

ABBREVIATIONS

Add.	...	...	... for Added.
A.O.	...	...	... .. Government of India (Adaptation of Indian Laws) Order, 1937, as modified by the Government of India (Adaptation of Indian Laws) (Supplementary) Order, 1937 and the Government of India-(Adaptation of Indian Laws) (Amendment) order, 1940.
Ben. Reg.	...	...	... .. Bengal Regulation.
Ch.	...	...	... .. Chapter.
Cl.	...	...	... .. Clause.
D.	...	...	... .. Dated.
D.B.M.	...	...	... .. District Board Manual, Volume I, Third Edition 1935.
Del.	...	...	... .. Deleted.
Extra.	...	...	... .. Extraordinary.
Gaz.	...	...	... .. [Uttar Pradesh] Gazette.
Gaz. of I.	...	...	... .. Gazette of India.
G.-in-C.	...	...	... .. Governor in Council.
G. of I.	...	...	... .. Government of India.
G.G. in C.	...	...	... .. Governor General in Council.
G. G. of India in C.	...	...	... .. Governor General of India in Council.
Govt.	...	...	... .. Government.
Ins.	...	...	... .. Inserted.
L. A.	...	...	... .. Legislative Assembly.
L. A. Pro.	...	...	... .. Proceedings of the [Uttar Pradesh] Legislative Assembly.
L. C.	...	...	... .. Legislative Council.
L. C. Pro.	...	...	... .. Proceedings of the [Uttar Pradesh] Legislative Council.
L. G.	...	...	... .. Local Government.
L. R. O.	...	...	... .. Local Rules and Orders.
Not. and Nots.	...	...	... .. Notification and notifications respectively.
Omit.	...	...	... .. Omitted.
P. and pp.	...	...	... .. Page and pages, respectively.
Pt.	...	...	... .. Part.
R. and O.	...	...	... .. Rules and Orders.
Re.	...	...	... .. Regarding.
Reg.	...	...	... .. Regulation.
Rep.	...	...	... .. Repealed.
R. S. Com.	...	...	... .. Report of the Select Committee.
S.	...	...	... .. Section.
Sch.	...	...	... .. Schedule.
S. O. R.	...	...	... .. Statement of Objects and Reasons.
Subs.	...	...	... .. Substituted.
U. C. A.	...	...	... .. Unrepealed Central Acts.
U. P. [Uttar Pradesh].
Vol. Volume.

THE U. P. INDIAN MEDICINE ACT, 1939

(U. P. ACT NO. X OF 1939)

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1. Subs. for 'Provincial' by the Adaptation of Laws (Third Amendment) Order, 1951.

THE U. P. INDIAN MEDICINE ACT 1939¹
(U. P. ACT NO. X OF 1939)

[Amended by U.P. Act No. XII of 1955², U.P. Act No. VII of 1956³,
and U. P. Act. No. VIII of 1957*]

Adapted and modified by the Adaptation of Laws (Third Amendment)
order, 1951

(Received the assent of the Governor on September 12, 1939, under section 75 of the
Governor of India Act, 1935, and was published⁴ on September 23, 1939).

AN
ACT

~~to provide for the development of the [Ayurvedic and Unani Tibbi]~~
~~system of medicine]⁵ and to regulate their practice in [Uttar Pradesh]⁶.~~

WHEREAS it is expedient to provide for the development of the [Ayurvedic and Unani Tibbi systems of medicine]⁵ [and]⁷ to regulate the practice thereof [***]⁸. Preamble

It is hereby enacted as follows :

PART I
PRELIMINARY

1. (i) This Act may be Called the U. P. Indian Medicine Act, 1939. Short title extent
and commence-
ment

(ii) It extends to the whole of [Uttar Pradesh]⁶ except the Jaunsar Bawar Pargana of the Dehra Dun District and the portion of the Mirzapur district south of the Kaimur Range.

(iii) Parts I and II of this Act shall come into force on such date⁹ as the [State]¹⁰ Government may, by notification in the official *Gazette*, appoint. Part III shall come into force on such date¹¹ after the expiry of one year from the date on which Parts I and II come into force, as the [State]¹⁰ Government may notify under section 49.

1. For S.O. R. see Gaz. 1938, Part VIII, P. 1231 ; for R. S. Com., see *ibid.* 1939 Part VII (b), pp. 114—117 ; for discussions see L. A. Pro., dated February 24, 1939 in Vol. XIII, p. 792, dated March 31, 1939 in Vol. XVI, pp. 49—57, and dated May 8, 10, 15 and 16, 1939 in Vol. XVIII, pp. 311, 291, 356-357 and 425—491 respectively, and dated July 21, 1939, in Vol. XIX, pp. 805-806, and L. C. pro., dated May 25 and July 5 and 6, 1939, in Vol. V, pp. 334, 542, 598 and 601—645, respectively.

2. Published in Gaz. Extra., dated May 9, 1955 under notification no. 1142/XVII—356-54, dated May 9, 1955.

3. Published in Gaz. Extra., dated May 9, 1955 under notification no. 476/XVII—313-55, dated February 13, 1956.

4. See Gaz. 1939, Part VII-A pp. 27—36.

5. Subs. for the words "Indian Systems of medicine" by S. 2 (a) of the U.P. Act no. VII of 1956.

6. Subs. by Adaptation of Laws (Third Amendment) Order, 1951 for "United Provinces".

7. "Subs. for" by S. 2 of U. P. Act VII of 1956.

8. The words "and to control the sale of medical herbs and drugs," omit, by S. 2(b) of U.P. Act no. VII of 1956.

9. Parts I and II of the Act were enforced from October 1, 1946 in whole of Uttar Pradesh (excepting excluded areas) *vide* notification no. 2410(1)-B/1, dated June 12, 1950, in merged States of Banaras, Tehri-Garhwal and Rampur from the date of notification by notifications no. 106/XVII—204-50, dated January 19, 1952, no. 107/XVII—344-49, dated January 18, 1952, and no. 108/XVII—345-49, dated January 18, 1952, respectively and in excluded areas by notification no. 1304/XVII—129-50, dated April 6, 1953.

10. Subs. by the Adaptation of Laws (Third Amendment) Order 1951, for "Provincial."

11. Ss. 49, 53, 55 and 56 of Part III were enforced in whole of the State excepting erstwhile merged States and excluded areas with effect from March 1, 1952, by notification no. 3297-BI/V 1069-51, dated March 5, 1952.

* See in Gaz. Extra. dated March 9, 1957.

PART II

2. In this Act unless there is anything repugnant in the subject or context :—

(i) "Board" means the Board of [Ayurvedic and Unani Tibbi systems of medicine]¹ [Uttar Pradesh]² constituted under section 3.

(ii) "Ayurvedic and Unani Tibbi systems of medicine"¹ means the Ayurvedic or the Unani Tibbi system of medicine whether supplemented or not by such modern advances as the Board may from time to time have determined.

(iii) "(President)"³ means the President of the Board.

[(iii-a) "State Government" means the Government of Uttar Pradesh].²

[(iii-b) "Faculty" means Faculty of Ayurvedic and Unani Tibbi systems of medicine constituted under section 36-A]⁴.

(iv) "Member" means a member of the Board.

(v) "Practitioner" means a practitioner of an [Ayurvedic and Unani Tibbi systems of medicine].¹

(vi) "Prescribed" means prescribed by rules framed by the [State]⁵ Government in accordance with the provision of this Act.

(vii) "Register" means the register of Vaidis and Hakims [***]⁶ medicines [and surgery].⁷

(viii) "Registered practitioner" means a practitioner whose name is for the time being entered in the register.

(ix) "Registrar" means the Registrar appointed under section 24.

(x) "Vaidya" means a practitioner of Ayurvedic system of medicine [and surgery].⁷

(xi) "Hakims" means a practitioner of Unani Tibbi systems of medicine [and surgery].⁷

† (xii) and (xiii) [Deleted]⁸.

3. The [State]⁵ Government shall, by notification in the official *Gazette*, establish in the manner provided in sub-section (1) of section 5, a Board to be called the Board of [Ayurvedic and Unani Tibbi systems of medicine]¹ [Uttar Pradesh]² for the purpose of carrying out of the provisions of this Act. Such Board shall be a body corporate and have perpetual succession and a common seal and may by the said name sue or be sued.

4. (1) On the date the first Board is constituted under the provisions of this Act, the existing Board of Indian Medicine shall cease to exist and all its assets and liabilities shall devolve upon the Board so constituted.

(2) All acts begun or completed by the Board of Indian Medicine in existence on the date of the constitution of the first Board shall, in so far as they relate to the functions allotted to the Board constituted under this Act, be deemed to have been begun or performed by the Board constituted under this Act, and such acts may be carried on and completed by or under the authority of the Board so constituted.

1 Subs for the words "Indian systems of Medicine" or "Indian Medicine" by S. 3(a) of U.P. Act no. VII of 1956.

2 Subs. by Adaptation of Laws. (Third Amendment) Order, 1951 for "United Provinces."

3 Subs. for the word "Chairman" by S.3(c) of U.P. Act no. VII of 1956.

4 Clauses (iii-a) and (iii-b) add by S.4(a) of U.P. Act no. VII of 1956.

5 Subs. by the A.O. (Third Amendment) 1951, for "Provincial."

6 The words "Surgeons and Midwives" del. by S.3(d) of U.P. Act no. VII of 1956.

7 Add. by Ss. 4(b) and 4(e) of U. P. Act no. VII of 1956.

8 Clause (xii) and (xiii) of the Principal Act, del. by U.P. Indian Medicine (Amendment) Act, 1956 (U.P. Act no. VII of 1956).

Establishment
of the Board.

Savings for acts
done by the
existing Board
and its
dissolution.

[5. (1) The Board shall consist of the following members (including the President)—

(i) a President to be nominated by the State Government ;

(ii) two members to be nominated by the State Government ;

(iii) one member each from a University established by law in Uttar Pradesh and having a Faculty concerned with the Ayurvedic or Unani Tibbi system of medicine (to be elected)¹ in the manner prescribed by the Faculty ;

(iv) two members representing Ayurvedic Educational Institutions of Uttar Pradesh to be elected, in the prescribed manner, by the teachers of such institutions as are affiliated to the Board ;

(v) one member representing Unani Educational Institutions of Uttar Pradesh to be elected, in the prescribed manner, by the teachers of such institutions as are affiliated to the Board ; and

(vi) nine members (6 Vaides and 3 Hakims) to be elected in the prescribed manner, by the registered Vaides and Hakims, respectively of Uttar Pradesh ;

Provided that the President and every member to be elected or nominated, as the case may be, under clauses (ii), (iv) and (v) shall be from amongst the registered practitioners.

(2) The Board shall elect one of its members to be the Vice-President]².

6. If any electoral body referred to in sub-section (1) of section 5 fails, by such date as may be prescribed to elect the requisite number of member or members which it is entitled to elect, the [State]³ Government shall fill up the vacancy or vacancies by nomination of a person or persons qualified to be elected by the particular electoral body concerned.

Nomination of members in default of election.

7. No person shall be qualified to be elected or nominated as a member of the Board :—

Disqualifications or membership.

(a) who is an undischarged insolvent ;

(b) who has been adjudicated by a competent court to be insane or of unsound mind ;

(c) who has been convicted of an offence declared by Government to involve moral turpitude ; or

(d) whose name has been removed from the register ;

(e) who is an employee of the Board or has acquired directly or indirectly or by himself or a partner any share or interest in any contract with, by, or on behalf of the Board unless in the latter case Government remove the disqualification.

8. Every election or nomination of a member or [President]⁴ of the Board and every vacancy in the office of member or [President]⁴ shall be notified in the official *Gazette*.

Notifications of elections, nomination and vacancies.

[9. There shall be general election of members of the Board before the expiry of their term or extended term, as the case may be, under section 14, on such date or dates as the State Government may, by Notification in the official *Gazette* appoint in that behalf]⁵.

General elections

1 Add by the U.P. Indian Medicine (Second Amendment) Act, 1956 (U.P. Act no. VIII of 1957).

2 Subs. by S. 5 of U.P. Act VII of 1956.

3 Subs. by the Adaptation of Laws (Third Amendment) Order, 1951, for "Provincial".

4 Subs. for the word "Chairman" by the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

5 Subs. for original Section by the U.P. Indian Medicine (Amendment) Act, 1954 (U.P. Act XII of 1955).

Disabilities for continuing as member.

10. (1) If any member, during the period for which he has been nominated or elected :—

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

(b) becomes subject to any of the disqualifications mentioned in section 7, or

(c) being a legal practitioner, appears in any suit or proceeding, civil or criminal, against the Board, or

(d) obtains any employment under the Board or has without the previous sanction of Government acquired directly or indirectly by himself or by a partner any share or interest in any contract with, by or on behalf of the Board.

the Board may remove him from membership :

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

(2) [Notwithstanding anything contained in sub-section (1) the President or any member nominated under sub-section (1) of section 5 shall after such notice as may be prescribed, be removable by the State Government alone]¹

Power of the [State]² Government to remove a member and [President]⁴ of the Board. Resignation of a member or [President]⁴.

11. Any member removed by the Board under the provisions of section 10, may within ninety days from the date of his removal appeal to the [State]² Government and the order of the [State]² Government on any such appeal shall be final.

[12. (1) Any elected member may at any time resign his office by a letter addressed to the President. Such resignation after due verification shall take effect from the date on which it is accepted by the Board.

(2) A President or a member nominated under sub-section (1) of section 5 wishing to resign may tender his resignation to the State Government under intimation to the Board. Such resignation when accepted shall be published in the official *Gazette* and shall take effect from the date notified therein]³.

Filling of casual vacancies in the office of a member or [President]⁴.

13. (1) If a member or [President]⁴ of the Board dies or resigns or from any cause whatsoever ceases to be a member or [President]⁴, as the case may be, the vacancy so created shall be filled by a fresh election or nomination as the case may be within such period as may be prescribed.

(2) The term of office of a member or [President]⁴ elected or nominated to fill up the vacancy mentioned in sub-section (1) shall be the remainder of term of office of the member or [President]⁴ in whose place he has been so elected or appointed :

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

Term of office of a member.

14. Save as otherwise provided in this part, the term of office of the [President]⁴ or a member of the Board shall be three years :

[Provided that the State Government may, by notification in the official *Gazette*, extend from time to time the term of the President and all members of the Board so, however, that the total extension does not in the aggregate, exceed two years]⁵.

[Deleted]⁶.

Eligibility for re-election of member.

15. A member shall on the expiry of his term of office be eligible for re-nomination or re-election.

[Deleted]⁷.

1 Subs. by S.6 of U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

2 Sub. by the Adaptation of Laws (Third Amendment) Order, 1951, for "Provincial."

3 Subs. for original Section by the U.P. Indian Medicine (Amendment) Act, 1956 (U.P. Act no. VII of 1956).

4 Subs. for the word "Chairman" by the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

5 Add. by U.P. Act no. XII of 1955.

6 Second Proviso omit. by S.8 of U.P. Act VII of 1956.

7 Proviso del. by S.9 of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VIII of 1956).

16. No disqualification of or defect in the election or nomination of any person acting as a member of the Board or as the [President]¹ or presiding authority of a meeting shall be deemed to vitiate any act or proceedings of the Board in which such person has taken part if the majority or persons who took part in such act or proceedings were duly qualified members of the Board. Validity of proceedings.
17. (1) The Board may, subject to the rules made by Government for this purpose, by a resolution in that behalf, appoint an advisory committee which may consist of as many of its own members or outsiders co-opted for that purpose or both as it may decide, for any purpose it deems fit, and may appoint a convener, who shall preside over the meetings of such Committee. In the absence of the convener, the Committee may elect any of its member for this purpose. Establishment of Advisory Committees.
- (2) All questions at a meeting of the Committee shall be decided by the votes of the majority of the members present and voting at the meeting. In case of equality of votes, the person presiding shall have a casting vote.
- (3) No business shall be transacted at any meeting of a Committee when either less than two members or less than one-fourth of the members constituting the Committee, whichever is more are present.
- [18. The quorum of the Board shall be 8 members but subject thereto the Board may act notwithstanding any vacancy in their number : Quorum for a meeting of the Board.
- Provided that at an adjournment meeting all business postponed at the original meeting for want of quorum may be transacted if not less than five members are present]².
- [19. (1) The [President]¹ or in his absence the Vice [President]¹ shall preside at every meeting of the Board. In the absence of both the members present shall elect one among themselves for this purpose. Procedure at meeting of the Board.
- (2) All questions at a meeting of the Board shall be decided by the votes of the majority of the members present and voting at the meeting. In case of equality of votes the member presiding shall have in addition to his vote as a member of the Board a second or casting vote].
20. The Board shall meet at such time and place and every meeting of the Board shall be summoned in such manner as may be provided by the regulations : Time and place of meeting of the Board.
- Provided that until regulations are made, it shall be lawful for the [President]¹ to summon a meeting of the Board at such time and place as he may deem expedient by a letter addressed to each member on a clear notice of fifteen days.
21. [* * *P]³.
22. (1) There shall be paid to the members of the Board such travelling and other expenses [* * *]⁴ as may be prescribed. Payment of expenses.
- (2) No member shall receive any pay or special pay :
- Provided that the [President]¹ may receive pay, allowances or emoluments, sanctioned by State Government according to prescribed rules.
23. All officers and servants of the Board shall be under the direct control and supervision of the [President]¹ and shall *abide* by his order. President's power of control.

1 Subs. for the word "Chairman" by the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

2 Subs. by Section 10 of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

3 S. 21 of the Principal Act del. by S. 11 of the U.P. Indian Medicine (Amendment) Act, 1956 (U.P. Act VII of 1956).

4 The words "not exceeding the allowances payable to the members of State Legislature" occurring after the words "other expenses" have been deleted by Section 12 of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

Registrar and other officers and servants of the Board.

24. (1) The Board shall, with the previous approval of State Government appoint a Registrar who shall be the Secretary to the Board. The Registrar shall receive such salary and allowances as may be prescribed by the rules. The [President]¹ may from time to time grant him leave and may temporarily 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 purposes of this Act.

(2) Any order of Board appointing, punishing or removing the Registrar from his office shall be subject to the approval of the [State]² Government.

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

Provided that the number and designations of such officers and servants, their salaries and allowances shall be subject to the previous approval of the [State]² Government :

Provided also that the power of the Board to punish, dismiss, discharge and remove any officer or servant of the Board shall be subject to any rules framed by the [State]² Government in this behalf.

(4) All questions of pay, allowances, promotions, leave, pension and provident fund relating to the staff shall be governed by rules generally applicable to servants of the [State Government]³ of similar status.

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

Act XLV of 1860.

Maintenance of register.

25. The [Registrar]⁴ shall maintain a register or registers of Vaidyas [and]⁵ Hakims [***]⁶ practising in [Uttar Pradesh]⁷ in the prescribed form.

Duties of Registrar.

26. (1) Subject to the provisions of this Act and subject to any general and special order of the Board, it shall be the duty of the Registrar to keep the register and discharge such other functions as are required to be discharged by him under this Act or by any rules framed by the [State]² Government.

(2) The Registrar shall so far as practicable keep the register correct and up to date and may from time to time enter therein any material alteration in the addresses or qualifications of the practitioners. He shall also remove from the register the name of the registered practitioners who die or who cease to be qualified as such.

(3) The [State]² Government may direct that no alteration in the entries in respect of additional qualifications shall be made unless such fee as may be prescribed is paid.

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

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

1. Subs. for the word "Chairman" by the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

2. Subs. by the Adaptation of Laws (Third Amendment) Order, 1951 for "Provincial".

3. Subs. by the Adaptation of Laws Order, 1950.

4. Subs. for the words "Board" by S. 15 of U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

5. Subs. for the words "after the word" Vaidyas by S. 13 of U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

6. Words "Surgeons and Midwives" del. by S. 3 (d) of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

7. Subs. by Adaptation of Laws (Third Amendment) Order, 1951 for "United Provinces".

27. (1) Every person possessing the qualifications mentioned in the Schedule shall, subject to the provisions contained in or made under this Act, and upon payment of such fees, whether in lump sum or periodically, as may be prescribed, be entitled on an application made to the Registrar, to have his name entered in the register. When the name of a person has been registered in accordance with the provision aforesaid he shall be granted a certificate in the prescribed form.

Persons entitled to be registered.

(2) Any person aggrieved by the order of the Registrar refusing to enter his name in the Register or to make any entry therein may, within ninety days of such refusal, appeal to the Board.

(3) The appeal shall be heard and decided by the Board in the prescribed manner.

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

28. If the Board is satisfied :—

Amendment of Schedule.

(a) that a title or degree granted or qualification certified by a University, Medical Corporation, examining body or other institution in India is a sufficient guarantee that person holding such a title or degree of qualification possess the knowledge or skill requisite for the efficient practice of [Ayurvedic or Unani Tibbi system of medicine]² or

(b) that such title, degree or qualification is not a sufficient guarantee as aforesaid,

it may direct :—

(i) in the case mentioned in clause (a) that the possession of such title, degree or qualification shall, subject to the provisions contained in this Act, and on payment of such fee as may be prescribed in this behalf, entitle a person to have his name entered in the register of Vaidyas Hakims [* * *]³ as the case may be, or

(ii) in the case mentioned in clause (b) that the possession of such title, degree or qualification shall not entitle a person to have his name entered in such register ; and the Schedule annexed hereto shall thereupon be deemed to have been altered accordingly.

29. The Board shall have power to call upon the governing body or authorities of a Medical Corporation, examining body or other institutions included in or desirous of being included in the Schedule :—

Power of Board to call for information from medical institutions.

(a) to furnish such reports, returns or other information as the Board may require to enable it to judge of the efficiency of the instruction given therein in medicine, surgery or midwifery ; and

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

30. Every person who applies to have his name entered in the register of Vaidyas [or]⁴ Hakims [* * *]³ must satisfy the [Registrar]⁵ that he is possessed of some degree, title or qualification specified in the Schedule; and he must inform the Registrar of the date on which he obtained the degree, title or qualification which entitled him to claim registration under this Act, and shall furnish any other information required by the Registrar in order to enable him to discharge his duties under the Act.

Information required of applicants for registration.

1 Subs. by S. 14 of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

2 Subs. for the words "medicine, surgery or midwifery; or" by S. 13 of U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

3 Words "Surgeons or Midwives" del. by S.3(d) of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

4 Subs. for " " occurring after the word "Vaidyas" by S.16 of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

5 Subs. for the word "Board" by S. 16 of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

Power of Board to prohibit entry in, or to direct removal from, the register, etc.

31. (1) The Board may prohibit the entry in, or order the removal from, the register of the name of any Vaidya or Hakim :-

(a) who has been sentenced by a Criminal Court [* * *]¹ to imprisonment for an offence declared by Government to involve such moral turpitude as would render the entry or continuance of his name in the register undesirable, or

(b) Whom the Board or a Committee specially authorised for the purpose after inquiry (as which opportunity has been given to him to be heard in his defence and to appear either in person or by counsel, vakil, pleader or attorney, and which may in the discretion of the Board be held *in camera*) has found guilty of professional misconduct or other infamous conduct by a majority of at least two-thirds of the member present and voting at the meeting.

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

Notice of deaths and erasure of names from register.

32. (1) Every Registrar of Deaths who receives notice of the death of a person whose name he knows to be entered in the register of Vaidyas and Hakims shall forthwith transmit by post or otherwise to the Registrar of the Board a certificate of such death, signed by him and stating particulars of the time and place of death.

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

Penalty on un-registered person representing that he is registered.

33. If a person whose name is not entered in the register of Vaidyas and Hakims falsely pretends that it is so entered or uses in connection with his name or title any words or letters representing that his name is so entered, he shall whether any person is actually deceived by such representation or not, be punishable, on conviction by a Magistrate of the first class [with imprisonment which may extend to six months or with fine which may extend to two hundred rupees or with both]².

Procedure in inquiries and appeals

34. For the purpose of any inquiry held under clause (b) of sub-section (1) of section 31, the Board or the Committee, as the case may be, shall exercise the powers of a Commissioner appointed under the Public Servants (Inquiries) Act, 1850³, and the provisions of sections 5, 8 to 10, 14 to 16, 17 and 20 of the said Act shall, so far as may be, apply to every such inquiry and appeal.

Act X
of 18

Publication of names entered in the register of Vaidyas and Hakims.

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

(a) all names entered in the register arranged in alphabetical order ;

(b) the registered address and appointment held by, or actual employment of, each person whose name is entered in the register ; and

(c) the registered title and qualifications of each such person ;

Provided that the Registrar shall from time to time get published in the official *Gazette* the names of such practitioners whose names have been duly removed under any of the provision of this Act.

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

[**]*⁴

¹ Words "British India" omit. by Ad. of Laws Order, 1950.

² Subs. for the words "with fine.....two hundred rupees" by S.17 of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

³ U.C.A., Vol. I, p. 72

⁴ Proviso del. by S. 18 of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956)

36. The Board shall have the following power and duties namely :-

Power and duties
of the Board.

(1) to advise the State Government in matters relating to Ayurvedic and Unani Tibbi systems of medicine including research and post-graduate education ;

(2) to accord, suspend or withdraw recognition or affiliation to Ayurvedic or Unani educational institutions on the recommendations of the Faculty ;

(3) to publish the results of the examinations conducted by the Faculty ;

(4) to grant degrees or diplomas to candidates who are successful at the Board's examination;

(5) to levy fees laid down in regulations for admission to Board's examinations;

(6) to allot adequate funds to the Faculty for carrying out its duties;

(7) to perform such other functions for the development of Ayurvedic and Unani Education as may be consistent with the provisions of the Act;

(8) to exercise such other powers as may be specified by or under this Act; and

(9) to grant scholarship and medals to deserving student of institutions affiliated to the Board and with the sanction of State Government, to grant to students domiciled in this State scholarship, for research or special study in any Medical Institution that the Board may think fit whether in India or abroad, and to endow chairs of Ayurvedic and Unani Tibbi Systems of Medicine and Surgery in Institutions affiliated to the Board]¹

36-A. (1) For the proper discharge of its duties and functions as a teaching and examining body in the Ayurvedic and Unani Tibbi Systems of Medicine, the Board shall appoint a Faculty of Ayurvedic and Unani Tibbi Systems of Medicine which shall consist of the following :—

Faculty of
Ayurvedic and
Unani Tibbi
Systems of
Medicine

(i) The President of the Board who shall be *ex-officio* Chairman of the Faculty ;

(ii) Members of the Board elected under clauses (b), (iv) and (v) of subsection (1) of section 5, who shall be *ex-officio* members of the Faculty ;

(iii) one member to be elected by the members of the Board from amongst themselves ; and

(iv) the Deputy Director of Medical and health Services, Ayurved, Uttar Pradesh.

(2) The Faculty may, with the previous approval of or at the requisition of the State Government, co-opt not more than two members for a specified duration and a specific purpose.

(3) The Faculty shall elect a Vice-Chairman from amongst its members.

(4) A person shall cease to be member of the Faculty upon his ceasing to be a member of the Board.

36-B. The Faculty shall have the following powers and duties :—

Powers and duties
of the Faculty

(a) to prescribe courses of study in Ayurvedic and Unani Tibbi systems of medicine for imparting instructions in educational institutions affiliated to the Board ;

¹ Subs by S. 19 of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956)

(b) to hold examinations of persons who shall have pursued a course of study in an educational institution affiliated to the Board ;

(c) to exercise general supervision over the residential and disciplinary arrangements made by the educational institutions affiliated to the Board and to make arrangement for promoting the health and general welfare of their students ;

(d) to appoint examiners ;

(e) to cause inspections of affiliated institutions of the Board ;

(f) to make recommendations to the Board for the affiliation or recognition or for suspension or withdrawal or recognition or affiliation in Ayurvedic and Unani institutions ; and

(g) Registrar shall function as the Secretary of the Faculty.

[36-C. In the event of disagreement between the Faculty and the board on any matter relating to Ayurvedic and Unani Education a reference shall be made by the board to the State Government and the decision of the State Government shall be final]¹.

Disagreement
between the
Faculty and the
Board

Making of
regulations

37. Subject to the provisions of this Act and to the rules framed by the [State]² Government thereunder, the Board may [after previous publication]³ frame regulations for regulating the following matters, namely :—

(1) (a) conditions on which institutions may be affiliated or recognized for the purposes of registration under section 28 ;

(b) the admission of students to the educational or instructional institutions affiliated to the board ;

(c) the conditions under which students shall be admitted to the degree or diploma or certificate course and to the examinations of the Board and shall be eligible for degrees, diplomas and certificates ;

(d) the conditions of residence of the students in the educational or instructional institutions affiliated to the Board and the levying of fees for such residence ;

(e) the number, qualifications and emoluments of teachers of the educational or instructional institutions affiliated to the Board ;

(f) the fees to be charged for courses of study in such institutions and for admission to the examinations, degree diplomas and certificates of the Board ;

(g) the conditions and mode of appointment and duties of examiners and the conduct of examinations ;

[Provided that in framing regulations the Board shall take into consideration the financial and other existing conditions of the institutions generally]⁴

[Provided further that no regulations shall be framed under any of the clauses (a) to (g) except upon the recommendations to be made in such manner as may be prescribed by the Faculty]⁵

(2) (a) the time and place at which the meeting shall be held ;

(b) the issue of notices convening such meetings ;

(c) the conduct of business there ;

1 Ss. 36-A, 36-B and 36-C add. by s. 20 of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

2 Subs. by Adaptation of Laws (Third Amendment) Order, 1951 for 'Provincial.'

3 These words add. by s. 21 (1) of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

4 " " Subs. for " " at the end of first proviso by S. 21 (2) of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

5 Second proviso added by s. 21 (2) of the U.P. Act, VII of 1956.

(d) the salary, allowances and other conditions of service of officers and servants of the Board other than the Registrar ;

(e) all other matters which may be necessary for the purposes of carrying out the objects of this Act ;

(3) All such regulations shall be published in the official *Gazette* [and shall not take effect until they have been confirmed by the State Government]¹ ;

(4) the [State]² Government may by notification in the official *Gazette* cancel [or modify]³ any regulation.

38. All fees received by the Board on account of registration of Vaidyas and Hakims [* * *]⁴ and admission to the Board's examinations :[* * *]⁵ under this Act shall be credited to the Board and shall be applied for the purposes of this Act, in accordance with the rules. Disposal of fees

39. Notwithstanding anything contained in any law for the time being in force :— Qualified practitioner's certificates

(1) The expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing that a person is recognized by law as a medical practitioner or member of medical profession shall in all Acts in force in [Uttar Pradesh]⁶ and in all [Central Acts]⁷ (in their application to the Uttar Pradesh) in so far as such Acts relate to any of the matters specified in List II or List III in the Seventh Schedule to the [Constitution]⁸ be deemed to include a registered practitioner.

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

(3) A registered practitioner shall be eligible to hold any appointment as a physician [* * *]⁹ or other medical officer in any Ayurvedi or Unani dispensary, hospital infirmary or laying in hospital supported by or receiving a grant from the [State]² Government or in any public establishment, body or institution dealing with such system of medicine.

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

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

(b) 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 ;

(c) give evidence at any inquest or in any court of law as an expert Act 1 of 1872 under section 45 of the Indian Evidence Act, 1872¹⁰ on any matter relating to medicine, surgery or midwifery.

1 Added by s. 21 (3) of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

2 Subs. by Adaptation of Laws (Third Amendment) Order, 1951 for "Provincial."

3 Add. by Ss. 21 (4) of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

4 Del. by s. 3 (d) of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

5 Del. by s. 22 of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1946).

6 Subs. by Adaptation of Laws (Third-Amendment) Order, 1951 for "the United Provinces."

7 Subs. by Adaptation of Laws Order, 1950 for Acts of the Central Legislature.

8 Del. by *ibid* for "Govt. of India Act, 1935".

9 Del. by s. 3 (d) of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

10 U.C.A., Vol. II, p. 1.

Reservation of certain appointments to Vaidyas and Hakims who have qualified themselves for educational institutional affiliated to the Board

40. Except with the special sanction of the [State]¹ Government no person other than a Vaidya or Hakim [***]² who has qualified himself or herself from an institution affiliated to the Board, or other institutions of the [State]¹ recognized by the Board for the purposes, and is a domiciled resident of this [State]¹ shall be competent to hold an appointment as medical officer of health or as physician, [***]³ or other medical officer in an Ayurvedic or Unani hospital infirmary, dispensary or lying in hospital maintained by or under the control of the [State]¹ Government or a local authority :

Provided that Vaidyas and Hakims in the employ of the [State]¹ Government or a local authority specified above on the date on which this Act comes into force shall continue to hold the said appointments:

Exemption from serving on inquest

41. (1) Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempt, if he so desires, from serving on any inquest or as juror or assessor under the Code of Criminal Procedure, 1898.⁴ Act V of 1898 U.P.

(2) The registered practitioners shall have the same privileges as the medical practitioners registered under the U.P. Medical Act, 1917⁵, have under the U.P. Excise Act, 1910⁶, or any other Act, for the time being in force. Act III of 1917 U.P. Act V of 1910

Rules

42. (1) The [State]¹ Government may, after previous publication, from time to time make rules consistent with this Act to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the [State]¹ Government may make rules for any of the following matters :—

(a) the time at which and the place and manner in which election shall be held under section 5 ;

(b) regulation of elections under this Act ;

(c) the conduct of and the maintenance of correct minutes of meeting of the Board ;

(d) the manner in which vacancies shall be filled under section 18 ;

(e) the salary and allowances and other conditions of service of the Registrar ;

(f) the form of the register of Vaidyas and Hakim [***]² to be maintained under this Act and the classification of practitioners into two or more classes according to their qualifications ;

(g) fees chargeable under this Act and their application ;

(h) the manner in which appeals against the decision of the Registrar shall be heard by the Board under section 17 ;

(i) expenses payable to members of the Board and its [President]⁶ ;

(j) remuneration to be paid to the [President]⁶ ;

(k) the furtherance of any objects of the Board as a teaching or examining body ; and

(l) the furtherance of any other objects of the Board.

(3) All such rules shall be published in the official *Gazette*.

¹ Subs. by Adaptation of Laws (Third Amendment) Order, 1951 for "Provincial".

² Del. by s. 22 of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

³ Del. by S.3(d) of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

⁴ U.C.A., Vol. IV, p.9.

⁵ *Ibid*, Vol. I II.

⁶ Subs. for the word "Chairman" by the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

43. (1) An appeal shall lie to the [State]¹ Government from every decision of the Board under this Act except a decision made by the Board as an appellate authority.

Appeals to [State]¹ Government from decision of Board.

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

44. (1) No suit or other legal proceeding shall lie against the [State]¹ Government in respect of an act done in the exercise of the powers conferred by this Act.

Bar to suit and other legal proceedings.

(2) No suit or other legal proceeding shall be maintainable against the Board or any member or any officer or servant of the Board or any person acting under the direction of the Board or of the [President]² or of any officer or servant of the Board in respect of anything done under this Act lawfully and in good faith and with reasonable care and attention.

45. A copy of any proceeding receipt, application, plan, notice, order entry in a register, or other document in the possession of the Board shall, if duly certified by the Registrar or other person authorized by the Board in this behalf, be received as *prima facie* evidence of the existence of the entry or documents and shall be admitted as evidence of the entry or document and of the matters therein recorded in every case where, and to the same extent as, the original entry or document would, if produced have been admissible to prove such matters.

Mode of proof of Board's records.

46. No member or officer or servant of the Board shall, in any legal proceeding to which the Board is not a party, be required to produce any register or document or to appear as a witness to prove the matters recorded therein; unless by order of the Court made for special reasons.

Restriction on the summoning of Board's servants to produce documents.

47. If at any time it shall appear to the [State]¹ Government that the Board has failed to exercise or has exceeded or abused a power conferred upon it, under this Act or has failed to perform a duty imposed upon it by this Act, the [State]¹ 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 may be fixed by the [State]¹ Government in this behalf, the [State]¹ Government may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such agency and for such period as it may think fit:

Control of Board by [State]¹ Government

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

48. (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.

Court competent to try offences under this Act and cognizance of offences.

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

PART III

49. The [State]¹ Government may at any time after the expiry of one year from the date on which Parts I and II come into force, by notification published in the official *Gazette*, apply the provisions of this Part or any portion thereof to be whole or any part of the [State]¹ from such [date]³ as is notified therein:

Power of the [State]¹ Government to enforce the provisions of Part III

Provided that the [State]¹ Government shall give wide publicity to the notification in such other manner also as it deems proper.

¹ Subs. by Adaptation of Laws (Third Amendment) Order, 1951 for "Provincial."

² Subs. for the word "Chairman" by the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

³ Ss. 49, 53, 55 and 56 of Part III were enforced in whole of the State excepting erstwhile merged State and excluded areas with effect from March 1, 1952 by notification no. 3297-BI/V—1069-51, Dated March 5, 1952.

List of
practitioners

50. (1) After the publication of the notification mentioned in section 49, the Registrar shall prepare and keep a list called a list of persons in practice belonging to the indigenous system, on such date as is mentioned in the said notification.

(2) Every person, not being a person qualified for registration under this Act, who within a period of one year from the date from which this Part comes into force proves to the satisfaction of the Registrar that he has been in regular practice of the [Ayurvedic and Unani Tibbi system of medicine]¹ or surgery or midwifery or any of their branches, in this [State]² on the date mentioned in the notification under sub-section (1) shall be entitled to have his name entered in the aforesaid list on payment of five rupees.

(3) The provisions of sub-section (2) and (4) of section 26, sub-sections (2), (3) and (4) of section 27 and sub-section (1) of section 31, shall, so far as may be, apply to this list.

Prohibition to
practice of
persons not
listed

51. No person other than a practitioner registered under Part II of the Act or a person whose name is entered in the list mentioned in section 50 shall practice or hold himself out, whether directly or by implication as practising or as being prepared to practice the [Ayurvedic and Unani Tibbi system of medicine]¹ surgery or midwifery :

Provided that the [State]² Government may, by notification in the official *Gazette*, direct that the provisions of this section shall not apply to any class of persons or in a specified area.

Penalty

52. Any person who acts in contravention of the provisions of section 51 shall on conviction for each offence be punishable with fine, which may extend to two hundred rupees:

53. [* * *]³

54. [* * *]⁴

Conferring,
granting or
issuing diploma,
licence, etc. by
unauthorized
person or
institution

55. (1) No person other than an association or institution recognized or authorized by the Board under this Act shall confer, grant or issue or hold itself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee or recipient is qualified [in or otherwise entitled]⁵ to practice the [Ayurvedic and Unani Tibbi systems of medicine]¹.

(2) Whoever contravenes the provision of this section shall on conviction be punishable [with imprisonment not exceeding six months]⁵ or with fine, which may extend to five hundred rupees [or with both] and if the person so contravening is an association, every member of such association who knowingly and wilfully authorizes or permits the contravention shall on conviction be punishable with [imprisonment not exceeding three months or with]⁶ fine which may extend to two hundred rupees [or with both]⁶.

False assump-
tions of degree,
diploma or certi-
ficates to be an
offence.

56. Whoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma licence or certificate conferred, granted or issued by an association or institution recognized or authorized by the Board under this Act or that he is qualified to practise the [Ayurvedic and Unani Tibbi systems of medicine]¹ under the provisions of this Act, shall on conviction, be punishable with fine which may extend to fifty rupees for the first offence under this section, and to fine which may extend to two hundred rupees for every subsequent offence.

1 Subs. by S.5 (a) of the U.P. Indian Medicine (Amendment) Act, 1956 (U.P. Act VII of 1956).

2 Subs. by Adaptation of Laws (Third Amendment) order, 1951 for "Provincial"

3 Del. by S. 23 of the U.P. Indian Medicine (Amendment) Act, 1956 (U.P. Act VII of 1956).

4 Del. by S. 24 of the U.P. Indian Medicine (Amendment) Act, 1956 (U.P. Act VII of 1956).

5 Subs. by S. 25 (1) of the U.P. Indian Medicine (Amendment) Act, 1956 (U.P. Act VII of 1956).

6 Subs. by S.3 (a) of the U.P. Indian Medicine (Amendment) Act, 1956 (U.P. Act VII of 1956).

THE SCHEDULE

(See SECTION 27, 28, 29 AND 30)

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

1. Vaidyas or Hakims who hold a degree or certificate of any Government Ayurvedic or Unani college or school within the [Uttar Pradesh]¹ or outside it, or a degree in [Ayurvedic and Unani Tibbi systems of medicine]² or surgery or midwifery of any University established by law in India.

[2. Vaidys and Hakims who hold a degree or diploma granted by the Board]³

3. Vaidyas or Hakims who have passed an examination from any Ayurvedic or Unani Institution in the [Uttar Pradesh]¹ or outside it recognized by the Board for purposes of registration.

4. [* * *]⁴.

1 Subs. by Adaptation of Laws (Third Amendment) Order, 1951 for "United Provinces".

2 Subs. by S.8 (a) of the U.P. Indian Medicine (Amendment) Act, (U.P. Act VII of 1956).

3 Subs. by s. 26(a) of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

4 Del. by S. 26(b) of the U.P. Indian Medicine (Amendment) Act, 1956 (Act VII of 1956).

APPENDIX I

THE U.P. INDIAN MEDICINE (AMENDMENT) ACT, 1954

(U.P. ACT XII OF 1955)

*[As passed by the Uttar Pradesh Legislature]*U.P. Act
of 1939

AN

ACT

*to amend the U.P. Indian Medicine Act, 1939,
for certain purposes*

WHEREAS it is expedient to amend the U.P. Indian Medicine Act, 1939, for the purposes hereinafter appearing :

U.P. Act
of 1939

IT IS HEREBY enacted in Fifth Year of the Republic of India as follows :—

Short title and
commencement

1. (1) This Act may be called "The U.P. Indian Medicine (Amendment) Act, 1954."

(2) It shall come into force at once.

Amendment of
section 9 of U.P.
Act X of 1939

2. Incorporated in the Principal Act.

Amendment of
section 14 of
U.P. Act X of
1939

3. Incorporated in the Principal Act.

Term of Members
and the Chairman
elected at the last
General Election
to be five years

4. Notwithstanding anything contained in sections 9 and 14 of the Principal Act, the term of office of :—

(a) the members elected to the Board at the General Election immediately preceding the commencement of this Act; and

(b) the Chairman elected by such members consequent upon the said General Election, shall and be deemed to be for a period of five years.

Validation Acts
and proceedings

5. For the removal of doubts it is hereby declared that notwithstanding anything contained in section 14 of the Principal Act as it existed prior to its amendment by this Act, all acts done including orders made, action or proceedings taken, directions issued or jurisdiction exercised by the Board consisting of members and the chairman referred to in section 4 or by any member or Chairmen elected in any casual vacancy thereafter or by any person acting under the direction of the said Board shall not be questioned merely on the ground that the term of office of the said members or the Chairman had, but for section 4, expired and all such acts are hereby made and declared to be lawful and are confirmed as on and from the time of performance of such acts.

[17]
APPENDIX II

No. 476/XVII—313-55

IN pursuance of the provisions of Article 348 (3) of the Constitution, the Governor is pleased to order the publication of the following English translation of the Uttar Pradesh Indian Medicine (Sanshodhan) Adhiniyam, 1956 (Uttar Pradesh Adhiniyam Sankhya VII of 1956) as passed by the Uttar Pradesh Legislature and assented to by the President on February 11, 1956 :

THE U.P. INDIAN MEDICINE (AMENDMENT) ACT, 1956

(U.P. ACT NO. VII OF 1956)

(As passed by the U.P. Legislature)

AN

ACT

to amend the U.P. Indian Medicine Act, 1939, for certain purposes.

WHEREAS it is expedient to amend the U.P. Indian Medicine Act, 1939, for the purposes hereinafter appearing :

It is hereby enacted in the Sixth Year of the Republic of India as follows :—

- | | |
|---|---|
| 1. (1) This Act may be called "The U.P. Indian Medicine (Amendment) Act, 1956." | Short title and commencement. |
| (2) It shall come into force at once. | |
| 2. [Incorporated in the Principal Act]. | Amendment of Preamble of U.P. Act X of 1939. |
| 3. [Incorporated in the Principal Act]. | Substitution of certain expression in U.P. Act X of 1939. |
| 4. [Incorporated in the Principal Act]. | Amendment of section 2 of U.P. Act X of 1939. |
| 5. [Incorporated in the Principal Act]. | Amendment of section 5 of U.P. Act X of 1939. |
| 6. [Incorporated in the Principal Act]. | Amendment of section 12 of U.P. Act X of 1939. |

- Amendment of section 12 of U.P. Act X of 1939. 7 [Incorporated in the Principal Act]
- Amendment of section 14 of U.P. Act X of 1939. 8. [Incorporated in the Principal Act].
- Amendment of section 15 of U.P. Act X of 1939. 9. [Incorporated in the Principal Act].
- Amendment of section 38 of U.P. Act X of 1939. 10. [Incorporated in the Principal Act].
- Amendment of section 21 of U.P. Act X of 1939. 11. [Incorporated in the Principal Act].
- Amendment of section 22 of U.P. Act X of 1939. 12. [Incorporated in the Principal Act].
- Amendment of section 25 of U.P. Act X of 1939. 13. [Incorporated in the Principal Act].
- Amendment of section 27 of U.P. Act X of 1939. 14. [Incorporated in the Principal Act].
- Amendment of section 28 of U.P. Act X of 1939. 15. [Incorporated in the Principal Act].
- Amendment of section 30 of U.P. Act X of 1939. 16. [Incorporated in the Principal Act].
- Amendment of section 33 of U.P. Act X of 1939. 17. [Incorporated in the Principal Act].
- Amendment of section 35 of U.P. Act X of 1939. 18. [Incorporated in the Principal Act].
- Amendment of section 36 of U.P. Act X of 1939. 19. [Incorporated in the Principal Act].
- Inclusion of new section 36-A, 36-B and 36-C in U.P. Act X of 1939. 20. [Incorporated in the Principal Act].

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| 21. [Incorporated in the Principal Act]. | Amendment of section 37 of U.P. Act X of 1939. |
| 22. [Incorporated in the Principal Act]. | Amendment of section 38 of U.P. Act X of 1939. |
| 23. [Incorporated in the Principal Act]. | Amendment of section 53 of U.P. Act X of 1939. |
| 24. [Incorporated in the Principal Act]. | Amendment of section 54 of U.P. Act X of 1939. |
| 25. [Incorporated in the Principal Act]. | Amendment of section 55 of U.P. Act X of 1939. |
| 26. [Incorporated in the Principal Act]. | Amendment of the Schedule to U.P. Act X of 1939. |
| 27. (i) Until the Board has been duly constituted under section 5 of the Principal Act as amended by this Act, the Board functioning immediately before the commencement of this Act shall exercise the powers and perform the duties conferred by the Principal Act on the Board and such Board shall, notwithstanding that its term may otherwise have expired under the provisions of the Principal Act, continue to function until a new Board as aforesaid has been constituted. | Temporary and transitional provisions. |
| (ii) The State Government may, for the purpose of removing any difficulties particularly in relating to the transition from the provisions of the Principal Act to the provisions of the said Act as amended by this Act, by order direct that the Principal Act amended as aforesaid shall have effect during a period up to six months as may be specified in the order subject to such modifications additions or omissions, as the State Government may deem to be necessary or expedient. | |

APPENDIX III

THE U.P. INDIAN-MEDICINE (SECOND AMENDMENT)

ACT, 1956*

(U.P. ACT No. VIII OF 1957)

[Authoritative English Text † of the U.P. Indian Medicine
Dwitiya Sanshodhan) Adhiniyam 1956]

AN
ACT

furth^r to amend the U.P. Indian Medicine Act, 1939
for certain purposes

WHEREAS it is expedient to amend the U.P. Indian Medicine Act, 1939 for the purposes hereinafter appearing.

It is hereby enacted in the English Year of the Republic of India as follows :—

1. (1) This Act may be called the U.P. Indian Medicine (Second Amendment) Act, 1956.

(2) It shall come into force at once.

2. In sub-section (1) of section 5 of the U.P. Indian Medicine Act, 1939, for clause (iii) the following shall be substituted :—

“(iii) one member each from a University established by Law in Uttar Pradesh and having a Faculty concerned with Ayurvedic or Unani Tibbi System of Medicine to be elected in the manner prescribed by the Faculty.”

* For Statement of Objects and Reasons, please see *Uttar Pradesh Gazette (Extraordinary)*, dated October 8, 1956.

Passed in Hindi by the Uttar Pradesh Legislative Council on October 23, 1956, and by the Uttar Pradesh Legislative Assembly on December 18, 1956.

Received the assent of the President on February 21, 1957, under Article 291 of the Constitution of India and was published in *Uttar Pradesh Gazette (Extraordinary)*, dated March 9, 1957.

† Published in the *Uttar Pradesh Gazette (Extraordinary)*, dated March 9, 1957.

THE UTTAR PRADESH INDIAN MEDICINE (AMENDMENT)

A. C. 1975

(U.P. ACT NO. 35 OF 1975)

[*Authoritative English Text of the Uttar Pradesh Indian Medicine (Sanshodhan)
Adhiniyam, 1975]

AN
ACT

further to amend the U. P. Indian Medicine Act, 1939.

It is hereby enacted in the twenty-sixth Year of the Republic of India as follows :—

1. This Act may be called The Uttar Pradesh Indian Medicine (Amendment) Act, 1975. Short title.
2. In section 2 of the U.P. Indian Medicine Act, 1939 (hereinafter referred to as the Principal Act), *after* clause (iv), the following clause shall be *inserted*, namely :— Amendment of section 2 of the U.P. Act 10 of 1939.

“(iv-a) ‘Para-medical course’, means a course of study approved by the Board for the training of compounders, nurses and mid-wives in the Ayurvedic or Unani-Tibbi Systems of medicine and surgery:”
3. In section 5 of the Principal Act in sub-section (1), *for* clauses (iii) to (v) the following clauses shall be *substituted*, namely :— Amendment of section 5.

“(iii) one member each from a University established by law in Uttar Pradesh and having a Faculty concerned with the Ayurvedic or Unani-Tibbi Systems of medicine to be elected in the prescribed manner by such Faculty”;

(iv) two members representing Ayurvedic Educational Institutions of Uttar Pradesh to be elected in the prescribed manner by the teachers of such Institutions as are affiliated to a University established by law in Uttar Pradesh ;

(v) one member representing Unani Educational Institutions of Uttar Pradesh to be elected in the prescribed manner, by the teachers of such institutions as are affiliated to a University established by law in Uttar Pradesh.
4. In section 36 of the principal Act :— Amendment of section 36.

(a) *for* clause (2), the following clause shall be *substituted*, namely :—

“(2) to accord, suspend or withdraw, on the recommendations of the Faculty recognition to training centres imparting instructions in para medical courses :”

(b) *for* clause (4), the following clause shall be *substituted*, namely :—

“(4) to grant diplomas or certificates to candidates who are successful at the Board’s examination” ;

(c) *for* clause (7), the following clause shall be *substituted*, namely :—

“(7) to perform such other functions for the development of Ayurvedic and Unani Systems of Medicine and Surgery as may be consistent with the provisions of the Act” ;

(d) clause (9) shall be *omitted*.

Amendment of
section 36-A.

5. In section 36-A of the principal Act :—

(a) in sub-section (1), for clause (iv), the following clause shall be substituted, namely :—

“(iv) the Director of Ayurvedic and Unani Services, Uttar Pradesh.”

(b) for sub-section (4), the following sub-section shall be substituted, namely :—

“(4) a member referred to in clause (iii) of sub-section (1) shall cease to be a member of the Faculty upon his ceasing to be a member of the Board.”

Amendment of
section 36-B.

6. Section 36-B of the principal Act shall be re-numbered as sub-section (1) thereof, and :—

(a) in sub-section (1) as so re-numbered :—

(i) for clauses (a) to (c), the following clauses shall be substituted namely :—

(a) to prescribed courses of study in Ayurvedic and Unani-Tibbi Systems of medicine for imparting instructions in training centres recognised by the Board” ;

(b) to hold examinations of persons who shall have pursued a course of study in a training centre recognised by the Board ;

(c) to exercise general supervision over the residential and disciplinary arrangements made by the training centres recognised by the Board and to make arrangement for promoting the health and general welfare of their students.”

(ii) for clauses (e) and (f), the following clause shall be substituted, namely :—

“(e) to clause inspection of training centres recognised by the Board ; and

(f) to make recommendations to the Board for the accord of recognition to or the suspension or withdrawal of recognition of training centres.”

(iii) clause (g) shall be omitted ; and

(b) after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely :—

2. the Registrar shall function as the Secretary of the Faculty.”

Amendment of
section 36-C.

7. For section 36-C of the principal Act, the following section shall be substituted, namely :—

“36-C. In the event of disagreement between the Faculty and the Board on any matter referred to in section 36-B, a reference shall be made by the Board to the State Government and the decision of the State Government shall be final.”

Amendment of
section 37.

8. In section 37 of the principal Act, for clause (1) the following clause shall be substituted, namely :—

“(1) (a) conditions on which institutions may be recognised for the purposes of registration under section 28 ;

(b) The admission of Trainees to the Training centres recognised by the Board ;

(c) the conditions under which trainees shall be admitted to the diploma and certificate courses and to the examinations of the Board, and shall be eligible for the grant of such diplomas and certificates ;

(d) the conditions of residence of the trainees in the training centres recognised by the Board and the levying of fees for such residence ;

(e) the number, qualifications and emoluments of teachers of the training centres recognised by the Board ;

(f) the fees to be charged for courses of study in such training centres and for admission to the examinations, diplomas and certificates of the Board ;

(g) the conditions and mode of appointment and duties of examiners and the conduct of examinations ;

Provided that in framing regulations, the Board shall take into consideration the financial and other existing conditions of the training centres generally ;

Provided further that no regulation shall be framed under any of the sub-clauses (a) to (g) except upon the recommendations to be made in such manner as may be prescribed by the Faculty."

9. For section 40 of the principal Act, the following section shall be substituted, namely :—

Substituted of section 40.

40. Except with the special sanction of the State Government no person other than a Vaidya or Hakim who has qualified himself or herself from an institution affiliated to the Board or who holds a degree in Ayurvedic or Unani-Tibbi Systems of medicine from a University established by law in Uttar Pradesh, and is a domiciled resident of this State shall be competent to hold an appointment as medical officer of health or as physician or other medical officer in an Ayurvedic or Unani hospital, infirmary, dispensary or lying-in hospital maintained by or under the control of the State Government or a local authority :

Provided that Vaidyas and Hakims in the employ of the State Government or a local authority specified above on the date on which this Act comes into force shall continue to hold the said appointment".