

31

35

MINISTRY OF HOME AFFAIRS

NOTIFICATION

New Delhi, the 6th January 1961

G.S.R. 41.—In exercise of the powers conferred by section 2 of the Union Territories (Laws) Act, 1950 (30 of 1950), the Central Government hereby extends to the Union territory of Himachal Pradesh the East Punjab Ayurvedic and Unani Practitioners Act, 1949 (East Punjab Act No. XIV of 1949), as at present in force in the State of Punjab, subject to the following modifications, namely:—

Modifications

1. (i) For the words "State Government" or "Punjab Government" wherever they occur except in clause (3) of section 18, the words "Lieutenant Governor" shall be substituted, and there shall also be made in any sentence in which those words occur such consequential amendments as the rules of grammar may require;
 - (ii) for the expression "Board of Ayurvedic and Unani Systems of Medicine, Punjab", wherever it occurs the expression "Board of Ayurvedic and Unani Systems of Medicine, Himachal Pradesh" shall be substituted;
 - (iii) for the word "Punjab" wherever it occurs except in the expressions "Punjab Government" and "Board of Ayurvedic and Unani Systems of Medicine, Punjab" and the short title, the words "the Union territory of Himachal Pradesh" shall be substituted; and
 - (iv) for the words "Official Gazette" or "Punjab Government Gazette" wherever they occur, the words "Himachal Pradesh Gazette" shall be substituted.
2. In section 1, for sub-sections (2) and (3), the following sub-sections shall be substituted, namely:—
- "(2) It extends to the whole of the Union territory of Himachal Pradesh.
 - (3) It shall come into force on such date as the Lieutenant Governor may, by notification in the Himachal Pradesh Gazette, appoint."
3. In section 2, after clause (4), the following clause shall be inserted, namely:—
- "(4A) 'Lieutenant Governor' means the Lieutenant Governor of Himachal Pradesh."
4. In section 14, in sub-section (1), for the word "Government" where it occurs for the first time, the words "Lieutenant Governor" shall be substituted.
5. In section 18;
- (i) for clause (1), the following clause shall be substituted, namely:—
 - "(1) The expression "legally qualified medical practitioner" or "duly qualified medical practitioners" shall in all enactments for the time being in force in Himachal Pradesh (other than Central Acts in so far such Acts relate to any of the matters specified in list I in the Seventh Schedule to the Constitution) include a registered practitioner whose name is in Part I or Part II of the Register."
 - (ii) in clause (3), for the words "State Government", the words "Central Government" shall be substituted.
6. In section 33, for the words "part of the State", the words "part of the Union territory of Himachal Pradesh" shall be substituted.
7. In section 34, in sub-section (2), for the words "in this State", the words "in the Union territory of Himachal Pradesh" shall be substituted.

8. In section 38, for clause (b), the following clause shall be substituted, name—
“(b) who, being a nurse or midwife registered under any law for the time being in force or a Dai attends on a case of labour; or”.

ANNEXURE

THE EAST PUNJAB AYURVEDIC AND UNANI PRACTITIONERS ACT, 1949
AS EXTENDED TO THE UNION TERRITORY OF HIMACHAL PRADESH

EAST PUNJAB ACT No. XIV OF 1949.

An Act to regulate the qualifications and to provide for the registration of practitioners of Indian Systems of Medicine with a view to encouraging its development.

Whereas it is expedient to regulate the qualifications and to provide for the registration of practitioners of the Ayurvedic and Unani Systems of Medicine with a view to encourage the development of such systems, it is hereby enacted as follows:—

PART I—PRELIMINARY.

1. **Short title extent and commencement.**—(1) This Act shall be called the East Punjab Ayurvedic and Unani Practitioners Act, 1949.

(2) It extends to the whole of the Union Territory of Himachal Pradesh.

(3) It shall come into force on such date as the Lieutenant Governor may, by notification in the Himachal Pradesh Gazette, appoint.

PART II—AYURVEDIC AND UNANI SYSTEMS OF MEDICINE

2. **Definitions.**—In this Act, unless there is anything inconsistent in the subject or context,—

(1) “Board” means the Board of Ayurvedic and Unani Systems of Medicine, Himachal Pradesh, established and constituted under section 3.

(2) The “Ayurvedic system” means the Ashtang Ayurvedic System and includes the modernized form thereof including the Siddha.

(3) The “Unani system” means the Unani Tibbi System of Medicine and includes the modernized form thereof.

(4) “Inspector” means an Inspector appointed by the Board under section 21.

(4A) “Lieutenant Governor” means the Lieutenant Governor of Himachal Pradesh.

(5) “Practitioner” means one who practises the Ayurvedic and/or Unani Systems of Medicine.

(6) “President” means the President of the Board.

(7) “Qualifying Examination” means the examination held for the purpose of granting a degree, diploma, licence or certificate conferring the right of registration under this Act.

(8) “Register” means the register of practitioners maintained under section 15.

(9) “Registered practitioner” means a practitioner whose name is for the time being entered in the register.

(10) “Registrar” means a Registrar appointed under section 14.

(11) “Regulations” means regulations made under section 30.

(12) “Rules” means rules made under section 29.

3. **Establishment, constitution and incorporation of the Board.**—(1) The Lieutenant Governor shall by notification in the Himachal Pradesh Gazette establish a Board to be called the Board of Ayurvedic and Unani Systems of Medicine, Himachal Pradesh, for the purpose of carrying out the provisions of

389

This Act. Such Board shall be a body corporate, having perpetual succession and a common seal with power to acquire or hold property, both moveable and immoveable, and shall by the said name sue and be sued.

(2) The Board shall consist of 11 members residing in the Union territory of Himachal Pradesh of whom—

(a) four members shall be nominated by the Lieutenant Governor, one of them, if possible, being a person connected with institutions established in the Union territory of Himachal Pradesh and affiliated to the Board for the purpose of giving instructions in Ayurvedic and/or Unani Systems of Medicine as the Lieutenant Governor may determine;

(b) seven members, of whom not less than four shall be persons holding a certificate or diploma in the Ayurvedic or Unani System, shall be elected by the Registered Practitioners from amongst themselves.

(3) The President of the Board shall be elected by the members from amongst themselves: provided that for the first term of the Board, the President shall be a person nominated by the Lieutenant Governor from amongst the members, who shall hold the office at the pleasure of the Lieutenant Governor.

(4) Save as otherwise provided, the seven seats of members under clause (b) of sub-section (2) shall be distributed proportionately to their numbers, as counted on the prescribed date before the election, between those registered practitioners who follow the Ayurvedic System and those who follow the Unani System:

Provided that in determining the proportion a fraction of one half and less shall be ignored and a fraction of more than one-half shall be counted as one.

(5) Notwithstanding anything in sub-section (4) the seven members mentioned under clause (b) of sub-section (2) shall, in the case of the first Board to be constituted, be nominated by the Lieutenant Governor in such proportion as he may think fit from among practitioners of either system who are eligible to be registered practitioners, and such members shall be deemed to have been duly elected under clause (b) of sub-section (2):

Provided that not less than four of such members shall be persons holding a certificate or diploma in Ayurvedic or Unani System of Medicine.

4. **Nomination of members in default of election.**—If any of the members is not elected under clause (b) of sub-section (2) of section 3, the Lieutenant Governor may, notwithstanding anything contained in sub-section (2) of the said section, nominate such registered practitioners as he deems fit and the practitioners so nominated shall for the purpose of this part be deemed to have been duly elected under clause (b) of sub-section (2) of section 3.

5. **Election of Members.**—The election of practitioners entitled to be members of the Board under clause (b) of sub-section (2) of section 3, shall be held at such time and place and in such manner as may be prescribed by rules and where any dispute arises regarding any such election, it shall be referred to the Lieutenant Governor whose decision shall be final.

6. **Term of Office.**—(1) Save as otherwise provided, the term of office of elected and nominated members shall be for a period of five years commencing from the date on which the first meeting of the Board is held after the members are elected under sub-section (2) of section 3:

Provided that the term of office of members appointed to the Board constituted immediately after this Act comes into force, shall be for a period of three years from the date on which the first meeting of such Board is held.

(2) An outgoing member shall continue in office until the election or nomination of his successor as the case may be.

(3) The outgoing member shall be eligible for re-nomination or re-election.

7. **Vacancies.**—If a vacancy occurs in the office of a member of the Board through death, resignation, removal or disability of such member or otherwise, previous to the expiry of the period of his office, the vacancy shall be filled in the manner prescribed by rules. Any person nominated or elected to fill the vacancy

shall, notwithstanding anything contained in section 6, hold office only so long as the member in whose place he is nominated or elected would have held office if the vacancy had not occurred.

8. **Resignation of a member.**—Any member may at any time resign his office by letter addressed to the President. Such resignation shall take effect from the date on which it is accepted by the Board.

9. **Disabilities for continuing as member.**—If any member during the period for which he has been nominated or elected—

(a) absents himself without such reasons as may, in the opinion of the Board, be sufficient, from three consecutive ordinary meetings of the Board, or

(b) becomes subject to any of the disqualifications mentioned in section 10, the Board shall declare his office to be vacant.

10. **Disqualifications.**—No person shall stand as a candidate for election as a member of the Board or shall be a member of the Board—

(a) who is an undischarged insolvent,

(b) who has been adjudicated by a competent Court to be of unsound mind, or

(c) whose name has been removed from the Register.

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

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

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

13. **Procedure at meetings of the Board.**—(1) The President shall preside at every meeting of the Board. In the absence of the President, the members present shall elect one of them to preside.

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

(3) Five members shall form a quorum, provided that when a meeting is adjourned for want of a quorum to a subsequent date, no quorum shall be required for the meeting held on such date.

(4) At every meeting of the Board, the President, for the time being, shall, in addition to his vote as a member of the Board, have a second or casting vote in case of equality of votes.

14. **Registrar.**—(1) The Board shall, with the previous approval of Lieutenant Governor appoint a Registrar. The Registrar shall receive such salary and allowances and be subject to such conditions of service as may be prescribed by rules. The Board may, from time to time, grant him leave and may appoint a person to act in his place. Any person duly appointed or act as Registrar shall be deemed to be the Registrar for all the purposes of this Act, provided that for the first four years from the first constitution of the Board, the Registrar shall be a person appointed by the Lieutenant Governor and shall hold office during the pleasure of the Lieutenant Governor.

(2) Any order of the Board appointing, punishing or removing a Registrar from office shall not be passed without the previous approval of the Lieutenant Governor.

(3) The Board may appoint such other officers and servants as may be necessary for the purposes of this Act:

Provided that the number and designations of such officers and servants, their salaries and allowances shall be subject to the previous approval of the Lieutenant Governor.

(4) 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.

15. Duties of Registrar.—(1) Subject to the provisions of this Act and the rules thereunder and subject to any general or special orders of the Board, it shall be the duty of the Registrar to keep the Register.

(2) The Register shall be in such form as may be prescribed by the rules and shall contain the name, address and qualifications of every registered practitioner together with the dates on which such qualifications were acquired. The Register shall be divided into three parts:—

- (i) that containing the names of the practitioners qualified to practise the Ayurvedic System;
- (ii) that containing the names of the practitioners qualified to practise the Unani System, and
- (iii) that containing the names of practitioners registered under sub-section (2) of section 16.

(3) The Registrar shall keep the Register correct as far as possible and may from time to time enter therein any material alteration in the address or qualifications of the practitioners. The names of the registered practitioners who die or whose names are directed to be removed from the Register under sub-section (3) of section 16 shall be removed from the Register.

(4) A registered practitioner shall, on payment of such fees as may be prescribed by the rules, be entitled to have entered in the Register any further degrees, diplomas or certificates or other qualifications in Ayurvedic or Unani Systems of Medicine or other recognised medical degrees, diplomas or certificates, which he may obtain.

(5) For the purpose of this section, the Registrar may write by registered post to any registered practitioner at the address which is entered in the Register to enquire whether he has ceased to practise or has changed his residence and, if no answer is received to the said letter within six months, the Registrar may remove the name of the said practitioner from the Register:

Provided that the Board may, if it is satisfied that the said practitioner has not ceased to practise, on the application of the said practitioner, direct that his name be re-entered in the register.

16. Registration.—(1) Every person possessing the qualification mentioned in the schedule shall, subject to the provisions contained in the Act and on payment of such fees as may be prescribed in this behalf, be entitled to have his name entered in the register subject to such conditions as the Board may prescribe:

Provided that an application for entry in the register made by a person whose case is not clearly covered by the provisions of this Act or by the rules and regulations made thereunder, shall be referred to the Board for such decision as it may deem fit.

(2) Notwithstanding anything contained in sub-section (1), every person, who, within a period of two years from the date on which this Act comes into force, proves to the satisfaction of the Registrar that he has been in regular practice as a practitioner for a period of not less than ten years preceding the date on which he makes an application for being registered as a practitioner under this Act, shall be entitled to have his name entered in the register on payment of the prescribed fee.

(3) The Board may direct that the name of any practitioner who has been convicted of a cognizable offence as defined in the Code of Criminal Procedure, 1898, which discloses such defect of moral character as is, in the opinion of the Board, sufficient to make him unfit to practise his profession, or who has been found, after due inquiry, guilty of conduct which is in the opinion of the Board infamous in any professional respect, shall be removed from the register.

(4) The Board may, on sufficient cause being shown, also direct that the name of the practitioner so removed, shall be re-entered in the register.

17. Appeal to Board from decision of Registrar and other powers of the Board.—

(1) Any person aggrieved by the decision of the Registrar regarding registration of any person or any entry in the register may appeal to the Board.

(2) Such appeals shall be filed and shall be heard and decided by the Board in the manner prescribed by the rules.

(3) The Board may, on its own motion or on the application of any person, after due and proper enquiries 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.

18. **Qualified practitioners' certificates.**—Notwithstanding anything in any law for the time being in force—

(1) the expression "legally qualified medical practitioner" or "duly qualified medical practitioners" shall in all enactments for the time being in force in Himachal Pradesh (other than Central Acts in so far as such Acts relate to any of the matters specified in List I in the Seventh Schedule to the Constitution) include a registered practitioner whose name is in part I or part II of the Register;

(2) a certificate required by any Act from any medical practitioner or medical officer shall be valid, if such certificate has been signed by a registered practitioner whose name is in part I or part II of the register:

Provided that a certificate of illness may be issued by any practitioner registered under this Act;

(3) a registered practitioner shall be eligible to hold any appointment as a Medical Officer in any Ayurvedic or Unani dispensary or hospital supported by or receiving a grant from the Central Government and treating patients according to the Ayurvedic or Unani Systems of Medicine or in any public establishment, body or institution dealing with such systems of medicine.

19. **Notice of death.**—Every Registrar of Deaths on receiving notice of the death of a registered practitioner shall forthwith transmit by post to the Registrar a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificates and transmissions as an expense of his office.

20. **Examination before registration.**—Notwithstanding anything contained in sub-section (2) of section 16, on and after the expiry of one year from the date from which this Act comes into force, a person shall not be entered in the Register as a registered practitioner unless he holds the qualification mentioned in sub-section (1) of section 16.

21. **Qualifying Examination.**—(1) The Board shall by regulations—

- (a) recognise institutions as required under paragraph 3 of the Schedule;
- (b) prescribe the course of training and qualifying examinations, including the course of training and examinations prior to qualifying examinations. Such regulations shall provide that instruction and examinations shall, as far as possible be given or held in the languages specified therein.

(2) A qualifying examination shall be an examination in the Ayurvedic and Unani Systems of Medicine held for the purpose of granting a diploma, degree or certificate conferring the right of registration under this part, by any of the institutions which, on the recommendations of the Board, may be specified by the Lieutenant Governor by a notification in the Himachal Pradesh Gazette as being authorised to hold a qualifying examination.

(3) It shall be the duty of the Board to secure the maintenance of an adequate standard of proficiency for the practice of the Ayurvedic and Unani Systems of Medicine. For the purposes of securing such a standard, the Board shall have authority to call on the governing body or authorities of any institution giving instruction in the Ayurvedic or Unani Systems of Medicine and on any examining body, authorised by or desirous of being authorised under sub-section (2)—

- (a) to furnish such particulars as the Board shall require of any course of study prescribed by regulations or examination held by such body or authority or in such school or college with reference to the grant of any qualification; and
- (b) to permit Inspectors appointed by the Board from amongst the registered practitioners in this behalf to attend and be present at all or any of the qualifying or prior examinations.

363

(4) The Inspectors shall not interfere with the conduct of any examination but it shall be their duty to report to the Board their opinion as to the sufficiency or insufficiency of every examination which they attend and any other matters in relation to such examinations on which the Board may require them to report.

(5) Every qualifying examination and every prior examination leading up to it held by the bodies or institutions authorised under this section shall be inspected by the Inspectors at least once in three years and more frequently if the Board so directs.

(6) The Board shall forward a copy of every such report to the body which held the examination in respect of which the said report was made and shall also forward a copy of such report, together with any observations thereon made by the said body, to the Lieutenant Governor.

(7) An Inspector shall receive such remuneration to be paid as part of the expenses of the Board, as the Board, with the previous sanction of the Lieutenant Governor, may determine.

22. Removal of institutions authorised to hold qualifying examinations.—If it shall appear to the Lieutenant Governor on the report of the Board that the course of study and examinations prescribed by any of the institutions specified in the notification under section 21 are not such as to secure the maintenance of an adequate standard of proficiency for the practice of the Ayurvedic and Unani Systems of Medicine, as the case may be, it shall be lawful for the Lieutenant Governor, from time to time, by notification in the Himachal Pradesh Gazette, to direct that the said institution shall be removed from the said notification and shall not be authorised to hold a qualifying examination:

Provided that, before any direction for the removal of an institution from the said notification is made under this section, the Board shall require the institution to take steps within such time as it thinks fit to provide that the course of study and examinations prescribed by the institution are of an adequate standard.

23. Exemption from serving on inquests.—Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on any inquest or as a juror or assessor under the Code of Criminal Procedure, 1893.

24. Fees payable to members of the Board.—There shall be paid to the members of the Board such fees and allowances for attendance and such reasonable travelling allowances as shall from time to time be prescribed by rules.

25. Fees received by the Board.—All moneys received by the Board as fees under this Act shall be applied for the purposes of this Act in accordance with the rules.

26. Annual List of Practitioners.—(1) The Registrar shall in every year, on or before a date to be fixed by the Board, cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the register and the dates when such qualifications were acquired.

(2) In any proceeding it shall be presumed that every person entered in such list is a registered practitioner and that any person not so entered is not a registered practitioner.

27. False assumption of certificate or diploma to be an offence.—Whosoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a diploma, licence, or certificate conferred, granted or issued by any of the institutions specified in the notification under section 21, or that he is qualified to practise the Ayurvedic or Unani Systems of Medicine, or that he is a registered practitioner shall, on conviction, be punishable with fine which may extend to Rs. 250 for the first offence and to fine which may extend to Rs. 500 for every subsequent offence.

28. Alteration of the Schedule.—It shall be lawful for the Lieutenant Governor by notification in the Himachal Pradesh Gazette to alter the schedule.

29. Rules.—(1) The Lieutenant Governor may, after previous publication, make rules to carry out all or any of the purposes of this part.

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

- (a) The time at which and the place and manner in which election shall be held under section 5.
- (b) The manner in which vacancies shall be filled under section 7.
- (c) The manner in which the meetings of the Board shall be convened and held.
- (d) The salary, allowances and other conditions of service of the Registrar under section 14.
- (e) The form of the register and the particulars to be entered therein under section 15.
- (f) Fees chargeable for the alteration of entries in the register.
- (g) The manner in which appeals against the decision of the Registrar shall be heard by the Board under section 17.
- (h) The application of fees.
- (i) Fees and other allowances payable to members of the Board under section 24.
- (j) The furtherance of any of the objects of the Board.
- (k) The form of the certificate of registration mentioning therein the part in which the registered practitioner is registered.

30. Regulations.—(1) The Board may, with the previous sanction of the Lieutenant Governor make regulations not inconsistent with this part of the rules for any of the following matters, namely:—

- (a) the time and place at which the Board shall hold its meetings under section 12;
- (b) the salary, allowances and other conditions of service of officers and servants of the Board other than the Registrar, under section 14;
- (c) the course of study for training and qualifying examinations;
- (d) the language in which the examinations shall be conducted and instruction shall be imparted;
- (e) the admission of students to the bodies or institutions authorised under section 21;
- (f) the conditions under which students shall be admitted to the diploma, licence or certificate course and to the qualifying and prior examinations;
- (g) the conditions of appointment of examiners and the conduct of examinations; and
- (h) all other matters which may be necessary for the purposes of carrying out the objects of this Act.

(2) All regulations shall be published in the Himachal Pradesh Gazette.

(3) The Lieutenant Governor may by notification in the Himachal Pradesh Gazette cancel any regulation:

Provided that in submitting regulations under clauses (c) to (g) for sanction of the Lieutenant Governor under this section, the Board shall send a copy of its proceedings relating to the passing of such regulations and shall state the number of its members representing either system of Ayurvedic or Unani Medicine who have voted for or against such regulations or not voted in respect of such regulations:

Provided further that in sanctioning the said regulations due consideration shall be given to the opinion of the members of either system of medicine as expressed in the said proceedings.

31. Control of Lieutenant Governor.—If at any time it shall appear to the Lieutenant Governor that the Board has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this part or has failed to perform any of the duties conferred upon it by or under this part, the Lieutenant Governor may, if he considers such failure, excess or abuse to be of a serious character, notify the particulars thereof to the Board, and if the Board

365

fails to remedy such excess or abuse, within such time as the Lieutenant Governor may fix, on his behalf, the Lieutenant Governor may dissolve the Board and cause all such person and for such period not exceeding two years as he may think fit.

32. Court Competent to try offences under this Act and cognizance of offences.—

(1) No court other than the Court of a Magistrate of the First Class shall take cognizance of or try an offence under this Act.

(2) No Court shall take cognizance of any offence under this Act except on a complaint in writing of an officer empowered by the Lieutenant Governor in this behalf.

PART III—Medical Practitioners Generally

33. Powers of the Lieutenant Governor to enforce the provisions of Part III.—The Lieutenant Governor may, at any time after the expiry of one year from the date on which this Act comes into force, by notification published in the Himachal Pradesh Gazette, apply the provisions of this part or any portion thereof to the whole or any part of the Union territory of Himachal Pradesh from such date as is notified therein:

Provided that the Lieutenant Governor shall give wide publicity to the notification in such other manner also as he deems proper.

34. List of Practitioners.—(1) After the publication of the notification mentioned in section 33, the Registrar shall prepare and maintain a list called a "List of persons in practice belonging to the Ayurvedic and Unani Systems of Medicine" on such date as is mentioned in the said notification.

(2) Every person, not being a person qualified or registered under this Act, who, within a period of one year from the date from which this part comes into force, proves to the satisfaction of the Registrar that he has been in regular practice of the Ayurvedic or Unani Systems of Medicine in the Union territory of Himachal Pradesh on the date mentioned in the notification under sub-section (1), shall be entitled to have his name entered in the aforesaid list on payment of five rupees.

(3) The provisions of sub-sections (3) and (5) of section 15, sub-section (3) of section 16, and section 17 shall *mutatis mutandis* apply to this list.

35. Prohibition to practise of persons not listed.—No person other than a practitioner registered under Part II of the Act or a person whose name is entered in the list mentioned in section 34 shall practise or hold himself out, whether directly or by implication as practising or as being prepared to practise the Ayurvedic and Unani Systems of Medicine:

Provided that the Lieutenant Governor may by notification in the Himachal Pradesh Gazette, direct that the provisions of this section shall not apply to any class of persons or in a specified area.

36. Penalty.—Any person who acts in contravention of the provision of section 35 shall on conviction for each offence be punishable with fine, which may extend to two hundred rupees.

37. Examination before registration.—Notwithstanding anything contained in any section of this Act, on and after the expiry of one year from the date from which Part III comes into force, a person shall not be entered in the Register as a registered practitioner unless he has passed a qualifying examination recognised by the Board.

38. Saving.—Nothing in sections 35 and 36 shall apply to any person—

- (a) who limits his practice to the art of dentistry; or
- (b) who, being a nurse or midwife registered under any law for the time being in force or a Dai attends on a case of labour; or
- (c) who is entitled to registration under section 37 of this Act.

39. Conferring, granting or issuing diploma, licence etc. by unauthorised person or institution.—(1) No person other than an association or institution recognised or authorised by the Board under this Act shall confer, grant or issue or hold

366

itself out as entitled to confer, grant or issue any diploma, licence, certificate or other document stating or implying that the holder, licensee, certificate or recipient is qualified to practise the Ayurvedic or Unani Systems of Medicine, or recipient is

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

THE SCHEDULE

Person who are entitled to have their names entered in the Register of Vaidyas and Hakims:—

- (1) Vaidyas or Hakims who hold a diploma or certificate of any Government Ayurvedic or Unani College or School within the Union territory of Himachal Pradesh or outside it, or a degree in the Ayurvedic or Unani Systems of Medicine of any University established by law in India.
- (2) Vaidyas and Hakims who have passed the final examinations held by the Board of Ayurvedic and Unani Systems of Medicine, Himachal Pradesh or by any institution affiliated to the Board.
- (3) Vaidyas or Hakims who have passed an examination from any Ayurvedic or Unani institution in the Union territory of Himachal Pradesh or outside it recognised by the Board for purposes of registration.
- (4) Vaidyas or Hakims who have been registered by a State Board of Ayurvedic or Unani Systems of Medicine established by law anywhere in the Indian Union by virtue of their having passed a qualifying examination from a recognised institution.

[No. F. 4/1/60-Judl. II UTL.31.]

K. R. PRABHU, Dy. Secy.