

**THE MYSORE AYURVEDIC AND UNANI PRACTITIONERS
REGISTRATION AND MEDICAL PRACTITIONERS' MISCELLA-
NEOUS PROVISIONS ACT, 1961.**

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MYSORE ACT No. 9 OF 1962.

(First published in the Mysore Gazette on the Fifteenth day of March 1962.)

**THE MYSORE AYURVEDIC AND UNANI PRACTITIONER'S
REGISTRATION AND MEDICAL PRACTITIONERS'
MISCELLANEOUS PROVISIONS ACT, 1961.**

**(Amended by Act 9 of 1966, 32 of 1966, 3 of 1968
and 8 of 1969)**

(Received the assent of the President on the Fourth Day of march 1962)

An Act to regulate the qualifications and to provide for the registration of practitioners of Ayurvedic and Unani systems of medicine with a view to encourage the study and spread of such systems and to amend the law relating to medical practitioners generally in the State Mysore.

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 study and spread of such systems and to provide for the registration of practitioners of the Integrated system and to amend the law relating to medical practitioners generally ;

BE it enacted by the Mysore State Legislature in the Twelfth Year of the Republic of India as follows :—

CHAPTER I.

PRELIMINARY.

1. Short title, extent and commencement.—(1) This Act may be called the Mysore Ayurvedic and Unani Practitioner Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961.

(2) It extends to the whole of the State of Mysore.

(3) (a) Chapters I and II of this Act shall come into force at once in the whole of the State of Mysore; and

(b) Chapter III shall come into force on such date as the State Government may by notification appoint

2. Definitions.—In Chapters I and II of this Act, unless the context otherwise requires,—

(a) “Ayurvedic system of medicine” or “the Ayurvedic system”, means the Ayurvedic system of medicine whether supplemented or not by such modern advances as the Board may from time to time determine;

(b) “Board” means the Board established and constituted under section 3;

(c) “Chapter” means a chapter of this Act;

(d) “Inspector” means an Inspector appointed by the Board under section 23;

(e) “integrated system of medicine” or “integrated system” means a conjoint study, training and practice in indigenous medicine and modern medicine;

Explanation:—In this Act “indigenous medicine” means one or all of the three systems of medicine, that is Ayurveda, Siddha and Unani systems of medicine, and “modern medicine” means modern scientific medicine including surgery and obstetrics;

(f) “list” means a list of practitioners prepared and kept under section 18;

(g) “notification” means a notification published in the official Gazette;

(h) “practitioner” mean a person who practises any system of medicine as his principal occupation;

(i) “prescribed” means prescribed by rules made under this Act;

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

(k) "qualifying examination" means the examination held for the purpose of granting a degree or diploma conferring the right of registration under this Act ;

(l) "register" means the register of practitioners maintained under section 15 ;

(m) "registered practitioner" means a practitioner whose name is for the time being entered in the register under this Act ;

(n) "Registrar" means the Registrar appointed under section 14 ;

(o) "Regulations" means regulations made under section 31 ;

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

(q) "system of medicine" means the Ayurvedic system of medicine, the Integrated system of medicine, or the Unani System of medicine ; and

(r) "Unani System of Medicine" or "Unani System" means the Unani System of Medicine whether supplemented or not by such modern advances, as the Board may from time to time determine.

CHAPTER II

AYURVEDIC AND UNANI SYSTEMS OF MEDICINE

3. Establishment, constitution and incorporation of the Board.—(1) The State Government shall, by notification establish as soon as may be practicable, one Board jointly for the three systems of medicine.

(2) The Board established under this section may be called by such name as the State Government may direct and it shall be a body corporate having perpetual succession and a common seal with power, subject to the

provisions of this Act, to acquire, hold and dispose of property, and to contract, and may sue or be sued in its corporate name.

(3) The Board established under sub-section (1) shall consist of thirteen members who shall be appointed in the following manner namely:—

(a) six members nominated by the State Government of whom ¹[one shall be the Assistant Director in charge of Indian Medicine of the Directorate of Health Services in the State];

(b) seven members elected by the registered practitioners from amongst themselves:

Provided that the members to be elected under clause (b) shall, in the case of the first constitution of the Board, be nominated by the State Government from persons who, in the opinion of the State Government are eligible to have their names entered in the Register.

(4) The seats of members elected under clause (b) of sub-section (3) shall be so divided amongst the registered practitioners of different systems of medicine as to be in the proportion of the number of their members on the register:

Provided that in determining the said proportion, a fraction of one-half or less shall be neglected and fraction of more than one-half shall be counted as one:

Provided further that the number of members representing registered practitioners of any system of medicine shall not at any time be less than two:

Provided also for the purposes of the proviso to sub-section (3), the State Government shall nominate the practitioners of each of such systems in such proportion as it deems fit, from amongst the practitioners who may be eligible to be entered in the Register.

(5) The President of the Board shall be elected by the members from amongst themselves in such manner as may be prescribed:

Provided that in the case of the first constitution of the Board, the President shall be appointed by the State Government.

4. Nomination of members in default of election.— If any of the members is not elected under section 3, the State Government may nominate such registered practitioners as it deems fit and the practitioners so nominated shall, for the purpose of this Chapter, be deemed to have been duly elected under section 3.

5. Election of members.—(1) The election of practitioners entitled to be the members of the Board under clause (b) of sub-section (3) of section 3, shall be held at such time and place and in such manner as may be prescribed.

(2) The election under clause (b) of sub-section (3) of section 3 shall be held according to the distributive system of voting.

Explanation— Distributive system of voting means a system of voting in which every voter shall be entitled to give as many votes as there are seats to be filled:

Provided that no voter shall give more than one vote to any one candidate:

Provided further that no voting paper shall be deemed to be valid unless the voter has recorded all the votes which he is entitled to give.

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

Provided that the term of office of members appointed to the Board constituted immediately after this Chapter comes into force shall be for a period of [six] 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 as the case may be, of his successor.

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

(4) Any member may at any time resign his office by letter addressed to the President.

7. Vacancies.—When a vacancy occurs in the office of a member of the Board through death, resignation, removal or disability of such member or otherwise¹ previous to the expiry of the period of his office, the vacancy shall be filled by election or nomination, as the case may be, in accordance with the provision of section 3. 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. Validity of proceedings.—(1) No disqualification, 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 proceeding of the Board, in which such person has taken part.

(2) No act done by the Board shall be questioned on the ground merely of the existence of any vacancy in, or any defect in the constitution of, the Board.

9. Disqualifications.—A person shall be disqualified for being chosen as, and for being, a member of the Board—

(a) if he has been sentenced by a criminal court for an offence involving moral turpitude and punishable with imprisonment for a term exceeding three months, such sentence not having been subsequently reversed, quashed or remitted, unless he has by order, which the State Government is hereby empowered to make in this behalf, been relieved from the disqualification arising on account of such sentence ;

(b) if he is an undischarged insolvent ;

(c) if he is of unsound mind and stands so declared by a competent court ;

(d) if he is a whole-time officer or servant of the Board.

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

(a) absents himself, without excuse sufficient in the opinion of the State Government, from three consecutive ordinary meetings of the Board, or

(b) in the case of a member elected under clause (b) of sub-section (3) section 3, ceases to be a registered practitioner, or

(c) becomes subject to any of the disqualifications mentioned in section 9,

the State Government shall declare his office to be vacant.

11. 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.

12. 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 in the meeting. Seven members of the Board shall form a quorum.

(3) 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 the case of an equality of votes.

13. Other powers and functions of the Board.—The Board shall also exercise such other powers and perform such other functions as may be prescribed by or under this Act, or as the State Government may direct, for carrying out the purposes of this Act,

14. Registrar and other officers and servants.—(1) The Board shall, with the previous approval of the State Government, appoint a Registrar. The Registrar shall receive such salary and allowances and shall be subject to such conditions of service as may be prescribed. The Board may from time to time grant him leave and may appoint a person to act in his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all the purposes of this Act ;

Provided that where the period of leave to be granted to the Registrar does not exceed one month, the President may grant such leave.

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

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

(3) 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 Chapter and subject to any general or special orders of the Board, it shall be duty of the Registrar—

- (i) to keep the register and list,
- (ii) to attend the meetings of the Board, and
- (iii) to perform generally the duties of the Secretary to the Board.

(2) The Registers shall be in such form as may be prescribed. The Registrar shall maintain the register in separate parts, each of which shall contain separately the names of practitioners qualified to practise in each of the three systems of medicine. Each part of the Register, shall contain the name, residence and qualifications of every registered practitioner, together with the date on which such qualifications were acquired.

(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 practitioner. The names of registered practitioners who die or whose names are directed to be removed from the Registrar under sub-section (3) of section 16 shall be removed from the Register.

(4) The State Government may direct that any alteration in the entries as respects additional qualification shall not be made unless on payment of such fee as may be prescribed.

16. Registration and removal from register.—(1) Every person who has passed a qualifying examination may apply to the Registrar giving a correct description of his qualifications with the dates on which they were granted

and present his degree, diploma or licence along with a fee of fifteen rupees for being registered under this Act. The Registrar shall, if satisfied that the applicant is entitled to be registered enter his name in the register;

Provided that the Registrar shall on application and on payment of a fee of two rupees enter in the register the names of the medical practitioners registered under the Bombay Medical Practitioners Act, 1938 (Bombay Act XXVI of 1938), as in force in the Bombay area or under the Medical Act, 1312F (Hyderabad Act I of 1312F) as in force in the Hyderabad area, or the names of medical practitioners entered prior to the first day of November, 1956 in the register maintained by the Central Board of Indian Medicine under the rules for the registration of practitioners of Indian Medicine issued by the Government of Madras in Government Order No. 231-PH, dated the 1st February, 1933.

(2) Notwithstanding anything contained in subsection (1) every person who ¹[within the period of ²[four years] from the date on which ¹[the Registrar is appointed under subsection (1) of section 14] produces such proof as may be prescribed, to prove to the satisfaction of the Registrar that he has been in regular practice in the State of Mysore as a practitioner for a period of not less than ten years preceding the date on which this Chapter comes into force ¹[and that he has completed twenty-five years of age on the said date] for being registered as a practitioner under this Chapter shall be entitled to have his name entered in the Register on payment of a fee of fifteen rupees :

Provided that any person whose name has been removed from the Register kept under any Central Act or State Act or from the Registrar of any country where he was practising for infamous conduct in a professional respect shall not be entitled to have his name entered in the register except

1. Sub. by Act 9 of 1966.

2. Sub. by Act 8 of 1969.

with the previous approval of the State Government and the Board.

(3) If a practitioner has been after due inquiry by the Board found guilty of any misconduct, the Board may—

- (a) issue a letter of warning addressed 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 without specifying the period of such removal.

Explanation.—For the purposes of this subsection “misconduct” shall mean—

- (a) the conviction of the practitioner by a criminal court for an offence which involves moral turpitude and which is cognizable as defined in the Code of Criminal Procedure, 1898 (Central Act V of 1898), or any other law for the time being in force ;
- (b) any conduct which, in the opinion of the Board, is infamous in any professional respect.

The Board may, on sufficient cause being shown, and with the approval of the State Government, direct that the name of the practitioner so removed shall be re-entered in the register.

(4) Any person aggrieved by any order of the Board removing the name of a person from the register under subsection (3) may within ninety days from the date of communication of the order to the person concerned, appeal to the State Government.

17. Appeal to Board from the decision of Registrar.—

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

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

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

(4) Any person aggrieved by any order of the Board under sub-section(3) may, within ninety days from the date of communication of the order to the person concerned, appeal to the State Government.

18. Maintenance of list of persons in practice on the date of commencement of this Chapter.—³[(1) The Registrar shall also prepare in accordance with the provisions of sub-section (2), a list of persons entitled to have their names entered under the said sub-section in a list called a list of persons in practice on the date of commencement of this Chapter.

(2) Subject to the provisions of sub-section (3), every person not being a person qualified for registration under this Act who, within a period of ¹[four years] ³[from the date of appointment of the Registrar under sub-section (1) of section 14] proves to the satisfaction of the Registrar that he has been in regular practice in the State of Mysore for at least five years prior to the commencement of this Chapter in the Ayurvedic or Unani system of medicine, or any of their branches, ²[and that he has completed twenty years of age on the date of commencement of this chapter] shall be entitled to have his name entered in the aforesaid list on payment of ten rupees ;

Provided that any person whose name has been removed from the Register kept under any Central Act or State Act

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1. Sub by Act 8 of 1969
 2. Ins. by Act 3 of 1968.
 3. Sub by Act 9 of 1966

or from the Register of any country where he was formerly practising, for infamous conduct in a professional respect, shall not be entitled to have his name entered in the list.

(3) Every person whose name is entered in the list under sub-section (2) shall, within a period of five years from the date of entry in the list pass an examination conducted by the Board for the purpose and the names of the persons who do not pass such examination shall be removed from such list.

(4) The provisions of sub-sections (3) and (4) of section 15, sub-sections (3) and (4) of section 16, and section 17 shall *mutatis mutandis* apply to the list maintained under this section.

19. Renewal fee.—(1) Notwithstanding anything contained in section 16 or 18, each medical practitioner shall pay to the Board on or before the thirty-first day of December of the year, succeeding the year in which his name is entered in the register or list, and of every fifth year thereafter a renewal fee of ten rupees for the continuance of his name on the register or list, as the case may be.

(2) If the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register or list, as the case may be;

Provided that the name so removed may be re-entered in the register or list on payment of the renewal fee in such manner and subject to such conditions, as may be prescribed.

20. Privileges of registered Practitioners.—Notwithstanding anything contained in any law for the time being in force—

(1) the expression 'legally qualified medical practitioner' or 'duly qualified medical practitioner' or any word or expression importing a reference to a person recognised by law as a medical practitioner or member of the medical profession shall, in all laws in force in the State of Mysore

in so far as such laws relate to any of the matters specified in List II or List III of the Seventh Schedule to the Constitution of India, be deemed to include a registered practitioner;

(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;

(3) a registered practitioner shall be eligible to hold an appointment as a medical officer in any medical institution of any system of medicine in which he is registered;

(4) a registered practitioner may possess and prescribe the poisonous drugs of the system or systems of medicine to which he belongs.

21. Qualification of registration.—(1) Save as otherwise provided in section 16 and subject to the provisions of sections 23 and 25 on and after the expiry of '[four years' from the date ²[on which the Registrar is appointed under sub-section (1) of Section 14] the name of any person shall not be entered in the register as a registered practitioner, unless he has passed a qualifying examination as specified in the Schedule to this Act.

'[(2) The State Government, after consultation with the Board, may, by notification, amend the Schedule in such manner as it deems fit, and when any examination is added to the Schedule the State Government may declare that it shall be qualifying examination only when granted after a specified date.']

22. Recognition of Institutions.—(1) Any institution applying for recognition under this Act for the purpose of giving instructions in any system of medicine and for holding qualifying examinations shall send application to

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1. Sub. of Act 8 of 1969.
 2. Sub. by Act 9 of 1966.
 3. Sub. by Act 32 of 1966.

The Registrar and shall give 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 instructions;
- (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 done by them;
- (e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

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

(3) After recording the report of such local inquiry and after making such further inquiry as may be necessary, the Board shall forward the application together with its report to the State Government stating its opinion whether the recognition asked for should or should not be granted. The State Government may thereupon grant or refuse the recognition or, may grant it subject to such conditions as it deems fit, and the decision of the State Government shall be final.

23. Qualifying examination.—(1) The Board shall by regulations, prescribe the course of training and qualifying examinations including the course of training and examinations prior to qualifying examination. Such regulations

may provide that instruction and examination shall, as far as possible, be given or held in such languages as may be specified in such regulations.

(2) A qualifying examination shall be an examination in any system of medicine held for the purpose of granting a diploma conferring the right of registration under this Chapter by any of the institutions which on the recommendation of the Board may be specified by the State Government by a notification as being authorised to hold a qualifying examination.

(3) It shall be the duty of the Board to secure the maintenance of adequate standard of proficiency for the practice for the systems of medicine. For the purpose of securing such standard, the Board shall have authority to call on the governing body or authorities of any institution giving instruction in the 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 examinations held by such body or authority or in such school or college with reference to the grant of any qualification;
- (b) and to permit Inspectors appointed by the Board to attend and be present at all or any of the qualifying or prior examination.

(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 upto 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 made thereon by the said body to the State Government.

(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 State Government, may determine.

24. Visitors at examinations.—(1) The Board may appoint such number of visitors as it may deem requisite to attend at any or all of the qualifying examinations held by any institution.

(2) Any person, whether he is a member of the Board or not may be appointed as a visitor under this section but a person who is appointed as an inspector under section 23 for any examination shall not be appointed as a visitor for the same examination.

(3) Visitors appointed under this section shall not interfere with the conduct of any examination but they shall report to the President of the Board on the efficiency of every examination which they attend and on any other matters in regard to which the Board may require them to report.

(4) The report of a visitor shall be treated as confidential unless in any particular case the President of the Board otherwise directs :

Provided that if the State Government requires a copy of the report by a visitor, the Board shall furnish the same.

25. Withdrawal of recognition.—(1) When upon a report by the Board or by a visitor appointed under section 24, it appears to the State Government that the course of study and examination prescribed by any institution for passing any qualifying examination or that the standards of proficiency required from candidates at any qualifying

examination are not such as to secure to persons passing such examination, the knowledge and skill requisite for the efficient practice of the system of medicine concerned, the State Government shall forward such report along with such remarks as it may choose to make, to the institution concerned with the intimation of the period within which such institution may submit its explanation to the State Government.

(2) On the receipt of the explanation or where no explanation is submitted within the period fixed, then on the expiry of that period, the State Government, after making such further inquiry, if any, as it may think fit, may by notification, direct that an entry shall be made in the schedule against the said examination that it shall be a qualifying examination only when granted before a specified date.

26. Exemption from serving on inquests, etc.—Notwithstanding anything contained 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 under the Code of Criminal Procedure, 1898 (Central Act V of 1898).

27. 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.

28. Income and expenses of the Board.—(1) The income of the Board shall consist of—

- (a) fees received under this Chapter ;
- (b) grants received from the Government ;
- (c) donations and other sums received by the Board.

(2) The expenses of the Board shall include the salaries and allowances of the Registrar, the staff appointed by the Board including Inspectors, fee and allowances paid

to members of the Board and such other expenses as are necessary for carrying out the purposes of this Act.

29. Publication of the list of practitioners.—(1) The Registrar shall every year on or before the 30th day of June publish in the official Gazette a correct list of the names and qualifications of all practitioners entered in the register on the first day of January of that year.

(2) A copy of the list published under sub-section (1) shall be evidence in all courts and in the 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.

30. Rules.—(1) The State Government may, after previous publication, by notification make rules to carry out all or any of the purposes of this Chapter.

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

- (a) the manner in which the election of the President shall be held under sub-section (5) of section 3 ;
- (b) the time at which and the place and manner in which elections shall be held under section 5 ;
- (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 under sub-section (4) of section 15 for making 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) fees for applications ;
- (i) the manner in which and the conditions subject to which the name of a practitioner can be re-entered in the register or list on payment of renewal fee under section 19 ;
- (j) fee and other allowances payable to members of the Board under section 27 ;
- (k) the furtherance of any of the objects of the Board.

¹[(2A) Any rule under this Act may be made to have effect retrospectively and when any such rule is made a statement specifying the reasons for making such a rule shall be laid before both Houses of the State Legislature along with the rule under sub-section (3). All rules made under this Act shall, subject to any modification made under sub-section (3), have effect as if enacted in this Act.]

(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 the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

31. Regulations.—(1) The Board may, with the previous sanction of the State Government, by notification, make regulations not inconsistent with this Chapter or the rules, for any of the following matters, namely :—

(a) the time and place at which the Board shall hold its meetings under section 11;

(b) the salary, allowance and other conditions of service of officers and servants of the Board other than the Registrar, under section 14;

(c) all other matters which may be necessary for the purposes of carrying out the objects of this Chapter.

(2) It shall be lawful for the State Government by notification to cancel or alter any regulation made under this Act.

32. Control.—(1) If at any time it shall appear to the State Government that the Board has failed to exercise, or has exceeded or abused any of the powers conferred upon it by or under this Act, or has failed to perform any of the duties imposed upon it by or under this Act, 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, and if the Board fails to remedy such default, excess or abuse, within such time as the State Government may fix in this behalf, the State Government may dissolve the Board, and cause all or any of the powers and duties of the Board to be exercised and performed by such person and for such period as it may think fit, and thereupon the funds and property of the Board shall vest in the State Government for the purpose of this Act until a new Board shall have been constituted under section 3.

(2) When the State Government has dissolved the Board under sub-section (1), it shall take steps as soon as may be convenient to constitute a new Board under section 3 and thereupon the property and funds referred to in sub-section (1) shall revert in the Board so constituted.

(3) Notwithstanding anything contained in this Act, rules or regulations, if, at any time, it shall appear to the State Government that the Board or any other authority empowered to exercise any of the powers or to perform any of the 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.

33. Repeal and power to remove difficulties.—(1) The Medical Act, 1312 Fasli (Hyderabad Act 1 of 1312 F), as in force in the Hyderabad area, and Bombay Medical Registration Act, 1938 are hereby repealed.

(2) If any difficulty arises in giving effect to the provisions of this Act in consequence of the transition to the said provisions from the provisions of the Acts in force immediately before the commencement of this Act, the State Government, may, by notification, make such provisions as appear to it to be necessary or expedient for removing the difficulty.

CHAPTER III.

MEDICAL PRACTITIONERS' MISCELLANEOUS PROVISIONS.

34. Medical Practitioners not registered under this Act or under certain laws not to practise, etc.—(1) No person other than (i) a practitioner registered under Chapter II of this Act or (ii) a practitioner registered under the Mysore Medical Registration Act, 1961 or the Mysore Homœopathic Practitioners Act, 1961 or a practitioner whose name is for the time being borne on the Indian Medical Register maintained under the Indian Medical Council Act, 1956 or (iii) a person whose name is entered in the list mentioned in section 18, shall practise or hold himself out, whether directly or by implication, as practising for personal gain any system of medicine, surgery or midwifery.

(2) A person shall be deemed to practise any system of medicine within the meaning of sub-section (1) who holds himself out as being able to diagnose, treat, operate or prescribe medicine or other remedy or to give medicine for any human disease, pain, injury, deformity or physical condition or who by any advertisement, demonstration, exhibition or teaching, offers or undertakes, by any means or methods whatsoever to diagnose, treat, operate or prescribe medicine or other remedy or to give medicine for any human disease, pain, injury, deformity or physical condition :

Provided that any person who mechanically fits or sells lenses, artificial eyes, limbs, or other apparatus or appliances or is engaged in the mechanical examination of eyes for the purpose of construction or adjusting spectacles, eye glasses or lenses or practises physio-therapy, or chiropody or who without personal gain furnishes medical treatment or does domestic administration of family remedies shall not be deemed to practise within the meaning of this section.

Explanation.—For the purpose of sub-section (2),

- (a) '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
- (b) 'physio-therapy' means treatment of human disease, pain, injury, deformity or physical condition by massage or other physical means but does not include bone-setting.

35. Medical practitioner not registered under this Act, etc., not to sign birth or death certificate, etc.—Notwithstanding anything contained in any law for the time being in force, no person other than a practitioner registered under Chapter II of this Act or a practitioner registered under the Mysore Medical Registration Act, 1961, or the Mysore Homœopathic Practitioners Act, 1961, or a

practitioner whose name is for the time being borne on the Indian Medical Register maintained under the Indian Medical Council Act, 1956,—

(a) shall sign or authenticate a birth or death certificate required by any law or rules to be signed or authenticated by a duly qualified medical practitioner;

(b) shall sign or authenticate a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner; or

(c) 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 relating to medicine, surgery or midwifery.

36. Penalty.—Any person who acts in contravention of the provisions of section 34 or 35 shall, on conviction, be punished with fine which may extend to one hundred rupees for the first offence, to five hundred rupees for the second offence, and to imprisonment for a term not exceeding two years and a fine not exceeding one thousand rupees for every subsequent offence after his conviction for such second offence.

[36A. Prohibition of couching.—(1) Notwithstanding anything contained in any law for the time being in force, no person other than a practitioner referred to in section 35 shall couch or attempt to couch or agree or offer by physical means or interference with the eye, to give vision to a person suffering from cataract, with or without that person's consent.

(2) Whoever contravenes the provisions of sub-section (1) or abets the contravention of the said provisions shall, on conviction, be punished with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

(3) Any police officer may arrest without warrant any person who is reasonably suspected of having committed an offence punishable under sub-section (2).

(4) A magistrate may take cognizance of an offence under this section,—

- (a) on a report of a police officer; or
- (b) on the information of any other persons; or
- (c) upon his own knowledge or suspicion that such an offence has been committed:

Provided that no cognizance shall be taken where offence alleged was committed more than six months after the date the offence is said to have been committed.]

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

(1) No person other than a body or institution authorised under section 22 of this Act or under any Central Act or State Act for the time being in force, shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, certificate or licence which is identical with or is a colourable imitation of any degree, diploma, certificate or licence granted by a body or institution authorised under this Act or under any Central Act or State Act for the time being in force, as the case may be.

(2) Whoever contravenes the provisions of this section shall, on conviction, be punished with fine which may extend to one thousand rupees.

(3) (i) If the person committing an offence under this section is a company, the company as well as every person incharge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if *he proves that the offence was committed without his*

knowledge or that he exercised all due diligence to prevent the commission of such offence.

(ii) Notwithstanding anything contained in clause (i) where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes this sub-section,—

(a) “company” means any body corporate and includes a firm or other association of individuals, and

(b) “director” in relation to a firm means a partner in the firm.

38. Prohibition against addition of any title, description, etc., to name of any person, unless authorised to do so.—(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 as his qualification to practise any system of medicine unless—

(a) he actually holds such degree, diploma, licence or certificate; and

(b) such degree, diploma, licence or certificate—

(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 37, or

(iii) in cases not falling under sub-clause (i) or (ii), has been conferred, granted or issued by an authority empowered or recognised as competent by the State Government to

confer, grant or issue such degree, diploma, licence or certificate.

(2) Whoever contravenes the provisions of subsection (1), shall on conviction, be punished in the case of a first conviction with fine which may extend to two hundred and fifty rupees and in the case of subsequent conviction, with fine which may extend to five hundred rupees.

39. Saving.—Nothing in sections 34 and 36 shall apply to any person—

(a) who limits his practice to the art of dentistry, or

(b) who being a nurse, midwife or health visitor registered under any Central Act or State Act, or a *dai* attends on a case of labour, or renders such other services as are required of her in the course of such work.

40. 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 State Government in this behalf.

41. Indemnity to persons acting under the Act.—No suit, prosecution or other legal proceeding shall be instituted against any persons for anything which is in good faith done or intended to be done under this Act, rules or regulations.

42. Jurisdiction of Civil Courts.—No act done in the exercise of any power conferred by or under this Act on the State Government or the Board or the Registrar shall be questioned in any civil court.

SCHEDULE
(See Section 21)
Qualifications for Registration.

Examination or Qualification	Institution	Place
1 Ayurveda Vidwat	AYURVEDA. [Committee or Authority of the Mysore Maharaja's Sanskrit College (Ayurvedic Section) (before 1909).	Mysore
2 Ayurveda Vidwat	Committee or Authority of the Government Ayurvedic College (from 1909 to 1928).	Mysore
3 2 [* * *]	* * * *	
4 2 [* * *]	* * * *	
5 2 [* * *]	* * * *	
6 Gribitayurvedasastra (L.M.A.) before 1912	U.P. Ayurveda Mahavidyalaya	Patna
7 Ayurveda Parangata	The Tilak Maharashtra Vidya Peetha	(Baroda State)
8 Ayurvedalankar	The Gurukul University	Poona
9 Ayurved Pravin D.S.A.C.	Committee for Sudaha Ayurveda (prior to 1953).	Kangri Bombay
	and	
	Board of Studies in Indian Medicine Mysore State	Bangalore
10 M.A. ³ . Ayurveda Tirtha	State Faculty of Ayurvedic Medicine	West Bengal
11 Ayurveda Acharya	[Nikhil Bharath Varshlya Ayurveda Vidya- peetham.]	Delhi
12 Vaidyacharya		
13 Ayurvedavisarada		
14 Vaidyavisharada		
15 Ayurveda Bhishak		
16 2 [* * *]		
17 Bhishagwar	Ayurveda Chikitsa	Bijapur
18 Vaidya Kalanidhi	Government Ayurvedic College	Tripunithur

1. Sub. by Notification No. PBS 379 PIM 66, dated 8th March 1967
2. Serial Nos. 3, 4, 5 and 16 omitted by Notification No. *ibid.*

UNANI

1	1[* * * *]	1[* * * *]	1[* * * *]
2			
3			
4			
5	Tbale Mustand	} Government Nizamia Tibbi College	Hyderabad
6	Table Mabir		
		INTEGRATED MEDICINE	
1	Ayurveda Vidwat and L.A.M.S.	1	Government Ayurvedic Unani College (College of Indian Medicine). 2 [(a) Government Ayurvedic and Unani College (College of Indian Medi- cine), (b) Board of Studies in Indian Medicine, (c) Central Board of Indian Medicine, (d) Committee or any authority duly empowered by the Government to issue the certificate on its behalf].
		2	Taranath Ayurveda Vidyapeetha (From October 1953).
2	Ayurveda Visharada (D.A.S.F.)	...	Faculty of Ayurvedic and Unani Systems of Medicine
3	Ayurvedacharya with modern Medicine and Surgery (A.M.M.S.)	...	Banaras Hindu University
4	Ayurvedacharya with Bachelor of Medi- cine and Surgery (B.M.S.)	...	Banaras Hindu University
5	Graduate of the Faculty of Ayurvedic Medicine (G.F.A.M.)	...	Faculty of Ayurvedic and Unani Systems of Medicine.

- Sl. Nos. 1, 2, 3 and 4 omitted by Notification No. HMA 30 PIM 67 dated 27th November 1967.
- Added by Notification No. PH 3 37 PIM 66, dated 8th March 1967.
- Sl. Nos. 2, 3, 4, 5 under Integrated Medicine sub. by *ibid.*

Examination or qualification	Institution	Place
6 G.C.I.M.	Board of Examination in Indigenous/Integrated Medicine.	Madras
7 L. M.		
8 A.I.M.		
9 A.L.I.M.		
10 F.I.M.		
11 Ayurveda Visharada	Government Ayurveda College (Board of Indian Medicine).	Hyderabad (A.P.)
12 Ayurvedachudamani	Prema Vidyapeetha	Thungabhadra
13 Ayurveda Shikshamani		
14 Bhisagandu		
15 Vidyaguru		
16 B.A.M.	University of Kerala	Trivandrum
17 B.A.M.S.	University of Poona	Poona
18 Tabeeb Haseq (L.U.M.S.)	Government Ayurvedic and Unani College (College of Indian Medicine).	Mysore
19 Vaidya Pravina	Taranath Ayurveda Vidyapeetha	Bombay
¹ [20 Graduate Course of Indian Medicine (G. C. I. M.)	Board of Studies in Indian Medicine	Bangalore
21 Vaidya Vachaspathi	Dayananda Ayurvedic College	Lahore (before 1947 & Jullundar)
22 Bhisagwar	Karnataka Ayurveda Vidyapeetha	Belgaum
23 Ayurvedya Visharad (before 1942)	The Tilak Maharashtra Vidyapeetha	Poona
24 Ayurveda Teertha (before 1942)	Ayurveda Mahavidyalaya	Abmednagar
25 Ayurved Visharad (before 1942)	Aryang-la Vaidyak Mahavidyalaya	Satara
26 Diploma in Ayurvedic Medicine (D. A. M.)	University of Kerala	Trivandrum]

1. SL. Nos. 20 to 26 Inserted by Notification No.PHS 379 P2M 66 dated 8-8-1967.

27	Mahire-Ti-o-Jarahat (D.U.S.F.)	...	The Faculty of Ayurvedic and Unani Systems of Medicine.	...	Bombay
28	Mahire-Tib-o-Jarahat (Obtained during 1942 and 1943).	...	The Board of Examiners in Unani	...	Bombay
29	Kamil-e-tib-e-Jarahat	...	Ayurvedic and Unani Tibbi College	...	Delhi
30	Fazi-e-tib-o-Jarahat	...	Ayurvedic and Unani Tibbi College	...	Delhi
31	Kamil-e-tib-o-Jarahat (B.M.U.S.)	..	Govt Nizamia Tibbi College	...	Hyderabad
32	Bachelor in Unani Medicine and Surgery (B.U.M.S.)		Aligarh Muslim University	...	Aligarh]

1. Sl. Nos. 20 to 26 inserted by notification No. PHS 379 PIM 66, dated 8th March 1967.
2. Sl. Nos. 27 to 32 inserted by notification No. HMA 30 PIM 67, dated 25th/27th November 1967.

GOVERNMENT OF MYSORE

DEPARTMENT OF LAW AND PARLIAMENTARY AFFAIRS.



MYSORE ACT No. 8 OF 1969.

(First published in the Mysore Gazette on the Twenty-fourth day of April 1969).

THE MYSORE AYURVEDIC AND UNANI PRACTITIONERS' REGISTRATION AND MEDICAL PRACTITIONERS' MISCELLANEOUS PROVISIONS (AMENDMENT) ACT, 1969

(Received the assent of the Governor on the fourteenth day of April 1969).

An Act further to amend the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961.

WHEREAS it is expedient further to amend the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961 (Mysore Act 9 of 1962);

BE it enacted by the Mysore State Legislature in the Twentieth Year of the Republic of India as follows:—

1. Short title.—This Act may be called the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions (Amendment) Act, 1969.

[2 to 5 —Incorporated in the principal Act.]

6. Validation of appointment and action of the Registrar.—Notwithstanding anything contained in the principal Act

and the rules made thereunder, the Registrar shall be deemed to have been validly appointed and all acts and duties done and discharged by the Registrar including registration of practitioners and maintenance of the register shall be deemed to have been validly done and discharged and no suit, prosecution or other legal proceeding shall lie against the Registrar or any officer or servant of the Board in respect of anything done or any action taken by or under his orders on the ground that the Registrar had not been validly appointed.

THE MYSORE AYURVEDIC AND UNANI PRACTITIONERS' REGISTRATION AND MEDICAL PRACTITIONERS MISCELLANEOUS PROVISIONS RULES, 1964.

[As amended]

Rule No.

- 1 Title.
- 2 Definitions.
- 3 Electoral Roll for election of members.
- 4 Appointment of dates for nomination, etc.
- 5 Qualifications for election as members.
- 6 Nomination of candidates.
- 7 Procedure on receipt of nomination paper.
- 8 Scrutiny of nominations.
- 9 Withdrawal of candidature.
- 10 Procedure in contested and uncontested elections.
- 11 Votes to be taken at a specified place.
- 12 Procedure for the conduct of elections.
- 13 Counting of Votes.
- 14 Record of proceedings and publication of the result of election.
- 15 Sealing and custody of election papers.
- 16 Dispute regarding election.
- 17 Procedure on receipt of the election petition.
- 18 Grounds for declaring the election of the returned candidate to be void.
- 19 Grounds for which the candidate other than the returned candidate may be declared to have been elected.
- 20 Casual vacancies.
- 21 Returning Officer for election of President.
- 22 Appointment of dates for nomination, etc.
- 23 Rules applicable for the conduct of election of the President subsequent to the date of nomination.
- 24 Votes to be taken at the Office of the Board.
- 25 Procedure for the conduct of elections.
- 26 Opening of ballot box.
- 27 President to enter upon his duties.
- 28 Election petitions

Rule No.

- 29 Casual vacancies.
- 30 Registrar to be Registered Practitioner.
- 31 Registrar to be a full-time servant of the Board.
- 32 Salary of Registrar.
- 33 Conditions of services of Registrar.
- 34 Disciplinary authority.
- 35 Registrar to subscribe to Contributory Provident Fund.
- 36 Registers to be kept.
- 37 Registrar to be present at meetings of the Board.
- 38 Registrar to carry on correspondence of the Board.
- 39 Registrar to carry out duties required under the Act.
- 40 Control and management of the Office of the Board.
- 41 Custody of documents.
- 42 Maintenance of register containing the names of members of the Board and occurrence of vacancies.
- 43 Opening of account on behalf of Board.
- 44 Deposit of moneys.
- 45 Statement of income and expenditure.
- 46 Preparation of annual Accounts.
- 47 Budget.
- 48 Consideration of Budget.
- 49 Payment of Bills.
- 50 Cash Book.
- 51 Signing of cheques.
- 52 Audit.
- 53 Registration of practitioners.
- 54 Change of address.
- 55 Entries to be made in the register relating to the number of persons registered.
- 56 Appeal to the Board.
- 57 Fees to be levied by the Board.
- 58 Fees payable to the members of the Board.
- 59 (omitted)

NOTIFICATION

Bangalore, dated 20th January, 1965

G. S. R. 363.—In exercise of the powers conferred by Section 30 of the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961 (Mysore Act 9 of 1962), the Government of Mysore hereby makes the following Rules, the draft of the same having been published as required by subsection (1) of section 30 of the said Act, in Notification No. PLM 42 PIM 63, dated 10th March 1964 as GSR No. 81 in Part IV Section 2-C (i) of the *Mysore Gazette*, dated 9th April 1964.

RULES

THE MYSORE AYURVEDIC AND UNANI PRACTITIONERS' REGISTRATION AND MEDICAL PRACTITIONERS' MISCELLANEOUS PROVISIONS RULES, 1964.

1. **Title.**—These rules may be called the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Rules, 1964.

2. **Definitions.**—In these rules, unless the context otherwise requires,—

(a) "Act" means the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961 ;

(b) "form" means a form appended to these rules ;

(c) "Government" means the Government of Mysore ;

(d) "Section" means a section of the Act.

3. Electoral Roll for election of members.—(1) The Registrar who shall be the Returning Officer for the purposes of election of members under section 5, shall prepare the preliminary electoral roll. The names of registered practitioners of each system of medicine contained in the list of Practitioners published under section 29 shall be arranged in alphabetical order in respect of each system of medicine. The names of such registered practitioners in respect of each system of medicine shall constitute the preliminary electoral roll for purposes of election of members representing that system of medicine and shall be published in the official Gazette :

Provided that in the case of elections to be held for the first time under the Act, the names of registered practitioners of each system of medicine contained in the register of practitioners maintained under section 15 shall be arranged in alphabetical order in respect of each systems of medicine. The names of such registered practitioners in respect of each system of medicine shall constitute the preliminary electoral roll for purposes of election of members representing that system of medicine and shall be published [on the notice board of the office of the Board, and at such other place or places as may be specified by the Returning Officer for the purpose]

(2) The Returning Officer shall prepare and publish in the official Gazette on a date to be fixed by the State Government, the preliminary electoral rolls in Form I containing the names of all the electors for the electorate as indicated in sub-rule (1).

(3) The Returning Officer shall simultaneously publish a notice in the official Gazette specifying the mode in which and the time within which claims and objections relating to the entries or omissions in the preliminary electoral roll shall be preferred.

(4) On or after the date fixed for the receipt of the claims and objections, the Returning Officer shall pass orders

in writing on each claim or objection and revise the preliminary electoral roll in respect of each system of medicine in accordance with such orders and the rolls, as so revised shall be published in the official Gazette as the final electoral roll for election of members to the seats allotted for that system of medicine.

4. Appointment of dates for nomination, etc.—(1) The Returning Officer shall by notice in Form II published in the official Gazette and on the notice board at the Office of the Board appoint for every election in respect of each of the constituencies referred to in clause (b) of sub-section (3) of section 3,—

(a) the last date for making nominations which shall be a date not later than the eighth day after the date of publication of the notice in the official Gazette;

(b) a date for the scrutiny of nominations which shall be a date not later than the third day after the last date for making the nominations;

(c) the last date for the withdrawal of the nominations which shall be the third day after the date of the scrutiny of nominations; and

(d) the date or dates on, and the place or places at, which a poll shall, if necessary, be taken which or the first of which shall be a date not earlier than the seventh day after the last date for the withdrawal of the nomination;

(e) the date or dates on, and the place or places at, which the votes will be counted.

5. Qualifications for election as members.—Every person whose name is entered in each part of the register maintained under sub-section (2) of section 18 shall, unless disqualified under section 9 be qualified to stand for election as a member from the constituency of which he is an elector.

6. Nomination of candidates.—(1) Each candidate for election shall be nominated by means of a nomination

paper completed in Form III and subscribed by the candidate himself as assenting to the nomination and by two electors as proposer and seconder.

(2) On or before the date appointed under clause (A) of rule 4, each candidate shall either in person or by his proposer or seconder between the hours of 11 O'Clock in the forenoon and 3 O'Clock in the after noon deliver to the Returning Officer or any other officer authorised by him in this behalf (hereinafter referred to as the authorised Officer) at the place specified in the notice a nomination paper signed by the candidate.

(3) Any nomination paper which is not received before 3 O'Clock in the afternoon on the last date appointed under clause (a) of rule 4 shall be rejected.

(4) No elector shall subscribe whether as proposer or seconder more than one nomination paper at any election.

(5) Nothing in this rule shall prevent any candidate from being nominated by more than one nomination paper for the same election.

7. Procedure on receipt of nomination paper.—On presentation of a nomination paper, the Returning Officer or authorised officer shall,—

(a) sign thereon a certificate stating the date and time of the presentation of the nomination paper and enter thereon its serial number; and

(b) inform the person or persons presenting the nomination paper, of the date, time and place fixed in the scrutiny of the nominations.

8. Scrutiny of nominations.—(1) On the date fixed for scrutiny of nominations under rule 4, the candidate and one proposer and one seconder of such candidate shall be entitled to be present at the time of scrutiny of the nominations and the Returning Officer shall give them reasonable facilities for examining the nomination papers of

All candidates which have been delivered within the time and in the manner laid down in rule 6.

(2) The Returning Officer shall then examine the nomination papers and decide all objections which may be made to any of them.

(3) The Returning Officer may, either on such objection or on his own motion, and after such summary enquiry,

(a) that the proposer or the seconder is not qualified to subscribe a nomination paper ; or

(b) that the signature is not genuine or has been obtained by fraud ; or

(c) that the nomination paper has not been duly completed and the defect or irregularity is of substantial character ; or

(d) that the proposer or seconder has subscribed, whether as proposer or seconder any other nomination paper received earlier by the Returning Officer at the same election.

(4) The Returning Officer shall hold the scrutiny on the date appointed in this behalf under rule 4 and shall not allow any adjournment of the proceedings except when such proceedings are interrupted or obstructed by open violence or causes beyond his control.

(5) The Returning Officer shall endorse on each nomination paper his decision either accepting or rejecting it and if the nomination paper is rejected, he shall record in writing a brief statement of his reasons for rejecting it.

9. Withdrawal of candidature.—(1) Any candidate may withdraw his candidature by a notice in writing in Form IV subscribed by him and delivered before 3 O' Clock in the afternoon on the day fixed under clause (c) of rule 4 to the Returning Officer or the authorised officer either by such candidate in person or by his proposer or seconder who has been authorised in this behalf in writing by such candidate.

(2) No person who has given a notice of withdraw of his candidature under sub-rule (1) shall be entitled to cancel the notice.

(3) On receipt of a notice of withdrawal under sub-rule (1), the Returning Officer or the authorised Officer shall note thereon the date and the hour at which it was delivered.

10. Procedure in contested and uncontested elections.— If after expiry of the period within which candidature may be withdrawn under sub-rule (1) of rule 9, the Returning Officer, finds,—

(a) that the number of candidates who have been duly nominated but who have not withdrawn their candidatures is equal to the number of members to be elected, he shall forthwith declare all such candidates to be duly elected to fill those seats; or

(b) that the number of candidates who have been validly nominated and who have not withdrawn their candidatures is less than the number of members to be elected, he shall declare such candidate or candidates to be duly elected and shall take steps to elect the remaining vacancies;

(c) that the number of candidates duly nominated but who have not withdrawn their candidature is more than the number of members to be elected, he shall, after the expiry of the time for withdrawal of the candidature prepare and publish a list of contesting candidates in Form V entering the names of candidates in alphabetical order with their addresses and cause a copy of the list to be affixed to the notice Board of the Office Board.

11. Votes to be taken specified place.— Where votes of the members is to be taken for the purpose of election, a notice of the date or dates, hours and place or places at which the poll will be held shall be published by the Returning Officer on the notice board of the Office of the Board and also in the official Gazette.

12. Procedure for the conduct of elections.—The following procedure shall be adopted in conducting the elections:—

(1) At the place set apart for voting, the Returning Officer shall provide a ballot box which shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being opened.

(2) The Returning Officer shall immediately before the votes are taken show the ballot box empty to such candidates as may be present, so that they may see that it is empty, and then shall lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal.

(3) Every member wishing to vote shall be supplied with a ballot paper in Form VI bearing the seal of the Board and the signature of the Returning Officer, and on which the names of all the contesting candidates are printed or typed in English or Kannada. At the time of issuing a ballot paper to an elector, the Returning Officer shall record the serial number thereof against the entry relating to the elector in the copy of the list of members kept for the purpose.

(4) The elector to whom a ballot paper is issued under sub-rule (3) shall on receipt of the ballot paper proceed to the place set apart for the purpose and there place a mark (X) against the name of the candidate for whom he wishes to vote. He shall then fold up the ballot paper so as to conceal his vote and insert it into the ballot box.

(5) If owing to physical infirmity, an elector is unable to read the names of the candidates on the ballot paper or to place a mark thereon, the Returning Officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it so as to conceal the vote and insert it into the ballot box. While acting under this clause, the Returning Officer shall observe such secrecy as

is feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

(6) An elector who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Returning Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked "Spent, cancelled" by the Returning Officer. If an elector after obtaining a ballot paper decides not to use it, he shall return it to the Returning Officer, and the ballot paper so returned shall be marked as "Returned" "cancelled" by the Returning Officer. All ballot papers cancelled under this clause shall be kept in a separate packet.

13. Counting of Votes—(1) At the time and date fixed for the counting of votes, the Returning Officer shall open, in the presence of the candidates present, the ballot box, count the number of ballot papers taken out therefrom and scrutinise the ballot papers and separate those which in his opinion are valid from those which in his opinion are invalid endorsing on the latter the word "rejected" and the ground of rejection, and arrange all the valid ballot papers in a bundle.

(2) The Returning Officer shall reject a ballot paper—

(a) if it bears any mark or writing by which the elector can be identified, or

(b) if no vote is recorded thereon, or

(c) if the elector has given more than one vote to any one candidate, or

(d) if the number of votes recorded thereon is not equal to the number of votes which the elector is entitled to give, or

(e) if the mark indicating the vote thereon is placed in such manner as to make it doubtful, to which candidate the vote has been given, or

(f) if it is a spurious ballot paper:

Provided that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting ballot paper under this rule, Returning Officer shall allow each candidate a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) Every ballot paper which is not rejected shall be counted as one valid vote. After the completion of the counting, the Returning Officer shall record in a statement the total number of votes polled by each candidate and announce the same.

(5) After such announcement has been made, the Returning Officer may either on his own initiative or at the instance of any candidate recount the vote:

Provided that nothing herein contained shall make it obligatory on the Returning Officer to recount the same votes more than once.

When a recount of votes is made under this sub-rule, the Returning Officer shall amend the statement referred to in sub-rule (4), to the extent necessary after such recount and announce the amendment so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (4) or sub-rule (5), the Returning Officer shall declare the candidate to whom the largest number of valid votes has been given to have been duly elected.

(7) If after the counting of the votes is completed, an equality of votes is found to exist between any two or more candidates, and the addition of one vote will entitle any of those candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had

received an additional vote. He shall thereafter declare the candidate on whom the lot falls to have been duly elected.

(8) The Returning Officer shall then prepare and certify a return of the election in Form VII.

14. Record of proceedings and publication of the result of election.—Immediately after the counting of votes the Returning Officer shall—

(a) prepare a record of the proceedings and sign it, attesting with his initials every correction made therein; and also permit any candidate present to affix his signature to such record, if he expresses his desire to do so;

(b) forward the names of the persons elected as members to the State Government for publication in the official Gazette.

15. Sealing and custody of election papers.—(1) The Returning Officer shall then make up into separate packets the marked copy of the list of members, the ballot papers relating to each candidate whether counted or rejected, seal up each packet and note thereon the description of its contents, the election to which it relates and date thereof.

(2) The packets shall not be opened and their content shall not be inspected or produced before any person or authority except under orders of the State Government or of a competent court.

(3) The packet shall be retained in safe custody by the Returning Officer in his office for a period of one year from the date of declaration of the results of election and shall thereafter be destroyed unless a direction to the contrary is given by a competent court or by the State Government.

16. Dispute regarding election.—(1) The validity of the election of a member may be called in question by a petition presented to the State Government by any candidate at such election within fifteen days from the date

of publication of the declaration of the results by the State Government in the official Gazette.

(2) Every petition under sub-rule (1) shall be accompanied by as many copies thereof as there are respondents mentioned in the petition and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition.

(3) The petitioner shall join as respondents to his petition where the petitioner in addition to claiming a declaration that the election of the returned candidate is void claims a further declaration that he himself or any other candidate has been duly elected, all the contesting candidates other than the petitioner, and where no such further declaration is claimed, the returned candidate.

(4) A petition under sub-rule (1)—

(a) shall contain a concise statement of material facts on which the petitioner relies;

(b) shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1903 (Central Act V of 1908), for the verification of pleadings;

(c) any schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

(5) The petitioner may claim any of the following declarations:—

(a) that the election of the returned candidate is void;

(b) that the election of the returned candidate is void and he himself or any other candidate has been duly elected.

17. Procedure on receipt of the election petition.—On receipt of the election petition, the State Government may after calling for the records and after such enquiry as it deems fit and after giving an opportunity to the parties to the proceedings of being heard, make an order,—

(a) dismissing the petition; or

(b) declaring the election of the returned candidate to be void; or

(c) declaring the election of returned candidate to be void and the petitioner or any other candidate to have been duly elected.

18. Grounds for declaring the election of returning candidate to be void.—If the State Government is of opinion,—

(a) that the result of the election has been materially affected,—

(i) by the improper rejection or refusal of a vote; or

(ii) by any non-compliance with the provisions of the Act or of any of these rules; or

(b) that the nomination of any candidate has been wrongly rejected or that the nomination of the successful candidate or of any other candidate who has not withdrawn his candidature has been wrongly accepted;

the State Government shall declare the election of the returned candidate to be void.

19. Grounds for which the candidate other than the returned candidate may be declared to have been elected.—If any person who has presented an election petition has, in addition to calling in question the election of the returned candidate, claimed a declaration that he himself or any other candidate has been duly elected and the State Government is of opinion that in fact the petitioner or such other candidate received a majority of the valid votes, the State Government shall, after declaring the election of the returned candidate to be void, declare the petitioner or such other candidate, as the case may be, to have been duly elected:

Provided that the petitioner or such other candidate shall not be declared to be duly elected if it is proved that the election of such candidate would have been void if he

had been the returned candidate and a petition had been presented calling in question his election.

20. Casual vacancies.—(1) When any vacancy occurs in the office of the members of the Board elected from any of the constituencies referred to in clause (b) of sub-section (3) of section 3, it shall be filled by election of members from among practitioners whose names are entered in each part of the Register maintained under sub-section (2) of section 15.

(2) The provisions of rules 3 to 19 shall *mutatis mutandis* apply to an election to fill up a casual vacancy under sub-rule (1).

21. Returning Officer for election of President.—The Registrar shall be the Returning Officer for the election of the President.

22. Appointment of dates for nomination, etc.—For election of President under sub-section (5) of section 3, a notice in Form 11 shall be published by affixture on the notice board appointing—

(a) the last date for making nominations which shall be a date not later than the eighth day after the date of publication of the notice;

(b) a date for the scrutiny of nominations which shall be a date not later than the third day after the last date for making the nominations;

(c) the date on which the votes of the members shall, if necessary, be taken which shall be a date not earlier than the seventh day after the last date for making the nominations.

(2) In the case of the election to fill a vacancy caused by the expiration of the term of Office of the President, a notice under sub-rule (1) shall be published, as soon as conveniently may be, after the sixtieth day before the expiration of the term of office of the outgoing President and the dates shall be so appointed under the said sub-rule that

the election will be completed at such time as will enable the President thereby elected to enter upon his office on the date following the expiration of the term of office of the outgoing President.

(3) In the case of an election to fill a vacancy in the Office of the President occurring by reason of his death, resignation, removal, disability or disqualification or otherwise, a notice under sub-rule (1) shall be issued as soon as may be after the occurrence of such vacancy.

(4) A copy of the notice published under sub-rule (1) shall be sent to every member of the Board by registered post.

23. Rules applicable for the conduct of election of the President subsequent to the date of nomination.—The provisions of rules 6, 7, 8, 9 and 10 and Forms III, IV and V, of these rules relating to election of members of the Board shall *mutatis mutandis* apply to an election of the President:

Provided that—

(i) rule 9 shall apply subject to the modification that for the words, brackets, letter and figure, "fixed under clause (c) of rule 1", the words and brackets, letters and figures "immediately preceding the day fixed under clause (c) of rule 22", have been substituted; and

(ii) the reference to any provisions of rule 4 for the purpose of these rules shall be construed as a reference to the corresponding provision of rule 22.

24. Votes to be taken at the Office of the Board.—Where votes of the members are to be taken for the purpose of the election, the Returning Officer shall conduct the poll on the date appointed under clause (c) of sub-rule (1) of rule 22 at the Office of the Board at such time as he thinks fit and a notice of the date and hour shall be sent to every member of the Board by registered post not less than five days before the date of the poll. A copy of the notice shall also be affixed on the notice board of the Office of the Board.

25. Procedure for the conduct of elections.—The following procedure shall be adopted in conducting the elections.—

(1) The Returning Officer shall read out the names of all the candidates who have been duly nominated as entered in Form V.

(2) At the place set apart for voting, the Returning Officer shall provide a ballot box which shall be so constructed that the ballot papers can be introduced therein but cannot be withdrawn therefrom without the box being opened.

(3) The Returning Officer shall immediately before the votes are taken, show the ballot box empty to such members as may be present, so that they may see that it is empty, and then shall lock it up, and place his seal upon it in such manner as to prevent its being opened without breaking such seal.

(4) Every member wishing to vote shall be supplied with a ballot paper in Form VI bearing the seal of the Board and the signature of the Returning Officer and on which the names of all the contesting candidates are printed, typed or written in English or Kannada. At the time of issuing a ballot paper to a member, the Registrar shall record the serial number thereof against the entry relating to the member in the copy of the list of members kept for the purpose.

(5) The member to whom a ballot paper is issued under sub-rule (4) shall on receipt of the ballot paper proceed to the place set apart for the purpose and then place a mark (X) against the name of the candidate for whom he wishes to vote. He shall then fold up the ballot papers so as to conceal his vote and insert it into the ballot box.

(6) The Returning Officer shall cause such arrangements to be made as to prevent the members who have already voted from having access to the members who are yet to vote.

(7) If owing to any physical infirmity a member is unable to make a mark on the ballot paper, the Returning Officer shall record the vote on the ballot paper in accordance with the wishes of the elector, fold it so as to conceal the vote and insert it into the ballot box. While acting under this clause the Returning Officer shall observe such secrecy as is feasible and shall keep a brief record of each such instance but shall not indicate therein the manner in which any vote has been given.

(8) A member who has inadvertently dealt with his ballot paper in such manner that it cannot be conveniently used as a ballot paper may, on returning it to the Returning Officer and on satisfying him of the inadvertence, be given another ballot paper and the ballot paper so returned shall be marked "spoilt: cancelled" by the Returning Officer. If a member after obtaining a ballot paper decides not to use it he shall return it to the Returning Officer, and the ballot paper so returned shall be marked as "Returned: cancelled" by the Returning Officer. All ballot papers cancelled under this clause shall be kept in a separate packet.

26 (1) The Returning Officer shall open, in the presence of the members present, the ballot box, count the number of ballot papers taken out therefrom and scrutinise the ballot papers and separate those which in his opinion are valid from those which in his opinion are invalid endorsing on the latter the word "rejected" and the ground of rejection, and arrange all the valid ballot papers in a bundle.

(2) **The Registrar shall reject a ballot paper—**

(a) if it bears any mark or writing which the elector can be identified, or

(b) if no vote is recorded thereon, or

(c) if votes are given on it in favour of more than one candidate, or

(d) if the mark indicating the vote thereon is placed in such manner as to make it doubtful to which candidate the vote has been given, or

(e) if it is a spurious ballot paper:

Provided that a ballot paper shall not be rejected merely on the ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for a particular candidate clearly appears from the way the paper is marked.

(3) Before rejecting any ballot paper under this rule¹ the Returning Officer shall allow each candidate a reasonable opportunity to inspect the ballot paper but shall not allow him to handle it or any other ballot paper.

(4) Every ballot paper which is not rejected shall be counted as one valid vote. After the completion of the counting the Returning Officer shall record in a statement the total number of votes polled by each candidate and announce the same.

(5) After such announcement has been made the Returning Officer may either on his own initiative or at the instance of any candidate recount the votes:

Provided that nothing herein contained shall make it obligatory on the Returning Officer to recount the same more than once.

When a recount of votes is made under this sub-rule the Returning Officer shall amend the statement referred to in sub-rule (4), to the extent necessary after such recount and announce the amendment so made by him.

(6) After the total number of votes polled by each candidate has been announced under sub-rule (4) or sub-rule (5), the Returning Officer shall declare the candidate to whom the largest number of valid votes has been given to have been duly elected.

(7) If after the counting of the votes is completed an equality of votes is found to exist between any candidates, and the addition of one vote will entail any of those

candidates to be declared elected, the Returning Officer shall forthwith decide between those candidates by lot, and proceed as if the candidate on whom the lot falls had received an additional vote. He shall thereafter declare the candidate on whom the lot falls to have been duly elected.

(8) The Returning Officer shall then prepare and certify a return of the election in Form VII.

(9) Rules 14 and 15 shall *mutatis mutandis* apply to the election of a President.

27. President to enter upon his duties.—The President elected under these rules shall enter upon his duties forthwith, in case there is no elected President and after the expiry of the term of the elected President in office, in other cases.

28. Election petitions.—The provisions of rules 16, 17, 18 and 19 shall *mutatis mutandis* apply to an election of the President and the reference to any provisions of rule 13 shall be construed as a reference to the corresponding provision of rule 26.

29. Casual vacancies.—When any vacancy occurs in the Office of the elected President, it shall be filled up by election by the members of the Board and the provisions of rules 21 to 28 and all other rules and forms applicable to the election of the President in this Part shall *mutatis mutandis* apply to an election to fill up a casual vacancy in the Office of the elected President.

³[**30. Registrar to be Registered Practitioner.**—The Registrar to be appointed under sub-section (1) of Section 14 shall be a person who is a Registered Practitioner:

Provided that in the case of the first appointment of the Registrar under the Act, he shall be a person who, in

1. Sub by G S R. 806 dated 3rd January 1966 retrospectively from 28th January 1965.

the opinion of the Board is eligible to have his name entered in the Register].

31. Registrar to be a full-time servant of the Board.—The Registrar shall be a full-time and permanent servant of the Board, except where the Government, with the agreement of the Board, deposes a Government servant for such periods and upon such terms as may be agreed upon.

32. Salary of Registrar.—The Registrar shall draw pay in the scale of Rs. 350-800 *plus* allowances determined by the Board and approved by the Government.

33. Conditions of services of Registrar.—The conditions of service applicable to the Registrar including leave, conduct, probation, travelling allowances, and Medical attendance shall, save as expressly provided in these Rules, be the same as those which are, for the time being in force, applicable in respect of Government servants holding corresponding appointments in the Medical Department.

34. Disciplinary authority.—In respect of disciplinary matters the provisions of the Mysore Civil Services (Classification, Control and Appeal) Rules, 1957, for the time being in force, will be applicable to the Registrar, as it applies to a Government servant holding a corresponding post in the Medical Department subject to the modification that the President shall be the authority to impose the penalties and the Appellate Authority shall be the Government.

35. Registrar to subscribe to Contributory Provident Fund.—(1) The Registrar shall not be entitled to any pension but shall after his confirmation in the post subscribe to the Contributory Provident Fund, with effect from the date of such confirmation in the service of the Board. The rate of subscription shall be 8½ per cent of the monthly pay exclusive of allowances and the amount so calculated shall be deducted from monthly salary bill of the Registrar. The Registrar shall be required to continue his subscription while absent on leave, other than extraordinary leave with

out salary, calculated on full pay at the rate drawn prior to proceeding on leave.

(2) The Board shall pay monthly contribution equal to the subscription realised from the Registrar in this behalf.

(3) The subscription paid by the Registrar and the contribution of the Board shall be credited monthly to a separate account in the State Bank of Mysore, Head Office Bangalore.

36. Registers to be kept.—The Registrar shall keep the registers in accordance with the provisions of the Act, the rules and the regulations of the Board.

37. Registrar to be present at meetings of the Board.—The Registrar shall be present at every meeting of the Board and shall keep minutes of the proceedings of such meetings.

38 Registrar to carry on correspondence of the Board.—The Registrar, as Secretary, of the Board shall carry on the correspondence of the Board and shall issue all the notices prescribed in these rules.

39. Registrar to carry out duties required under the Act.—The Registrar shall carry out such duties as are required of him by the provisions of the Act, the rules and regulations.

40. Control and management of the Office of the Board.—The Registrar shall have general control over the management of the office and authority over the staff of the Board and superintendence of all the properties of the Board.

41. Custody of documents.—The Registrar shall be responsible for the safe custody of all documents.

42. Maintenance of register containing the names of members of the Board and occurrence of vacancies.—A register shall be kept containing the names of each of the

members of the Board, the date of notification of his appointment or election, the term for which he was appointed and the date on which he ceased to be a member. The register which shall be maintained regularly shall also show the date within which the authority having power to appoint or cause an election to be held should make a new appointment or cause the election of a new member.

43. Opening of account on behalf of Board.—An account shall be opened for and on behalf of the Board in the State Bank of Mysore, Head Office, Bangalore and all the funds of the Board shall be deposited in the said Bank.

44. Deposits of moneys.—The Registrar shall receive all moneys payable to the Board and issue receipts for the same. He shall deposit such moneys in the Bank to the credit of the Board and he shall at no time keep with him a sum exceeding rupees one hundred.

45. Statement of income and expenditure.—The Registrar shall in the month of July each year prepare a statement of income and expenditure of the preceding financial year and draw the attention of the Board to such matters as deserve notice.

46. Preparation of annual accounts.—The annual accounts shall be prepared by the Registrar.

47. Budget.—The Budget estimates of the Board for every year commencing from the 1st day of April shall be laid before the Board at its meeting sufficiently in advance of the commencement of the year or circulated to the members of the Board in advance for being considered and approved at a meeting of the Board.

48. Consideration of Budget.—The Board shall consider the estimate submitted to it and shall sanction the same, either without alterations or subject to such alterations as it deems fit.

¹[Provided that if the budget estimates are not sanctioned by the Board before the fifteenth day of March in any particular year, the Government may sanction the same either without alterations or subject to such alterations as it deems fit.]

49. Payment of Bills.—A bill or other voucher presented as a claim for money shall be received and examined by the Registrar. If the claim be for a sum not exceeding rupees twenty and the bill or voucher is in order, he shall pay it. If the claim be for a sum exceeding rupees twenty but not exceeding rupees five hundred, payment may be made by the Registrar after obtaining previous sanction of the President. If the claim is above rupees five hundred, payment shall not be made until it has been examined and passed by the Board.

50. Cash Book.—The Registrar shall immediately enter in the general cash book all moneys received or spent by the Board.

51. Signing of cheques.—All cheques shall be signed both by the Registrar and the President.

52. Audit.—The Accounts of the Board shall be audited by such officer as the State Government may direct^{*}

53. Registration of Practitioners—(a) The applicant shall have to prove to the satisfaction of the Registrar that he is entitled to be registered under the provisions of the Act.

(b) If the applicant claims to be registered by virtue of his having passed a qualifying examination held in pursuance of Section 23 of the Act, he shall submit along with his application for registration, copy of the degree, diploma or certificate issued to him by the appropriate authority duly

1. Added by Notification No. HMA 155 PIM 68 dated 16th August 1968.

attested by a Gazetted Officer and he shall produce the original of such copy when required to do so by the Registrar.

(c) If the applicant claims to be registered by virtue of the proviso to Section 16 (1) of the Act, he shall submit along with his application for registration a copy of the certificate issued to him by the Registrar or other appropriate authority competent to issue certificate that the name of any person, had been entered in the register of names of medical practitioners maintained under the relevant enactments in the Bombay Area or in the Hyderabad Area or in the register maintained by the Central Board of Indian Medicine in the Madras Area. The applicant shall produce the original of such certificate when required to do so by the Registrar of the Board.

(d) (i) If the applicant claims to be registered by virtue of sub-section (2) of Section 16 of the Act, he shall submit along with his application [his photograph of passport size and] a copy of a certificate issued to him by the Deputy Commissioner or the District Surgeon or the District Health Officer of the District or by the Tahsildar having jurisdiction over the area where he has been last practising to the effect that the applicant has been in regular practice in the State of Mysore for a period of not less than ten years preceding the date on which Chapter II of the Act has come into force. He shall produce the original of such copy when required to do so by the Registrar.

(ii) An applicant referred to in sub-clause (1) above shall also produce an affidavit duly sworn before a Magistrate to the effect that his name has not been removed from the register kept under any Central Act or State Act or from the Register of any country, where he had been practising, for infamous conduct in a professional respect.

(e) (i) If the applicant claims to be included in the list prepared by the Registrar by virtue of sub-section (2)

of Section 18 of the Act, he shall submit along with his application ¹[his photograph of passport size and] a copy of a certificate issued to him by the Deputy Commissioner or District Surgeon or the District Health Officer of the District ¹[or by the Tahsildar having jurisdiction over the place] where he was last practising, to the effect that he has been in regular practice in the State of Mysore for a period of not less than five years prior to the date of commencement of Chapter II of the Act. He shall produce the original of such copy when required to do so by the Registrar.

(ii) An applicant referred to in clause (e) (i) shall also produce an affidavit duly sworn before a Magistrate to the effect that his name has not been removed from the Register kept under any Central Act or State Act or from the Register of any country where he was practising for infamous conduct in a professional respect.

(f) A practitioner whose name has been entered in the list under Section 18 (2) shall after passing the qualifying examinations within the period prescribed in sub-section (3) of Section 18 intimate the Registrar in writing the fact of his having passed such examination giving the register number and year of the examination and also the name of the examination.

(g) Every person whose name is registered under the Act shall be granted a certificate in the form prescribed by the Board.

54. Change of address.—Every registered practitioner shall immediately give notice to the Registrar of any change in name or change of permanent address for being entered in the Register. Whenever there is a request for entering a change of name, documentary evidence in support of change of name being recorded shall also be furnished to the Registrar.

1. Ins by Notification No. PLM 24 PIM 66 dated 16th May 1966.

55. Entries to be made in the register relating to the number of persons registered. — (a) At the end of the Register, there shall be entered (1) the total number of persons in the published register, (2) the number of persons whose names were added to the register by registration during the year, (3) the number of persons renewed to the Registrar during the year, (4) the number of persons whose names were removed from the register during the year stating the particular section of the Act in pursuance of which the names were removed, (5) the number of persons whose names were removed on account of death.

(b) The Registrar shall *mutatis mutandis* make similar entries at the end of the list maintained under Section 18 (2) of the Act.

56. Appeal to the Board — (a) Any person aggrieved by the decision of the Registrar regarding registration of any person or any entry in the register or list referred to in Section 18, may within thirty days from the date of the communication of the decision of the Registrar to the person concerned, file an appeal to the Board.

(b) Such an appeal shall be addressed to the President and shall contain a copy of the first application, the decision of the Registrar and other relevant documents as are in his possession which are required to be produced by the President.

(c) The appeal shall briefly state the points or arguments which the appellant would like to urge against the decision of the Registrar.

(d) On receipt of the appeal as aforesaid, the President shall call for the concerned records from the Registrar and also obtain the views of the Registrar in the matter.

(e) The President shall then direct the Registrar to include the appeal as an item for consideration at the next meeting of the Board.

(f) The President shall prepare a summary of case, the arguments adduced in favour of both parties and submit the case to the Board.

(g) The Board may after such enquiry as it deems fit in the circumstances of the case, shall give an opportunity to the person concerned of being heard on such date and time after giving him due notice. The Board may call upon such person to produce such documents as are necessary for coming to a decision in respect of the case and the decision of the Board whether to cancel or alter any entry in the register with the reasons therefore shall be communicated to the person in writing.

(h) After deliberations the Board may by a resolution allow the appeal or uphold the decision of the Registrar or grant such reliefs as it considers necessary.

57. The following fees shall be levied by the Board, namely :—

(1) For registration of every additional qualification [Section 15 (1)]	...	Rupees five
(2) For first registration [Section 16 (1)]	...	Rupees fifteen
(3) For enrolment of names of persons referred to in the proviso to sub-section (1) of Section 16	...	Rupees two
(4) For enrolment of names in the List under Section 18 (2)	...	Rupees ten
(5) For renewal under [section 19 (1)]	...	Rupees ten
(6) For restoration of name after its removal under Section 19 [2]	...	Rupees five
¹ [(7) For on application for registration	...	Rupees two

“ 58. FEES AND ALLOWANCES PAYABLE TO THE MEMBERS OF THE BOARD ”.

For attending the meetings of the Board on the Executive Committee :—

(i) the Official members of the Board shall be paid Travelling Allowance and Daily Allowances to which they

¹ Ins. By G. S. R. 917 dated 21st April 1966.

are entitled under the Mysore Travelling Allowance Rules applicable to them for the time being in force; and

(ii) the non-official members of the Board shall be paid a sitting fee of rupees ten only per day of sitting and Travelling Allowance and Daily Allowance at the rates specified in List "A" of the annexure to Annexure "A" to the Mysore Civil Services Rules, when they are required to be present at a place in connection with the business of the Board or the Executive Committee :

Provided that no member whose ordinary place of residence is within the Corporation or Municipal or Panchayat limits of the place at which he is required to be present, shall draw Travelling Allowance and Daily Allowance for attending the business of the Board :

Provided further that no member shall be entitled to both Daily Allowance and sitting fee for the same day.

²59. For attending the meeting of the Board or the Executive Committee, allowances shall be payable to members from the funds of the Board as set forth below :—

* * * * *

[No. PLM 357 PIM 64.]

By Order and in the name of the Governor of Mysore,

L. A. DHAMANIGI,

*Deputy Secretary to Government,
P. H., Labour and Municipal Administration
Department.*

1. Sub by Notification No. PHS 85 PIM 66 dated 4th September 1967.

2. Rule 59 omitted by *ibid.*

FORM I

[See Rule 4 (2)]

Preliminary electoral Roll containing list of persons qualified to vote under clause (b) of sub-section (3) of Section 3 of the Mysore Ayurvedic and Unani Practitioner's Registration and medical Practitioner's Miscellaneous Provisions Act, 1961.

Sl. No.	Reg No.	Names	Qualifications	Address	Remarks

Returning Officer.

FORM II

[See Rules 4 (1) and 22]

NOTICE OF ELECTION

Election of members of the Board to the Office of the President.

Notice is hereby given that—

(1) an election is to be held for electing the members of the Board to the Office of the President/.....

(2) nomination papers may be delivered between the hours of 11 O'Clock in the morning and 3 O'Clock in the afternoon by the candidate or his proposer or seconder at the Office of the Returning Officer on any date not later than the.....(date).....

(3) nomination paper will be taken up for scrutiny at.....
.....(hours) on..... (date) at.....
(place);

(4) notice of withdrawal of candidature, may be delivered by the candidate or by his proposer or seconder who has been authorised in this behalf in writing by such candidate at the office of the Returning Officer before 3 O' Clock in the afternoon.....

(5) nomination papers and notices of withdrawal may be delivered to the Returning Officer or any other officer authorised by him in his behalf at his office;

(6) in the event of election being contested the voting will take place on.....
meeting of the Board of which notices will be sent separately.

FORM III

(See Rules 6 and 23)

NOMINATION PAPER

Election/of members of the Board to the Office of President.

We hereby nominate (name and particulars of the candidate), as *as a candidate for the election/of the members of the Board/to the office of the President.

We declare that both of us are electors/members of the Board.

.....
Signature of Proposer.
Date.....

.....
Signature of Seconder.
Date.....

I assert to this nomination.

.....
Signature of the candidate
Date.....

*Particulars of the candidate will include the name of the father or husband of the candidate, his/her occupation and place of residence.

FORM IV

(See Rules 9 and 23)

NOTICE OF WITHDRAWAL

Election/of members of the Board/to the Office of the President.

To

The Returning Officer,
.....

I, a candidate nominated at the above election, do hereby give notice that I withdraw my candidature.

Place

Signature of candidate.

Date.....

This notice was delivered to me at my office at.....
(hour) on.....(date), by the*.....

Date.....

Returning Officer.

*Here insert one of the following alternatives that may be appropriate:—

- (1) candidate ;
- (2) candidate's proposer who has been authorised in writing by the candidate who delivered it ;
- (3) candidate's seconder who has been authorised in writing by the candidate who delivered it ;

FORM V

[See Rules 10 (c) and 23]

LIST OF VALID NOMINATIONS.

*Election of members of the Board to the
Office of the President.*

Sl. No. (1)	Name of candidate (2)	Name of *father/ husband (3)	Address of candidate (4)

Place.....

Returning Officer

Date.....

*Strike of the inappropriate alternative.

FORM VI

(See Rules 13 and 25)

*Election of members of the Board to the
Office of the President.*

Counterfoil	Foil		
Serial No. of the ballot paper	S. No. of the candidate	Name of the candidate	Voters Mark
	1.
	2.
	3.
	4.

Instructions to electors.

1. You have as many votes/One vote as there are seats to be filled.
2. The number of seats to be filled is.....
3. Place a cross mark (X) clearly opposite the name of the Candidate to whom you wish to give the vote.
4. You must not give more than one vote to any one candidate. If you do your ballot paper will be rejected.
5. The mark should be so placed as to indicate clearly and beyond doubt to which candidate/candidates you are giving your vote. If the mark so placed as to make it doubtful to which candidate/candidates you have given the vote, that vote will be invalid.

FORM VII

RETURN OF ELECTION

(See Rules 13 and 26)

*Election of members of the Board to the
Office of the President*

RETURN OF ELECTION

<i>Sl. No.</i>	<i>Name of candidate</i>	<i>Number of valid votes polled</i>
----------------	--------------------------	---

.....
.....
.....
.....
.....
.....

Total number of valid votes polled.....

Total number of rejected votes.....

I declare that—

.....(name) of.....
.....(Address) has been duly elected as the
member of the Board/President of the Board.

Place.....

Date.....

.....
(Returning Officer).

PUBLIC HEALTH, LABOUR AND MUNICIPAL
ADMINISTRATION SECRETARIAT

NOTIFICATION.

Bangalore, dated 30th—31st March 1965.

S. O. 2204.—In exercise of the powers conferred by sub-sections (1) and (2) of Section 3 of the Mysore Ayurvedic and Unani Practitioners' Registration and Medical Practitioners' Miscellaneous Provisions Act, 1961 (Mysore Act 9 of 1962), the Government of Mysore establishes with effect from the 15th April 1965, one Board jointly for the Ayurvedic System of Medicine and the integrated System of Medicine and the Unani System of Medicine and directs that the said Board shall be called by the name of "The Mysore Ayurvedic and Unani Practitioner's Board."

[No. FLM 42 PLM 63(1).]

By Order and in the name of the Governor of Mysore,

1

N. S. RAMACHANDRA, *Secretary.*

deicine in the proportionM of 3: 2: 2 from amongst persons who in the opinion of the State Government are eligible to have their names entered in the Register, namely :

Six memders nominated under clause (a) of sub-section (3) of Section 3

- 1 Dr. N. Gundappa ... Free Ayurvedic Research Institute
Sceerapuram, Bangalore.
- 2 Dr. M. Gopalakrishna Rao ... Principal, Bangalore Ayurvedic
College, Bangalore.
- 3 Vaidya A. V. Gadag ... Principal. Ayurveda Vidyapeetha,
Belgaum.
- 4 Vaidya Sri N. Raghavendra ... Principal, Shudha Ayurveda Vidya
laya, Hubli.
- 5 Vaidya S. i C. B. Puranik ... Principal, Ayurvedic Mahavidyalaya
Bijapur.
- 6 The Head of the Department of Indian Medicine is Mysore
Bangalore.

Seven members nominated under the proviso to clause (b) of sub-section (3) read with the third proviso to sub-section (4) of Section 3.

- | | | | |
|-------------------------------------|---|-----------------------------------|----------------------------------|
| Ayurvedic
System of
Medicine | } | 1 Dr. M. Chandrasekhar Sastry. | Mangalore |
| | | L. I. M (Madras). | |
| | | 2 Vaidya G Subbaya, | Shorapur (Gulbarga
District.) |
| | | 3 Vaidya B. A Hiremath, D.S.A.C | Belgaum. |
| Integrated
System of
Medicine | } | 4 Dr. Y. Lakshminarasimha Sastry, | Mysore. |
| | | 5 Dr. B. K. Marla, | Gandhinagar,
Bangalore. |
| Unani
System of
Medicine | } | 6 Hakim Mir Ghouse, | Near Rusel Market.
Bangalore. |
| | | 7 Hakim Syed Ghouse Mohiyuddin, | Mandi Mohalla.
Mysore. |

In pursuance of the proviso to sub-section (5) of section 3, Dr. N. Gundappa is appointed as President of the Board.

PLM 42 PIM 63(ii).!

By Order and in the name of the Governor of Mysore,
N. S. RAMACHANDRA, *Secretary.*