, s. 6.

<sup>3</sup> These words were substituted for the words "two parts", *ibid.*, s. 7 (a)(i).

<sup>4</sup> Clauses (ii) and (iii) were substituted for the original clause (ii), *ibid.*, s. 7(a)(ii).

(3) Every person who possesses any of the qualifications specified in the Schedule shall, at any time on an application made in the form prescribed by rules, to the Registrar and on payment of a fee of [fifty rupees], be entitled to have his name entered in the register.

<sup>2</sup>[(3A) Notwithstanding anything contained in any law for the time being in force, every person enrolled on the register maintained under the Indian Medicine 48 of Central Council Act, 1970, but not enrolled on the register maintained under this 1970. Act, shall, on an application and on payment of the fee as provided in sub-section (3), be entitled to have his name entered in the register maintained under this Act.]

(4) The name of every person who on the day immediately preceding the appointed day stood registered in any register kept under—

(a) the Bombay Medical Practitioners' Act, 1938, as in force in the Bombay area of the State ; or

Bom.  
XXVI  
of  
1938.

C.P.  
and  
Berar  
IV of  
1948.

Hyd. I  
of  
1312  
Fasli.

(b) the Central Provinces and Berar Ayurvedic and Unani Practitioner's Act, 1947, as in force in the Vidarbha region of the State ; or

(c) the Medical Act, as in force in the Hyderabad area of the State;

shall be entered in the register prepared under this Act without such person being required to make an application or to pay any fee.

(5) Any person, not being a person qualified for registration under sub-section (3) or (4), who proves to the satisfaction of the Committee appointed under sub-section (6)—

(i) that he had been regularly practising the Ayurvedic or the Unani system of medicine in the Vidarbha region or the Hyderabad area of the State, for a period of not less than ten years immediately before the 23rd day of November 1960; of

(ii) that he was on the 4th day of November 1941 regularly practising the Ayurvedic or the Unani system of medicine in the Bombay area of the State, but his name was not entered in the register maintained under the Bombay Medical Practitioners' Act, 1938 ; <sup>3</sup>or

Bom.  
XXVI  
of  
1938.

Bom.  
XXVI  
of  
1938.  
Bom.  
XXX-  
III of  
1949.  
Mah.  
XVII  
of  
1965.

(iii) that his name had been entered in the list kept under section 18 of the Bombay Medical Practitioners' Act, 1938, by virtue of paragraph (ii) or (iii) of sub-section (1) of section 31C inserted in that Act by the Bombay Medical Practitioners (Amendment) Act, 1949, and stood included, on the day immediately preceding the date of the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1964, in the list maintained under this Act, by virtue of clause (a) of sub-section (2) of section 18.]

shall, on an application made in the form prescribed by rules, accompanied by a fee of ten rupees and such documents as may be prescribed by rules, <sup>4</sup>[on or before the 31st day of March 1965,] be entitled to have his name entered in the register.

<sup>1</sup> These words were substituted for the words " ten rupees" by Mah. 5 of 1972, s. 2(a).

<sup>2</sup> Sub-section (3A) was inserted by Mah. 30 of 1979, s. 7(b).

<sup>3</sup> Clause (iii) was inserted by Mah. 17 of 1965, s. 5(a) (i).

<sup>4</sup> These words were substituted for the words " within a period of two years from the appointed day ", *ibid*, s. 5(a) (ii).

(6) All applications for registration under sub-section (5) shall be considered by a Committee of three members of the Board appointed by the State Government. The Committee shall make enquiry in such manner as may be prescribed by rules. [The Committee shall not entertain any further application from a person, if an application made by him under clause (i) or (ii) of sub-section (5) has already been decided by it.]

(7)<sup>1</sup>(a) Any person aggrieved by the decision of the Committee appointed under sub-section (6) may, within a period of one month from the date on which such decision is communicated to him, on payment of a fee of five rupees, appeal to the appellate authority constituted by the State Government in this behalf. The appellate authority shall consist of a Chairman who has for at least seven years held judicial office not lower in rank than that of a District Judge, one member elected by the Board, and the Director of Ayurved shall be the *ex-officio* member. The decision of the appellate authority shall be final.

<sup>2</sup>(b) Notwithstanding anything contained in clause (a) any person aggrieved by such decision of the Committee, who has not already appealed to the appellate authority aforesaid before the date of the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1964, may, on or before the 31st day of March 1965, on payment of a like fee of five rupees, appeal to the appellate authority.] Mah.  
XVII  
of  
1965.

<sup>3</sup>(7A) If on an application for registration made under clause (iii) of sub-section (5) or on appeal under sub-section (7), a person is found eligible for registration, then on his name being included in the register the entry of his name in the list shall be cancelled.]

(8) The register shall include the following particulars, namely :—

(a) the full name, and residential address of the registered practitioner :

(b) the date of his admission to the register maintained under this Act ; and if he be a person who was registered on the day immediately preceding the appointed day, in a register kept under any of the Acts referred to in sub-section (4), the date of his admission to that register ;

(c) the qualification specified in the Schedule possessed by him, if any, and the date on which he obtained the qualification and the authority which conferred or granted it ; and

(d) such further particulars as may be prescribed by rules.

(9) When the register is prepared in accordance with the foregoing provisions, the Registrar shall publish a notice in the *Official Gazette* and such newspapers as the Board may select, about the register having been prepared, and the register shall come into force from the date of the publication of such notice in the *Official Gazette*.

(10) (a) Every registered practitioner shall be given a certificate of registration in the form prescribed by rules. The registered practitioner shall display the certificate of registration in a conspicuous place in his dispensary, clinic or place of practice.

<sup>1</sup> This portion was added by Mah. 17 of 1965, s. 5(b).

<sup>2</sup> This clause was renumbered and clause (b) was inserted, *ibid.*, s. 5(c).

<sup>3</sup> Sub-section (7A) was inserted *ibid.*, s. 5(d).

1[(b) Such certificate shall be valid until it is duly cancelled and the name of the Mah. practitioner is removed from the register under the provisions of this Act; and V of every certificate of registration given before the commencement of the Maharashtra 1972. Medical Practitioners (Amendment) Act, 1972 which is valid on such commencement shall, subject to the provisions of section 23-A, be valid likewise, and shall continue accordingly.]

2[(c) Where it is shown to the satisfaction of the Registrar that a certificate of registration has been defaced, lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate certificate in such form as may be prescribed.]

3[18. (1) Every person, who on the 30th day of September 1976, that is, the day immediately preceding the date of coming into force of section 17 of the 48 of Indian Medicine Central Council Act, 1970, was an enlisted practitioner under 1970. this Act, shall be deemed to have become a registered practitioner under this Act on that day and to have become a person enrolled on the State Register for the purposes of the said section 17. His name shall be entered by the Registrar in the register maintained under this Act with effect from that day, without such person being required to make any application or to pay any fee. Enlisted practitioners deemed to be registered practitioners on 30th September 1976.

(2) Every person whose name is entered in the register under sub-section (1) shall be given a certificate of registration in the form prescribed by rules, on the payment of a fee of fifteen rupees.

18A. (1) If the courses of study to be undergone for obtaining any of the qualifications specified in the Schedule, include a period of training after a person has passed the qualifying examination, and before such qualification is conferred on him, any such person shall, on an application made to the Registrar, in the form prescribed by rules and on payment of a fee of fifteen rupees, be granted a provisional registration in the register, in order to enable him to practise Ayurvedic or Unani system of medicine in an approved institution for the purpose of such training, and for no other purpose, for the period aforesaid. Provisional registration for practice.

(2) Every person who is granted a provisional registration under sub-section (1) shall be given a certificate of provisional registration in the form prescribed by rules, which shall remain in force for such period as may be specified therein.]

19. Notwithstanding anything contained in 4[section 17] no person, whose name has been removed from any register 5 \* \* \* kept under — Persons not entitled to registration. 8 \* \* \*

Bom. XXVI of 1938. C.P. and Berar IV of 1948. Hyd. I of 1312. Fasli.

(i) the Bombay Medical Practitioners' Act, 1938, as in force in the Bombay area of the State ;

(ii) the Central Provinces and Berar Ayurvedic and Unani Practitioners' Act, 1947, as in force in the Vidarbha region of the State;

(iii) the Medical Act, as in force in the Hyderabad area of the State ;

(iv) any other law for the time being in force in India or any part thereof regulating the registration of practitioners of medicine.

for infamous conduct in a professional respect, shall be entitled to have his name entered in the register 6\* \* \* \* unless his name is duly restored to the register 7\* \* \* \* from which it was so removed.

<sup>1</sup> Clause (b) was substituted by Mah. 5 of 1972, s. 2(b).

<sup>2</sup> Clause (c) was added by Mah. 21 of 1966, s. 2.

<sup>3</sup> Sections 18 and 18A were substituted for the original section 18, by Mah. 30 of 1979, s. 8.

<sup>4</sup> The word and figures " section 17 " were substituted for the words and figures " sections 17 and 18 ", *ibid.*, s. 9(a).

<sup>5</sup> The words " or list " were deleted, *ibid.*, s. 9(b).

<sup>6</sup> The words " or the list respectively " were deleted, *ibid.*,

<sup>7</sup> The words " or the list " were deleted, *ibid.*

<sup>8</sup> The words " or enlistment " were deleted, *ibid.*, s. 9(c).

Removal of names from the register  
 20. (1) If a registered practitioner has been, after due inquiry held by the Board<sup>1</sup> [(or the Executive Committee)] in the manner prescribed by rules, found guilty of any misconduct by the Board, the Board may—

- (a) issue a letter of warning to such practitioner ; or
- (b) direct the name of such practitioner—
  - (i) to be removed from the register for such period as may be specified in the direction, or
  - (ii) to be removed from the register permanently.

*Explanation.*—For the purposes of this section, “misconduct” shall mean—

(i) the conviction of a registered practitioner by a criminal court for an offence which involved moral turpitude, and which is cognizable within the meaning of the Code of Criminal Procedure, 1898\* ; or

(ii) the conviction under the Army Act, 1950, of a registered practitioner subject to military law for an offence which is cognizable within the meaning of the Code of Criminal Procedure, 1898\* ; or

(iii) any conduct which, in the opinion of the Board, is infamous in relation to the medical profession particularly under any code of ethics prescribed by the Board.

(2) If the name of any such practitioner is entered in—

<sup>3</sup>(a) the register maintained under the Maharashtra Medical Council Act, 1965 ; ]

(b) the register or list maintained under the Bombay Homoeopathic and Biochemic Practitioners' Act, 1959 or any other law for the time being in force in relation to the qualifications and registration of Homoeopathic or Biochemic practitioners in any part of the State,

it shall be the duty of the Registrar to give intimation of such removal to the authority entitled to maintain the said register or the said list.

(3) If the name of a registered practitioner is also entered in the register or the list, as the case may be, maintained under any of the laws referred to in sub-section (2) and it is removed from the said register or the said list, the Board shall if such removal comes to its notice also remove his name from the register under this Act.

(4) The Board may, on sufficient cause being shown, direct at any subsequent date that the name of a practitioner removed under sub-section (1) or <sup>4</sup>[(3)] shall be re-entered in the register on such conditions and on the payment of such fees, as may be prescribed by rules.

(5) The Board may of its own motion, or on the application of any person, after due and proper enquiry and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register if in the opinion of the Board such entry was fraudulently or incorrectly made.

<sup>1</sup> These brackets and words were substituted for the brackets and words “(or a committee appointed by the Board for that purpose)” by Mah. 19 of 1962., s. 6(a).

<sup>2</sup> The word “list” was deleted, by Mah. 30 of 1979, s. 10(c).

<sup>3</sup> Clause (a) was substituted for the original *ibid.*, s. 10(a).

<sup>4</sup> This was substituted for “(2)” by Mah. 5 of 1972 s. 3

\* See now the Code of Criminal Procedure, 1973 (2 of 1974).

V of 1908.

(6) In holding any inquiry under this section, the Board <sup>1</sup>[or the Executive Committee] shall have the same powers as are vested in Civil Courts under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters namely :—

- (a) enforcing the attendance of any person, and examining him on oath ;
- (b) compelling the production of documents ;
- (c) issuing of commissions for the examination of witnesses.

XLV of 1860.

(7) All inquiries under this section shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code.

(8) (a) For the purpose of advising the Board <sup>2</sup>[or the Executive Committee] on any question of law arising in any inquiry under this section, there may in all such inquiries be an assessor, who has been for not less than ten years—

XXX-VIII of 1926.

- (i) an advocate enrolled under the Indian Bar Councils Act, 1926, or
- (ii) an attorney of a High Court.

(b) Where an assessor advises the Board <sup>1</sup>[or the Executive Committee] on any question of law as to evidence, procedure or any other matter, he shall do so in the presence of every party, or person representing a party, as to the inquiry who appears thereat, or if the advice is tendered after the Board <sup>3</sup>[or the Executive Committee] has begun to deliberate as to their findings, every such party or person as aforesaid shall be informed what advice the assessor has tendered. Such party or person shall also be informed if in any case the Board <sup>3</sup>[or the Executive Committee] does not accept the advice of the assessor on any such question as aforesaid.

(c) Any assessor under this section may be appointed either generally, or for any particular inquiry or class of inquiries, and shall be paid such remuneration as may be prescribed by rules.

(9)

21. (1) It shall be the duty of the Registrar to make entries in the register, Maintenance from time to time, to revise the same and to issue the certificates of registration of register. \* \* \* in accordance with the provisions of this Act, the rules made thereunder, \* \* \* and the orders of the Board.

(2) The names of registered practitioners who die or whose names are directed to be removed from the register under section 20 shall be removed therefrom.

(3) Any person whose name is entered in the register and who subsequent to his registration obtains any additional qualification which is specified in the Schedule, or desires to record in the register any change in his name, shall on an application made in this behalf and on payment of such fee as may be prescribed by rules, be entitled to have an entry stating such additional qualification made against his name in the register or such change in his name recorded in the register, as the case may be.

(4)

<sup>1</sup> These words were substituted for the words " or a Committee appointed by the Board " by Mah. 19 of 1962, s. 6(b).

<sup>2</sup> These words were substituted for the words " or a Committee appointed by it ", *ibid.*, s. 6(c) (i).

<sup>3</sup> These words were substituted for the words " or Committee ", *ibid.*, s. 6(c) (ii).

<sup>4</sup> Sub-section (9) was deleted by Mah. 30 of 1979, s. 10(b).

<sup>5</sup> The words " and renewal slip " were deleted by Mah. 5 of 1972, s. 4.

<sup>6</sup> Sub-section (4) was deleted by Mah. 30 of 1979, s. 11(a).

<sup>7</sup> The words " and list " were deleted, *ibid.*, s. 11(b).

22. [Renewal fee] Deleted by Mah. 5 of 1972, s. 5.

**Publication of list of registered practitioners.** 23. (1) At such time after the publication of the notice under sub-section (9) of section 17 as the Board deems fit, and thereafter at such intervals as may be prescribed by rules, the Registrar shall cause to be printed and published a correct medical list of all persons for the time being entered in the register.

(2) Except in a year in which a list is published under sub-section (1), the Registrar shall cause to be printed and published annually on or before a date to be prescribed by rules, an addendum and a corrigendum to the list published under sub-section (1) showing—

(a) the names of all persons for the time being entered or re-entered in the register, and not included in any subsisting list already printed and published ; and

(b) the names of all practitioners included in any subsisting list, whose names have since been removed on account of any reason whatsoever from and not re-entered in the register ; and

(c) any other amendments to the subsisting list.

<sup>1</sup>[(2A) Notwithstanding anything contained in sub-section (2), when the election of members of the Board is to be held under clause (b) of sub-section (2) of section 3 and any general or special order is issued by the State Government under the proviso to sub-section (5) of the said section 3, the Registrar shall review the subsisting list and if necessary cause to be printed and published, on the date immediately preceding the date notified under the said proviso, an addendum and corrigendum to the said list.]

(3) The form of the list published under sub-section (1), the particulars to be included therein, and the manner of its publication, shall be such as may be prescribed by rules.

(4) A copy of list referred to in sub-section (1) shall be evidence in all Courts, and in all judicial or quasi-judicial proceedings, that the persons therein specified are registered according to the provisions of this Act, and the absence of the name of any person from such copy shall be evidence, until the contrary is proved, that such person is not registered according to the provisions of this Act :

Provided that, in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act. <sup>2</sup>[Such certified copy may be issued by the Registrar on payment of such fee and in such form as may be prescribed.]

(5) \* \* \* \* \*

**Renewal of Registration.** <sup>5</sup>[23A. (1) Notwithstanding anything contained in sections 17 and 23, after the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1972,— Mah. V of 1972.

(a) (i) the Registrar shall cause two general notices in the prescribed form to be published at an interval of not less than sixty days, in the *Official Gazette* and in such other manner as may be prescribed. The first such general notice shall be published on such date as the Registrar may, with the approval of the

<sup>1</sup> Sub-section 2(2A) was inserted by Mah. 4 of 1969, s. 3.

<sup>2</sup> These words were added by Mah. 21 of 1966, s. 3.

<sup>3</sup> Sub-section (5) was deleted by Mah. 30 of 1979, s. 12(a).

<sup>4</sup> The words "and enlisted" were deleted, *ibid.*, s. 12(b).

<sup>5</sup> Section 23-A was inserted by Mah. 5 of 1972, s. 6.

President, decide, calling upon all registered practitioners to make an application to the Registrar for the continuance of their names on the register, and drawing attention to their liability to pay to the Board a fee of fifty rupees therefore ;

(ii) the Registrar shall, after the publication of the first general notice under sub-clause (i) of this clause, send an individual notice [under certificate of posting], enclosing therewith the prescribed form of application, to every registered practitioner at his address as entered in the register calling upon him to return the application to the Registrar duly filled in for the continuance of his name on the register along with a fee of fifty rupees, within forty-five days of the receipt of such individual notice.

If any of the registered practitioners fails to return such application within the period specified in the individual notice along with a fee of fifty rupees, the Registrar shall, after the publication of the second general notice under clause (i), issue a further individual notice to such registered practitioner [under certificate of posting], enclosing therewith the prescribed form of application calling upon him to return the application to the Registrar for the continuance of his name on the register within thirty days of the receipt of the further individual notice together with a fee of fifty rupees, and an additional fee of five rupees ;

(iii) if the application together with the fee is returned within the period specified in such individual notices, the Registrar shall inform the registered practitioner [under certificate of posting], that the fee has been received, and that the certificate of his registration shall, subject to the provisions of this section, continue in operation, unless such certificate is duly cancelled under this Act ;

(iv) if the application together with the fee is not returned within the period specified in the further individual notice, the Registrar shall remove the name of the defaulting practitioner from the register and inform him of such removal [under certificate of posting]. The fact of such removal shall be published in the *Official Gazette* and in such other manner as may be prescribed. On such removal, the certificate of registration issued to the defaulting practitioner shall be deemed to have been cancelled, and shall be liable to be withdrawn from the practitioner by the Registrar in the prescribed manner :

Provided that on an application made to the Registrar in that behalf within the prescribed period, the name so removed may be re-entered in the register on payment of a fee of fifty rupees together with an additional fee of fifteen rupees ; and thereupon, the certificate of registration, if withdrawn, shall be returned to the practitioner and shall continue in operation, and if not yet withdrawn, it shall also continue in operation, as provided in sub-clause (iii) of this clause ;

(b) and thereafter, every five years from the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1972, the Registrar shall likewise cause two general notices in the prescribed form to be published at an interval of not less than sixty days, in the *Official Gazette*, and in such other manner as may be prescribed calling upon all registered practitioners to make an application to the Registrar for continuance of their names on the register without payment of the fee of fifty rupees referred to in clause (a), and thereupon, the provisions of clause (a) shall, *mutatis mutandis*, apply for the continuance of the names of registered practitioners on the register.

Mah.  
V of  
1972.

<sup>1</sup>These words were substituted for the words " by registered post " by Mah. 49 of 1973, s. 2(I).

1(c) (i) and the Registrar shall, as soon as may be, after the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1973, send a notice under certificate of posting at the last known address along with the prescribed form of application to every person whose name has been removed from the register during the process of renewal which took place under section 22 of this Act before the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1972, and call upon such person to return the application duly filled in for restoration of his name on the register along with a fee of fifty rupees together with arrears of dues, if any, payable to the Board before such commencement and an additional fee of fifteen rupees by way of penalty within sixty days from the date of the receipt of such notice :

Mah.  
XLIX  
of  
1973.

Mah.  
V of  
1972.

Provided that, the Registrar may accept an application together with an additional fee of fifteen rupees after the expiry of the said period, if he is satisfied that the applicant was prevented by sufficient cause from returning the application along with the fees and dues in time ;

(ii) if the application together with the fees and dues, if any, is returned within the period specified in such notice, the Registrar shall inform such person under certificate of posting, that the fees and dues, if any, have been received, and that his name has been restored to the register and that the certificate of his registration shall, subject to the provisions of this section, continue in operation unless such certificate is duly cancelled under this Act.]

(2) \* \* \* \* \*

No refund  
of fees.

24. Fees paid under sections 17, 18, 18A, 20, 21 and 23A shall not be refunded.

Rights of  
registered  
practitioners  
to practise.

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

(i) the expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any words importing a person recognised by law as a medical practitioner or member of the medical profession or as having a right to practise any system of medicine shall, in all Acts of the State Legislature and in all Central Acts (in their application to the State of Maharashtra), in so far as such Acts relate to any matters specified in List II or List III in the Seventh Schedule to the Constitution of India, include a practitioner whose name is entered in any part of the register maintained under this Act, whether before or on or after the 1st day of October 1976, that is, the date of coming into force of section 17 of the Indian Medicine Central Council Act, 1970 ;

48 of  
1970.

(ii) it shall be lawful for every practitioner whose name is entered in any part of the register maintained under this Act to use in full after his name the words "Registered Medical Practitioner" ;

(iii) a certificate, required by any Act from a medical practitioner or medical officer, shall be valid if such certificate has been given and signed by a practitioner registered under Part I or Part II of the register maintained under this Act.]

<sup>1</sup> Clause (c) was inserted by Mah. 49 of 1973, s. 2(2).

<sup>2</sup> Sub-section (2) was deleted by Mah. 30 of 1979, s. 13.

<sup>3</sup> The figures and letter "18A," were inserted, *ibid.*, s. 14.

<sup>4</sup> This was substituted for "and 2?" by Mah. 5 of 1972, s. 7.

<sup>5</sup> Section 25 was substituted for the original section by Mah. 30 of 1979, s. 15.

## CHAPTER IV.

## EXAMINATIONS HELD BY FACULTY, COURSES OF STUDIES, RECOGNITION OF INSTITUTIONS AND RECOGNITION OF QUALIFICATION.

26. The Faculty shall by by-laws made under section 31 prescribe the examinations to be held by it, the qualifications for admission to such examinations, the courses of studies for such examinations (including the subjects of medicine, surgery, midwifery and gynaecology), the standard of passing, the degree, diploma, certificate or any other like award to be given to persons who pass the examinations, and such other matters in respect of such examinations as may be necessary or expedient.

Examination held by Faculty and courses of studies.

27. (1) Every institution recognised under this section shall, subject to such conditions as may be prescribed by the Faculty, be entitled to train students for the examinations of the Faculty.

Recognition of institutions.

(2) Any institution desirous of recognition under this Act shall send an application to the Registrar, giving full information in respect of the following matters, namely :—

- (a) the constitution and personnel of the managing body ;
- (b) subjects and courses in which it gives or proposes to give instruction, and the examination for which it seeks recognition ;
- (c) accommodation, equipment and the number of students for whom provision has been or is proposed to be made ;
- (d) the strength of the staff, their salaries, qualifications, and the research work carried out by them ;
- (e) fees levied or proposed to be levied, and the financial provision made for capital expenditure on buildings and equipment and for continued maintenance and efficient working of the institution :

Provided that, no application shall be entertained by the Registrar unless the institution agrees in writing to give all facilities to any Inspectors or visitors authorised by the Faculty to make an inspection or enquiry or to attend any examination under sub-sections (3) to (9).

(3) The Registrar shall place the application before the Faculty, and the Faculty may direct the Registrar to call for any further information which it may deem necessary. The Faculty may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf.

(4) After recording the report of such local inquiry and after making such further inquiry as may be necessary, the Faculty shall forward the application together with its report, to the State Government with its recommendations. The State Government may thereupon grant or refuse the recognition, or may grant it subject to such conditions as it deems fit. The State Government shall not grant recognition to any institution which does not provide such facilities for clinical training as may be prescribed under the by-laws. The decision of the State Government shall be final.

(5) It shall be the duty of the Faculty to secure the maintenance of an adequate standard of proficiency in the subjects of medicine, surgery, midwifery and gynaecology and for the practice of the Ayurvedic system of medicine or the Unani system of medicine. For the purpose of securing the maintenance of such standard, the Faculty shall have authority to call on the governing body or authorities of any recognised institution to permit Inspectors or visitors appointed by the Faculty in this behalf, who may or may not be members of the Faculty to inspect the recognised institution and the hospitals attached to it, and to attend and be present at all or any of the examinations held by the institution. Every recognised institution shall comply with the directions issued by the Faculty from time to time.

(6) The Inspectors or visitors shall not interfere with the conduct of any examination, but it shall be their duty to report to the Faculty their opinion as to the sufficiency or insufficiency of every examination which they attend, and any other matters in regard to such institution on which the Faculty may require them to report.

(7) Every recognised institution and every examination held by such institutions shall be inspected by the Faculty through its Inspectors or visitors at least once in five years, and more frequently if the Faculty so desires.

(8) The Faculty shall forward a copy of every such report to the authorities of the institution in respect of which the report was made, and shall also forward a copy of such report, together with any observations made thereon by the said body, to the State Government.

(9) An Inspector, or a visitor shall receive such remuneration to be paid as part of the expenses of the Faculty, as may be prescribed by rules.

28. (1) If it appears to the State Government on the report of the Faculty or otherwise that any recognised institution is not maintaining an adequate standard of training according to the requirements of the Faculty, the State Government may ask the Faculty to direct the institution to take steps within such reasonable time as it may fix to bring the training up to the required standard. Withdrawal of recognition of institutions

(2) If the institution fails so to do within the stipulated time, the State Government may at any time withdraw the recognition granted to such institution.

29. (1) If it shall appear to the State Government on the report of the Faculty or otherwise that the course of study and examinations prescribed by any university, body or institution conferring a degree, diploma, certificate or any other like award not entered in the Schedule, is such as to secure the possession, by persons obtaining such degree, diploma, certificate or award of, the requisite knowledge and skill for the efficient practice of their profession, including in medicine, surgery, midwifery and gynaecology, it shall be lawful for the State Government from time to time by notification in the *Official Gazette*, to amend the Schedule and to direct the inclusion therein of any such degree, diploma, certificate or award subject to such conditions (if any) as may be specified in respect of any such degree, diploma, certificate or award. Amendment of Schedule

(2) Any university, body or institution desirous of having included in the Schedule, any degree, diploma, certificate or award in the Ayurvedic system of medicine or the Unani system of medicine conferred by it, may apply to the Faculty in the manner provided in sub-section (2) of section 27 and for the purposes of this section the Faculty shall have all the powers specified in sub-sections (3) to (9) of section 27 as if the university, body or institution had applied for recognition under section 27.

- (h) the forms of certificate of registration <sup>1</sup>[and provisional registration];
- (i) the manner of holding enquiry under section 20;
- (j) the conditions and the fees for re-entering the name of a practitioner removed under section 20 ;
- (k) the remuneration to be paid to the assessor under clause (c) of sub-section (8) of section 20;
- (l) the fees chargeable for the entry of additional qualifications or change of name under sub-section (3) of section 21 ;

2\*

- (o) the interval at which the medical list shall be published under sub-section (1) of section 23 ;
- (p) the forms of the medical list, the supplementary list, the particulars to be included therein and the manner of publication under sub-section (3) of section 23 ;
- (q) remuneration to be paid to an Inspector or visitor under sub-section (9) of section 27 ;
- (r) any other matter which is to be or may be prescribed under this Act;
- (s) the furtherance of any of the objects of this Act.

<sup>3</sup>[(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that rule should not be made, and notify such decision in the *Official Gazette*, the rule shall from the date of publication of such notification 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 or omitted to be done under that rule.]

31. (1) The Faculty may, with the previous sanction of the State Government, By-laws, make by-laws, not inconsistent with the provisions of this Act or the rules made hereunder, for the following matters, namely :—

- (a) the examinations to be held by it ;
- (b) the qualifications for admission to and the courses of studies for the examinations ;
- (c) the standard of passing ;
- (d) the degree, diploma, certificate or other like award to be conferred upon those who pass the examinations, and the manner of conferring such degree, diploma, certificate or award ;
- (e) the language in which the examinations shall be conducted ;
- (f) the conditions of appointment of examiners, paper-setters, moderators and other persons appointed and fees to be paid to them, the conduct of examinations and the fees to be charged for the conduct of examinations ;
- (g) the conditions for the recognition of teachers in recognised institutions;
- (h) the number of students to be admitted to recognised institutions;
- (i) the language in which instructions shall be given in recognised institution;

<sup>1</sup> The words " and provisional registration " were substituted for the words " and enlistment " by Mah. 30 of 1979, s. 16(c).

<sup>2</sup> Clauses (m) and (n) were deleted by Mah. 5 of 1972, s. 8.

<sup>3</sup> Sub-section (3) was substituted by Mah. 17 of 1965, s. 8.

(f) such other matters as may be necessary for the exercise of the powers and performance of duties and functions by the Faculty under this Act.

(2) The State Government on receiving the draft by-laws may sanction or refuse to sanction the same, or sanction subject to such modifications as it may think fit or return them to the Faculty for further consideration.

(3) All by-laws when sanctioned, shall be published in the *Official Gazette* by the State Government.

(4) The State Government may by notification in the *Official Gazette* cancel any by-law.

**Control of State Government.** 32. (1) If at any time it appears to the State Government that the Board or the Faculty or its President or Chairman has failed to exercise or has exceeded or abused any of the powers conferred upon it or him by or under this Act or has otherwise ceased to function, or has become incapable of functioning, the State Government may if it considers such failure, excess or abuse, to be of a serious character, notify the particulars thereof to the Board or Faculty or the President or the Chairman, as the case may be. If the Board or the Faculty or the President or the Chairman fails to remedy such failure, excess or abuse within such reasonable time as the State Government may fix in this behalf, the State Government may remove the President or the Chairman, or dissolve the Board or the Faculty, as the case may be and cause all or any of the powers, duties and functions of the Board or the Faculty to be exercised and performed by such persons and for such period not exceeding <sup>1</sup>[two years] as it may think fit, and shall take steps to constitute a new Board or new faculty, as the case may be.

(2) Notwithstanding anything contained in this Act, or in the rules or by-laws, if at any time it appears to the State Government that the Board or the Faculty or any other authority empowered to exercise any of the powers or to perform any of the duties or functions under this Act, has not been validly constituted or appointed, the State Government may cause any of such powers or functions to be exercised or performed by such person, in such manner and for such period not exceeding six months and subject to such conditions, as it thinks fit.

## CHAPTER VI.

### GENERAL PROVISIONS APPLICABLE TO ALL MEDICAL PRACTITIONERS.

**Prohibition of medical practice by persons not registered.** <sup>2</sup>33. (1) Notwithstanding anything contained in any law for the time being in force or in any judgment, decree or order of any Court, no person other than a medical practitioner whose name is entered in—

(i) the register maintained under this Act; or

(ii) the register or the list prepared and maintained under the Bombay Homoeopathic and Biochemic Practitioner's Act, 1959 or under any other law for the time being in force in relation to the qualifications and registration of Homoeopathic or Biochemic Practitioners in any part of the State; or

(iii) the register prepared and maintained under the Maharashtra Medical Council Act, 1965; or

(iv) the Indian Medical Register prepared and maintained under the Indian Medical Council Act, 1956.

shall practise any system of medicine in the State :

<sup>1</sup>These words were substituted for the words "one year" by Mah. 49 of 1973, s. 3.

<sup>2</sup>Section 33 was substituted for the original by Mah. 30 of 1979, s. 17.

Provide that, the State Government may, by notification in the *Official Gazette*, direct that subject to such conditions as it may deem fit to impose and the payment of such fees as may be prescribed by rules, the provisions of this section shall not apply to any class of persons, or to any area, as may be specified in such notification.

(2) Any person, who acts in contravention of any provisions of sub-section (1) shall, on conviction, be punished—

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

(ii) for a second offence, with imprisonment for a term which may extend to six months and with fine which may extend to five hundred rupees ;

(iii) for a third and subsequent offences, with imprisonment for a term which may extend to two years and with fine which may extend to two thousand rupees.]

<sup>1</sup>33A. (1) <sup>2</sup>[Notwithstanding anything contained in any law for the time being in force,] no person, who is not a practitioner registered under any of the Acts referred to in that section, shall, after the commencement of this Chapter, hold any appointment as—

Unregistered person not to hold certain appointments.

(a) physician, surgeon, or other medical officer, in any hospital, infirmary or dispensary not supported wholly by voluntary contribution;

(b) medical officer of health of any local authority;

(c) teacher in medicine, surgery or midwifery in any public institution.

<sup>3</sup>[*Explanation.*—For the purposes of this sub-section a practitioner registered under this Act shall not include a practitioner registered under Part III of the register maintained under this Act.]

(2) Any person who contravenes any of the provisions of sub-section (1) shall, on conviction, be punished with fine which may extend to five hundred rupees.]

34. (1) Notwithstanding anything in any law for the time being in force, a birth or a death certificate, or a medical or fitness certificate, or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner, shall be valid only if it has been signed or authenticated by a practitioner registered under—

Registered practitioners competent to give valid certificates or expert evidence.

Mah. XLVI of 1965.

<sup>4</sup>[(i) Part I or Part II of the register maintained under this Act];

<sup>5</sup>[(ii) the Maharashtra Medical Council Act, 1965;]

Bom. XII of 1960.

(iii) the Bombay Homoeopathic and Biochemic Practitioners Act, 1959 or any other law for the time being in force in relation to the qualifications and registration of Homoeopathic or Biochemic practitioners in any part of the State; or

CII of 1956.

(iv) the Indian Medical Council Act, 1956.

<sup>1</sup> Section 33A was inserted by Mah. 17 of 1965, s. 9.

<sup>2</sup> These words were substituted for the words "Notwithstanding anything contained in the last preceding Section", by Mah. 30 of 1979, s. 18(a).

<sup>3</sup> This *Explanation* was inserted, *ibid.*, s. 18(b).

<sup>4</sup> Clause (i) was substituted for the original, *ibid.*, s. 19(a)(i).

<sup>5</sup> Clause (ii) was substituted for the original, *ibid.*, s. 19(a)(ii).

(2)<sup>1</sup>[Notwithstanding anything contained in any law for the time being in force, no person] other than a practitioner registered under any of the laws specified in sub-section (1) shall be qualified to 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 <sup>I</sup> of relating to medicine, surgery or midwifery. 1872.

Conferring, granting or issuing colourable imitations of degrees, diplomas or licences to be an offence

35. (1) No person other than—

- (a) a University established by law;
- (b) the Faculty constituted under this Act;
- (c) an authority specified or notified under the Indian Medical Degrees Act, VII of 1916;
- (d) the Court of Examiners constituted under the Bombay Homœopathic and Biochemic Practitioners Act, 1959 or any other body constituted under any other law for the time being in force in relation to the qualifications and registration of Homœopathic or Biochemic Practitioners in any part of the State; <sup>Bom. XII of 1960.</sup>
- (e) an authority empowered or recognised as competent, by the State Government, to confer, grant or issue any degree, diploma, licence, certificate or any other like award,

shall confer, grant or issue or hold himself out 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 granted by a body or institution specified in clauses (a), (b), (c), (d) or (e) of this sub-section <sup>2</sup>[or which states or implies that the holder thereof is qualified to practise any system of medicine.]

(2) Any person who contravenes the provisions of sub-section (1), and if the person so contravening is an association, every member of such association who, knowingly or wilfully authorises or permits the contravention, shall, on conviction be punished—

- (i) for a first offence, with fine which may extend to one thousand rupees;
- (ii) for a 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.

Prohibition against addition of any title, description, etc., to name of any person unless authorised so do so.

36. (1) No person shall add to his name any title, description, letters or abbreviations which imply that he holds a degree, diploma, licence or certificate or any other like award as his qualification to practise any system of medicine unless—

- (a) he actually holds such degree, diploma, licence or 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 by a body or institution referred to in sub-section (1) of section 35, or
  - (iii) has been recognised by the Medical Council of India; <sup>3</sup>[or,
  - (iv) has been recognised by the Central Council of Indian Medicine.]

<sup>1</sup> These words were substituted for the words " No person ", by Mah. 30 of 1979, s. 19(b).

<sup>2</sup> These words were added by Mah. 21 of 1966, s. 4.

<sup>3</sup> The word " or ", and clause (iv) were inserted by Mah. 30 of 1979, s. 20.

(2) Any person who contravenes the provisions of sub-section (1) shall, on conviction, be punished—

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

(ii) for a 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.

37. Notwithstanding anything contained in this Chapter, a person may practise medicine in any rural area—

Liberty to practise in rural areas.

(i) If he has commenced practise in any village in the said area prior to a date on which a practitioner registered under the Bombay Medical Act, 1912, or under the Bombay Medical Practitioners' Act, 1938 (or any law corresponding thereto) or under the Bombay Homoeopathic Act, 1951 (or other law in relation to the qualifications and registration of Homoeopathic or Biochemic practitioners) for the time being in force, has commenced, and is in regular practice of medicine in that village, and

(ii) so long as he continues to practise in that village as his principal place of practice.

Bom.  
VI of  
1912.  
Bom.  
XXVI  
of  
1938.  
Bom.  
XLVIII  
of  
1951.

*Explanation.*—For the purposes of this section, “rural area” means—

(i) any local area in the Bombay area of the State, which was not within the limits of a municipal corporation, municipality, cantonment or notified area committee on the 1st day of March 1939 ; and

(ii) any local area in the rest of the State, which is not within the limits of a municipal corporation, municipality, municipal committee, town committee, cantonment or notified area committee on the date of passing of this Act,

irrespective of any change in the designation or description of such local area at a subsequent date.

38. All offences under this Act shall be cognizable.

Cognizance  
of offences.

39. No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, or under the rules or by-laws made thereunder.

Indemnity to  
persons  
acting under  
the Act.

## CHAPTER VII.

### REPEAL AND TRANSITIONAL PROVISIONS.

40. (1) Subject to the provisions of this Chapter, on the appointed day,—

Repeal and  
saving.

(a) the Bombay Medical Practitioners' Act, 1938, in its application to the Bombay area of the State;

Bom.  
XXVI  
of  
1938.

(b) the Central Provinces and Berar Ayurvedic and Unani Practitioners Act, 1947, in its application to the Vidarbha region of the State ;

C.P. &  
Berar  
IV of  
1948.

(c) the Medical Act, in its application to the Hyderabad area of the State, shall stand repealed.

Hyd.  
I of  
1912  
Fueh.

(2) Subject to the provisions of sub-section (2) of section 44 all or any of the rules, by-laws, regulations, orders or any other instruments made or issued under any of the Acts repealed under sub-section (1), relating to any examinations held by any Faculty, Board or Medical Council or like body competent to hold such examinations under the said Acts, as the State Government may by order specify on the appointed day, shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made or issued under and for the purposes of the relevant provisions of this Act and be in force accordingly, unless and until superseded by any rules or by-laws or other orders made under this Act. All other rules, by-laws, regulations, orders or any other instruments made or issued under the said Acts shall on and from the appointed day cease to be in force.

(3) The register kept or maintained or deemed to be kept and maintained—

(i) under the Bombay Medical Practitioners' Act, 1938, in its application to the Bombay area of the State ; and

Bom.  
XXVI  
of  
1938.

(ii) under the Central Provinces and Berar Ayurvedic and Unani Practitioners Act, 1947, in its application to the Vidarbha region of the State, which are in force immediately before the appointed day, shall be deemed to be the register under this Act, until the register prepared under section 17 comes into force under sub-section (9) thereof.

C.P. &  
Berar  
IV of  
1948.

(4) The list kept or deemed to be kept under the Act repealed under clause (a) of sub-section (1) which is in force immediately before the appointed day, shall be deemed to be the list under this Act, until the list prepared under section 18 comes into force under sub-section (3) of section 18 read with sub-section (9) of section 17.

(5) Any appointment, notification, notice, order or form made, issued or given under any of the Acts, repealed under sub-section (1) and subsisting immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the relevant provisions of this Act, and be in force throughout the State accordingly, unless and until superseded by any appointment, notification, notice, order or form made, issued or given under this Act.

Dissolution  
of Boards  
constituted  
under the  
repealed  
Acts and  
constitution  
of new  
Board.

41. (1) With effect from the appointed day—

(a) the Board of Ayurvedic and Unani Systems of Medicine constituted under section 3 of the Bombay Medical Practitioners' Act, 1938, in its application to the Bombay area of the State ;

Bom.  
XXVI  
of  
1938.

(b) the Vidarbha Board of Ayurvedic and Unani Systems of Medicine constituted under section 3 of the Central Provinces and Berar Ayurvedic and Unani Practitioners Act, 1947, read with the Madhya Pradesh Statutory Bodies (Regional Constitution) Act, 1956,

C.P. &  
Berar  
IV of  
1948.  
M. P.  
XVII  
of  
1956.

shall be dissolved, and all the members of the aforesaid Boards shall vacate office.

(2) Notwithstanding anything contained in section 3, the State Government shall on the appointed day, by a notification in the *Official Gazette*, constitute a Board consisting of a President and fourteen other members as may be nominated by the State Government. <sup>1</sup>[As soon as may be after the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1964, the members of the Faculty shall elect two persons, from amongst themselves, to be the additional members of the Board. The members so elected shall be entitled to hold office for the unexpired portion of the term of office of other members of the Board.]

Mah.  
XVII  
of  
1965.

(3) The Board constituted under sub-section (2) shall be deemed to be a Board constituted under section 3, and the President and the members of the Board shall notwithstanding anything contained in section 5 hold office for a period of three years from the date of the notification under sub-section (2) or till a Board is constituted in accordance with the provisions of section 3, whichever is earlier :

Provided that, the period of three years may be extended by the State Government by a further period <sup>2</sup>[not exceeding three years in the aggregate].

(4) If a vacancy previous to the expiry of the term occurs in the office of the President or a member of the Board constituted under sub-section (2) by reason of death, resignation, removal, disability or disqualification of such member or due to any other cause, the vacancy shall be filled by the State Government by nomination of any other person and the person so nominated shall hold office for the unexpired portion of the term of the member in whose place he is nominated .

<sup>1</sup> This portion was added by Mah. 17 of 1965, s. 10 (a).

<sup>2</sup> These words were substituted for the words "not exceeding six months at a time and two years in the aggregate", *ibid.*, s. 10 (b).

Bom.  
XXVI  
of  
1938.

42. (1) [With effect from the appointed day, the Faculty of Ayurvedic and Unani Systems of Medicine constituted under section 3A of the Bombay Medical Practitioners' Act, 1938, in its application to the Bombay area of the State and functioning immediately before the appointed day shall be dissolved, and all the members of that Faculty shall vacate office.

Dissolution  
of Faculty  
and consti-  
tution of new  
Faculty.

Mah.  
XVII  
of  
1965.

(2) Notwithstanding anything contained in sub-section (2) of section 4, the State Government shall on the appointed day, by a notification published in the *Official Gazette*, constitute a Faculty of the Ayurvedic and Unani Systems of Medicine consisting of a Chairman and seventeen other members as may be nominated by the State Government. [With effect from the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1964, the Director of Ayurved shall be an additional member, *ex-officio*, of the Faculty.]

(3) The Faculty constituted under sub-section (2) shall be deemed to be the Faculty constituted under sub-section (2) of section 4, and the term of the Chairman and the members of the Faculty constituted under sub-section (2) shall expire on the date on which the term of the Board, constituted under section 41 expires.

(4) If a vacancy previous to the expiry of the term occurs in the office of the Chairman or a member of the Faculty constituted under sub-section (2), by reason of death, resignation, removal, disability or disqualification of such member or due to any other cause, the vacancy shall be filled by the State Government by nomination of any other person and the person so nominated shall hold office for the unexpired portion of the term of the member in whose place he is nominated.

43. (1) Notwithstanding anything contained in clause (7) of section 46 the Registrars appointed under—

Provision  
regarding  
Registrars.

Bom.  
XXVI  
of  
1938.  
C.P. &  
Berar  
IV of  
1948.  
M.P.  
XVII  
of  
1956.

(a) section 14 of the Bombay Medical Practitioners' Act, 1938, in its application to the Bombay area of the State ; and

(b) section 14 of the Central Provinces and Berar Ayurvedic and Unani Practitioners' Act, 1947, read with the Madhya Pradesh Statutory Bodies (Regional Constitution) Act, 1956,

and holding office immediately before the appointed day, shall cease to hold office of Registrar on the appointed day.

(2) The State Government shall under section 16 appoint the Registrar of the Board constituted under section 41.

(3) The State Government may by an order direct the absorption of any person who ceases to hold office under sub-section (1) and who is not appointed as Registrar under sub-section (2), in a suitable post under the Board or the Faculty or may direct the termination of the employment of such person. Until such order is issued by the State Government, the person so ceasing to hold office under sub-section (1) shall be paid by the Board such pay and allowances as he was drawing immediately before the appointed day. Any such person whose employment is terminated under this sub-section shall be entitled to receive from the Board such leave, pension, gratuity or other retirement benefits as he would have been entitled to receive on being invalidated out of service of the respective Board, and may receive such additional amount by way of compensation as the Board may with the sanction of the State Government determine.

Provision  
regarding  
examina-  
tions.

44. (1) For a period of two years from the appointed day or such further period as the State Government may direct, the Faculty constituted under this Act shall make arrangement to hold every examination which was being held by—

(i) the Faculty constituted under section 3A of the Bombay Medical Practitioners' Act, 1938, in its application to the Bombay area of the State, Bom. XXVI of 1938.

(ii) the Vidarbha Board of Ayurvedic and Unani Systems of Medicine constituted under section 3 of the Central Provinces and Berar Ayurvedic and Unani Practitioners' Act, 1947, read with the Madhya Pradesh Statutory Bodies (Regional Constitution) Act, 1956. C.P. & Berar IV of 1948. M.P. XVII of 1956.

(iii) the Committee for the *Shudāha* Ayurvedic Course appointed under Bombay Government Resolution in the Local Self-Government and Public Health Department, No. ADR-1253, dated the 17th September 1953,

(iv) the *ad hoc* Committee appointed by Bombay Government Resolution in the Local Self-Government and Public Health Department, No. AUC-4859/73751/81474-H, dated the 31st December 1959,

in accordance with such rules, by-laws, regulations, orders or any other instruments relating to such examinations as were in force immediately before the appointed day, and in the case of any examination held by the said Vidarbha Board in accordance with the regulations relating to such examination made by that Board (whether with or without the previous sanction of the State Government and publication in the *Official Gazette*), as were being followed by that Board immediately before the appointed day.

Thereupon, the Faculty shall confer the respective qualifications specified in the Schedule.]

(2) The rules, by-laws, regulations, orders or any other instruments referred to in sub-section (1) shall be deemed to be by-laws framed by the Faculty under section 31 for the purpose of the relevant examination and be amended or superseded in the manner prescribed in section 31.

(3) The Faculty shall before the expiry of the period referred to in sub-section (1) consider the question of continuing or discontinuing the examinations, and shall frame revised by-laws under section 31 accordingly :

Provided that, if the Faculty decides to discontinue any such examinations it shall arrange to hold such examinations for such period as the State Government may direct to enable the students, already admitted for the training course leading to such examinations to complete the course.

Provision  
regarding  
recognised  
institutions.

45. (1) Notwithstanding anything contained in sub-sections (1) to (4) of section 27, every institution which immediately before the appointed day continued to be recognised or authorised—

(i) under section 21A of the Bombay Medical Practitioners' Act, 1938, in its application to the Bombay area of the State ; Bom. XXVI of 1938.

(ii) under section 22 of the Central Provinces and Berar Ayurvedic and Unani Practitioners' Act, 1947, for any qualifying examination prescribed by the Vidarbha Board of Ayurvedic and Unani Systems of Medicine. C.P. & Berar IV of 1948.

<sup>1</sup> This portion was substituted and was deemed always to have been substituted for the words "and confer the respective qualifications specified in the Schedule" by Mah. 21 of 1966, s. 5.

(iii) under sub-rule (4) of rule 10 of the *Shuddha Ayurvedic Course* Rules sanctioned under Bombay Government Resolution in the Local Self-Government and Public Health Department, No. ADR. 1254(a), dated the 12th May 1954,

shall be deemed to be recognised under section 27 for the examinations for which they were recognised or authorised so long as the Faculty continues to hold such examination.

(2) Notwithstanding anything contained in sub-sections (1) to (4) of section 27, the Government Ayurvedic College, Nanded, shall be deemed to be a recognised institution under section 27.

(3) Nothing in this section shall affect the powers of the State Government under section 28 to withdraw the recognition granted to any such institution.

46. Save as otherwise provided by or under this Act and unless there is anything repugnant in the subject or the context—

Vesting of rights, duties, etc.

(1) all rights of the Boards dissolved under section 41 (hereinafter in this section referred to as "the dissolved Boards") shall on the appointed day vest in the Board constituted under section 41 (hereinafter in this section referred to as "the Board"),

(2) all the property moveable or immoveable which on the day immediately preceding the appointed day vested in the dissolved Boards shall subject to all limitations and conditions as were in force on that day vest in the Board;

(3) all sums due to a dissolved Board on any account shall be recoverable by the Board which shall be competent to take any measure or institute any proceedings which it would have been open to the dissolved Board to take or institute if this Act had not come into operation,

(4) all debts, liabilities and obligations incurred by or on behalf of a dissolved Board, immediately before the appointed day and subsisting on the said day, shall be deemed to have been incurred by the Board in exercise of the powers conferred on it by this Act and shall continue in operation accordingly,

(5) all proceedings and matters pending before any authority or officer immediately before the appointed day under any of the Acts repealed under section 40 shall be deemed to be transferred to and continued before the corresponding authority under this Act competent to entertain such proceedings and matters,

(6) all prosecutions instituted by or on behalf of or against a dissolved Board and all suits and other legal proceedings instituted by or against any dissolved Board or any officer of such Board on behalf of the dissolved Board, pending on the appointed day, shall be continued by or against the Board or if, in case of the Board dissolved under clause (b) of sub-section (1) of section 41, the State Government so directs by or against the Faculty,

(7) all officers and servants other than the Registrar in the employ of the dissolved Boards immediately before the appointed day, shall be officers and servants employed by the Board or if, in case of the Board dissolved under clause (b) of sub-section (1) of section 41, the State Government so directs by the Faculty and shall, until provision is otherwise made in accordance with the provisions of this Act, receive salaries and allowances and be subject to the conditions of service or retirement benefits which they were entitled to or subject to on the appointed day :

Provided that—

(i) the service rendered by such officers and servants before the appointed day shall be deemed to be service rendered under the Board or the Faculty, as the case may be,

(ii) if in the opinion of the Board or the Faculty, as the case may be, the services of any officer or servant are not necessary or suitable to the requirements of services under it, it may with the previous approval of the State Government discontinue the services of any such officer or servant and any officer or servant whose services are so discontinued shall be entitled to receive from the Board such leave, pension, gratuity or other benefits as he would have, if this Act had not been passed, been entitled to receive on being invalidated out of service of the respective Board and may receive such additional amount by way of compensation as the Board may with the sanction of the State Government determine.

(8) notwithstanding anything contained in clauses (1) to (4), the State Government may by an order direct that any of the said rights, assets, liabilities or obligations of a Board dissolved under clause (b) of sub-section (1) of section 41 shall be transferred to the Faculty,

(9) the provisions of clauses (1) to (7) shall *mutatis mutandis* apply to the Faculty dissolved under sub-section (1) of section 42 as if, in the said clauses, there had been substituted, for the words "the dissolved Boards" and the words "the Board", the words "the dissolved Faculty" and words "the Faculty of Ayurvedic and Unani Systems of Medicine", respectively, in the application of the said clauses to the Faculty dissolved under sub-section (1) of section 42.

Power to  
remove  
difficulties.

47. If any difficulty arises in giving effect to the provisions of this Act, the State Government may, as occasion requires, by order do anything which appears to it necessary or expedient for the purpose of removing the difficulty.

## SCHEDULE.

(See sections 15, 17, 21, 29 and 44).

Qualifications the possession of which entitles a person to registration.

## PART A.

Qualifications in the Ayurvedic System of Medicine with a course supplemented by modern advances with:—

- (a) the Inter Science (B Group) examination as qualification for admission ; or  
 (b) the Matriculation or S.S.C. Examination or its equivalent Examination as qualification for admission, provided the course is of a duration of six or more years.

Serial No.	Authority	Qualification	Abbreviation for registration and conditions for registration, if any.
1	2	3	4
1	Benaras Hindu University, Benaras.	(1) Ayurvedacharya, with Bachelor of Medicine and Surgery. (2) Ayurvedacharya with Medicine and Surgery. (3) Ayurvedacharya with Modern Medicine and Surgery.	A.M.B.S. (Ben.). (This qualification shall be recognised only when granted in or after 1952). A.M.S. (Ben.). A.M.M.S. (Ben.).
2	University of Poona	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S. (Poona).
3	Faculty of Ayurvedic and Unani Systems of Medicine, constituted under the Bombay Medical Practitioners Act, 1938 and, on and after the 23rd October 1961, the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Maharashtra Medical Practitioners Act, 1961].	Graduate of the Faculty of Ayurvedic Medicine.	G.F.A.M. (Bom.)
4	College of Indigenous Medicine, Madras.	Graduate of the College of Indigenous Medicine.	G.C.I.M. (Madras).
5	Tilak Maharashtra Vidyapeeth, Poona.	Ayurvediya-Parangat	A.V.P. (Poona).
<sup>1</sup> 6	Faculty of Ayurvedic and Unani Systems of Medicine, Gujarat.	Graduate of the Faculty of Ayurvedic Medicine.	G.F.A.M. (Guj.)]
<sup>1</sup> 7	University of Kerala	Bachelor in Ayurvedic Medicine.	B.A.M. (Kerala).
8	University of Gujarat	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S. (Guj.)
9	University of Nagpur	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S. (Nag.)]

<sup>1</sup> This portion was added by G.N., U.D. & P.H.D., No. MMP. 1061-Unification, dated 29th January 1962.

<sup>2</sup> This entry was included by G.N., U.D. & P.H.D., No. BMP/1261/46587/H, dated 27th March 1962.

<sup>3</sup> Entries 7 to 9 were included by G.N., U.D. & P.H.D., No. MMP. 1364/19569-H, dated 28th March 1964.

## PART B.

Qualifications in the Ayurvedic System of Medicine with course supplemented by modern advances with the Matriculation or S.S.C. Examination or its equivalent Examination as qualification for admission.

Serial No.	Authority	Qualification	Abbreviation for registration and conditions for registration, if any.
1	2	3	4
1	Faculty of Ayurvedic and Unani Systems of Medicine, constituted under the Bombay Medical Practitioners Act, 1938.	Ayurved Visharad	D.A.S.F. (Bom.)
2	Vidarbha Board of Ayurvedic and Unani Systems of Medicine constituted under the Central Provinces and Berar Ayurvedic and Unani Practitioners' Act, 1947 (C. P. & Berar Act IV of 1948) and, on and after the 23rd October 1961, the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Maharashtra Medical Practitioners Act, 1961.]	[Bachelor of Ayurved with Modern Medicine and Surgery, Ayurvednyanacharya.]	B.A.M.S. (Vid.)
3	Board of Indian Medicine, Hyderabad (Deccan), constituted under the rules made under the Medical Act (Hyd. I of 1312 Fash).	Ayurved Visharad of the Government Ayurvedic College, Hyderabad.	A.V.V. (Hyd.)
4	Tilak Maharashtra Vidyapeeth, Poona	Ayurvedic Visharad	A.V.V. (Poona). (This qualification shall be recognised only when granted before 1944).
5	Ayurved Mahavidyalaya, Ahmednagar.	Ayurvedteerth	A. T. (Nagar). (This qualification shall be recognised only when granted before 1942).
6	Aryangla Vaidyak Mahavidyalaya, Satara.	Ayurved-Visharad	A.V.V. (Satara). (This qualification shall be recognised only when granted before 1942).
7	U. P. Ayurved Mahavidyalaya, Patan (Baroda State).	Girihit Ayurved-Shastra	L.A.M. (Patan). (This qualification shall be recognised only when granted before 1942).
8	Gurukul University, Kangri	Ayurvedalankar	A. L. (Kang). (This qualification shall be recognised only when— (a) granted after 1926 but before 1952 ; (b) granted after 1952 to students admitted by the University before June 1952).
9.	Board of Examiners in Indian Medicine, Madras.	Licenciate of Indian Medicine	L.I.M. (Madras).

<sup>1</sup> This portion was added by G.N., U.D. & P.H.D. No MMP. 1061.Unification, dated 29th January 1962.

<sup>2</sup> These words were substituted by G.N., U.D., P.H & H. D. No. MMP. 1168-H, dated 16th December 1968.

## PART B—contd.

Serial No.	Authority	Qualification	Abbreviation for registration and conditions for registration, if any.
1	2	3	4
10	The <i>ad hoc</i> Committee appointed by Bombay Government Resolution in Local Self-Government and Public Health Department, No. AUC-4859/73751/31474-H, dated the 31st December 1959 and, on and after the 23rd October 1961, the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Maharashtra Medical Practitioners Act, 1961.]	<sup>1</sup> [Ayurved-Visharad (Graduate of College of Ayurvedic Medicine), Nanded.]	<sup>2</sup> [A.V.V. (G.C.A.M.), Nanded.]
<sup>3</sup> [11	Board of Indian Medicine, U.P.	1. Bachelor of Indian Medicine and Surgery. 2. Diploma of Indian Medicine and Surgery.	B.I.M.S. (U.P.). D.I.M.S. (U.P.).
12	Government Ayurvedic College, Patna.	Ayurvedacharya and Graduate of Ayurvedic Medicine and Surgery.	G.A.M.S. (Patna).
13	Ayurvedic and Tibbi College, Delhi.	1. Ayurvedacharya Dhanwantari. 2. Bhisagacharya Dhanwantari.	..... .....
14	Government Ayurvedic School and College, Mysore.	Licentiate of Ayurved Medicine and Surgery.	L.A.M.S. (Mysore).
15	Faculty of Ayurvedic Medicine, Behgal.	1. Member of the Ayurvedic State Faculty. 2. Fellow of the Ayurvedic State Faculty.	M.A.S.F. (Bengal). F.A.S.F. (Bengal).]
<sup>4</sup> [16	University of Kerala	Diploma in Ayurvedic Medicine.	D.A.M. (Kerala).

<sup>1</sup> This portion was added by G.N., U.D. & P.H.D., No. MMP-1061-Unification, dated 29th January 1962.

<sup>2</sup> Substituted by G.N., U.D., & P. H. .D., No. ADR. 4668/75920-H, dated 20th May 1969.

<sup>3</sup> Entries 11 to 15 were included by G.N., U.D. & P.H.D., No. MMP. 1061/63024-H, dated 17th June 1963.

<sup>4</sup> Entries 16 and 17 were included by G.N., U.D. & P.H.D., No. MMP-1364/19569-H, dated 28th March 1964.

Serial No.	Authority	Qualification	Abbreviation for registration and conditions for registration, if any.
1	2	3	4
17	Board of Indian Medicine, Uttar Pradesh.	Ayurvedacharya, Bachelor of Medicine and Surgery.	A.M.B.S., U. P. (This qualification shall be recognised only when granted after 1956).]
*[18]	J. B. Ashtang Ayurvedic College, Calcutta.	Diploma of L. A. M. S., (Bhishagratna).	L. A. M. S. (Bhishagratna Bengal. This qualification shall be recognised only when granted in or before 1942.)]
*[19]	Government Ayurvedic School, Raipur.	Diploma of Licentiate Ayurvedic Practitioner (Bhishagwar).	L. A. P. (Bhishagwar Madhya Pradesh. (This qualification shall be recognised only when granted in or before 1958.))]
*[20]	Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine, Bombay.	Member of the Faculty of Ayurvedic Medicine.	*[M.F.A.M. (Maharashtra).]
*[21]	Board of studies in Indian Medicines, Mysore, Bangalore.	Graduate Course of Integrated Medicines.	G.C.I.M. (Mysore) This Qualification shall be recognised only when granted upto 1967).]

## PART C.

Qualifications in the Ayurvedic System of Medicine with the Matriculation or S.S.C. Examination or an equivalent Examination with Sanskrit, as qualification for admission.

Serial No.	Authority	Qualification	Abbreviation for registration and conditions for registration, if any.
1	2	3	4
1	The Committee for Shudha-Ayurvedic Course appointed under Bombay Government Resolution, in Local Self Government and Public Health, Department No. ADR-1255, dated the 17th September 1953 [and, on and after the 23rd October 1961, the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Maharashtra Medical Practitioners Act, 1961.]	Ayurved-Pravin, styled as such under Bombay Government Resolution in L.S.G. and P.H.D. No. BMP-1054-H, dated the 12th July 1956, granted in 1957 and thereafter.	D.S.A.C. (Bom.).

\* This entry is included by G.N., U.D., P.H. & H.D. No. MMP-1365/29551-H, dated 5th September 1966.

\* This entry is added by G.N., U.D., P.H. & H.D., No. MMP-1165/77886-H, dated 1st December 1966.

\* Added by G.N., U.D., P.H. & H.D. No. AVD. 1267/47254-H, dated 14th December 1967.

\* Substituted by G.N., U.D., P.H. & H.D. No. AVD-1268/79281-H, dated 24th December 1968.

\* Added by G.N., U.D., P.H. & H.D. No. MMP-1267/52101-H, dated 9th May 1968.

## PART C—contd.

Serial No.	Authority	Qualification	Abbreviation for registration and conditions for registration, if any
1	2	3	4
2	Board of Studies in Indian Medicine, Mysore.	Ayurved Pravin	D.A.S.C. (Mysore).
3	Committee of Shuddha Ayurvedic Course, Gujarat State, Ahmedabad.	Ayurved Pravin	D.S.A.C. (Gujarat) This qualification shall be recognised only when granted upto April 1968.]

## PART D

## Qualifications in the Unani System of Medicine.

Serial No.	Authority granting the qualification	Qualification	Abbreviation for registration and conditions for registration, if any
1	2	3	4
1	Board of Examiners in Unani	Mahire-Tib-o-Jarahat	M.T.J. (Bom.). (This qualification shall be recognised qualification only when granted in 1942 or, 1943).
2	Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Bombay Medical Practitioners' Act, 1938 (Bom. XXVI of 1938).	Mahire-Tib-o-Jarahat	D.U.S.F. (Bom.).
3	Ayurvedic and Unani Tibbi College, Delhi	(i) Fazil-e-Tib-o-Jarahat (ii) Kamil-e-Tib-o-Jarahat	F.T.J. (Del.). K.T.J. (Del.).
4	Government Ayurvedic College, Mysore.	Licentiate of Unani Medicine and Surgery.	L.U.M.S. (Mysore).
5	Board of Indian Medicine, U. P.	1. Bachelor of Indian Medicine and Surgery. 2. Diploma in Indian Medicine and Surgery.	B.I.M.S. (U.P.). D.I.M.S. (U.P.).
6	Government Unani Tibbi College, Hyderabad.	Tabbeeb-e-Mustanad	D.I.M.S. (U.P.).]
7	Board of Indian Medicine, Uttar Pradesh.	Fazil-Ul-Tib, Bachelor of Medicine and Surgery.	F.M.B.S., U. P. (This qualification shall be recognised only when granted after 1956).
8	Muslim University, Aligarh	Bachelor of Unani Medicine and Surgery.	B.U.M.S. (Aligarh).]

<sup>1</sup> This portion was added by G.N., U.D. & P.H.D., No. MMP.1061-Unification, dated 29th January 1962.

<sup>2</sup> Added by G.N., U.D., P.H. & H.D., No. MMP.1368/44807(a)-H, dated 11th November 1968.

<sup>3</sup> Entries 4 to 6 were included by G.N., U.D., & P.H.D., No. MMP.1061/63024-H, dated 17th June 1963.

<sup>4</sup> Entries 7 and 8 were included by G.N., U.D. & P.H.D., No. MMP.1364/19569-H, dated 28th March 1964.

## [PART E

All qualifications specified in the Second, Third and Fourth Schedules to the Indian Medicine Central Council Act, 1970, other than those specified in Parts 48 of A to D above.] 1970.

---

<sup>1</sup> Part E was added by Mah. 30 of 1979, s. 21.



RNI No. MAHENG/2009/35528

Reg. No. MH/MR/South-344/2014-16

# महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ६, अंक २३(४)]

गुरुवार, जून २६, २०१४/आषाढ ५, शके १९३६

[ पृष्ठे २, किंमत : रुपये २७.००

असाधारण क्रमांक ८०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Medical Practitioners (Amendment) Act, 2014 (Mah. Act No. XXVIII of 2014), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,  
Principal Secretary to Government,  
Law and Judiciary Department.

## MAHARASHTRA ACT No. XXVIII OF 2014.

(First published, after having received the assent of the Governor, in the "Maharashtra Government Gazette", on the 26th June 2014.)

An Act further to amend the Maharashtra Medical Practitioners Act, 1961.

Mah.  
XXVIII  
of 1961.

WHEREAS it is expedient further to amend the Maharashtra Medical Practitioners Act, 1961, for the purposes hereinafter appearing; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows:—

1. (1) This Act may be called the Maharashtra Medical Practitioners (Amendment) Act, 2014.

Short title  
and  
commence-  
ment.

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

Mah.  
XXVIII  
of 1961.

2. In section 25 of the Maharashtra Medical Practitioners Act, 1961, after clause (iii), the following clauses shall be added, namely:—

Amendment  
of section 25  
of Mah.  
XXVIII of  
1961.

“(iv) the registered practitioners of the Indian Medicine and holding the qualifications mentioned in the PART A, A-1, B or D of the Schedule,

(१)

shall have privilege to practice the modern scientific medicine known as allopathic medicine to the extent of the training they received in that system, alongwith the system of Indian Medicine for which they are registered;

(v) the registered practitioners of the Indian Medicine holding the qualifications mentioned in the PART A, A-1, B or D of the Schedule and holding post-graduate qualification which is entered as additional qualification in the register prepared under section 17 shall be eligible to pursue and practice the latest knowledge, skill and technological advances to the extent of the training they received in that system during the post-graduation.”.