

# THE DELHI BHARATIYA CHIKITSA PARISHAD ACT, 1998



(Delhi Act No. 4 of 1999)

<sup>1</sup>No. F. 14/7/98-99/L.A./84— The following Act of the Legislative Assembly received the assent of the President on 4.3.1999 and is hereby published for general information.

*An Act to provide for the constitution of a Bharatiya Chikitsa Parishad, and for the maintenance of a register of Bharatiya Chikitsa (Indian Medicine) for the National Capital Territory of Delhi and for matters connected therewith.*

Be it enacted by the Legislative Assembly of the National Capital Territory of Delhi in the Forty ninth year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

**1. Short title, extent and commencement—** (1) This Act may be called the Delhi Bharatiya Chikitsa Parishad Adhinium, 1998.

(2) It extends to the whole of the National Capital Territory of Delhi.

(3) It shall come into force on such date as the Government may, by notification in official Gazette, appoint.

**2. Definitions—** In this Act unless the context otherwise requires—

- (a) “appointed day” means the date on which the provisions of this Act other than section 1 shall come into force under sub-section (3) of section 1;
- (b) “Bharatiya Chikitsa (Indian Medicine)” means Astang Ayurved Siddha and Unani Tibb supplemented or not with modern advances in modern scientific system of medicine in all its branches including surgery and obstetrics;
- (c) “Central Council” means the Central Council of Indian Medicine constituted under section 3 of the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970);
- (d) “Chairman” means the Chairman of the Examining Body;
- (e) “Delhi” means the National Capital Territory of Delhi;
- (f) “Examining Body” means the Examining Body constituted under sub-section (1) of section 33;
- (g) “Government” means the Lieutenant Governor as referred to in clause (1) of article 239 AA of the Constitution;

- (h) "integrated medicine" means conjoint, concurrent study, training and practice in Ayurved/Siddha/Unani Tibb and Modern Scientific System of Medicine in all its branches including surgery and obstetrics;
- (i) "Lieutenant Governor" means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under article 239 of the Constitution;
- (j) "Parishad" means the Delhi Bharatiya Chikitsa Parishad established and constituted under section 3;
- (k) "practitioner" means a medical practitioner who practises the Bharatiya Chikitsa Paddhati (Indian Systems of Medicine);
- (l) "President" means the President of the Parishad;
- (m) "qualifying examination for paramedical training" means an examination conducted by the Examining Body for Pharmacists, technicians and nursing care personnel courses in respect of Bharatiya Chikitsa;
- (n) "register" means the register of practitioners maintained under section 17;
- (o) "registered practitioner" means a practitioner whose name is for the time being entered in the register;
- (p) "Registrar" means the Registrar appointed under section 16;
- (q) "regulation" means a regulation made by the Parishad under section 38, by notification in the official Gazette;
- (r) "rule" means a rule made by the Government under section 37 by notification in the official Gazette;
- (s) "Secretary" means the Secretary of the Examining Body appointed under sub-section (9) of section 33;
- \* (u) "section" means a section of this Act;
- (v) "University" means any university in India established by law or any deemed university recognised by the Central Government and having a faculty of Indian Medicine and includes a University in India established by law in which instructions, teaching, training or research in Indian Medicine is provided;
- (w) "Vice-President" means the Vice-President of the Parishad.

## CHAPTER II

### ESTABLISHMENT OF THE DELHI BHARATIYA CHIKITSA PARISHAD

**3. Establishment constitution and incorporation of the Parishad—** (1) With effect from such date as the Government may, by notification in the official Gazette

\* "(t)" was not mentioned in the official Gazette.



notify, there shall be constituted for the purposes of this Act a Parishad to be called "The Delhi Bharatiya Chikitsa Parishad".



(2) The Parishad shall be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of property, whether movable or immovable, and to contract and to do all things necessary for the purposes of this Act, and may by the name aforesaid sue or be sued.

(3) The Parishad shall consist of twenty one members residing in Delhi and registered with the Parishad. Of these there shall be eleven nominated members and ten elected members comprising the following, namely—

- (a) (i) the Director, Indian Systems of Medicine;
- (ii) three Principals/Professors of Teaching Institutions imparting education in Bharatiya Chikitsa and to be nominated by the Government;
- (iii) one representative from the Central Council;
- (iv) six prominent Vaidyas/hakims to be nominated by the Government;
- (b) Ten members residing in Delhi, holding a recognised qualification and registered with the Parishad to be elected by the registered practitioners from amongst themselves.

(4) The President and the Vice President of the Parishad shall be elected by the members from amongst themselves in the first meeting of the Parishad.

(5) Save as otherwise provided, the ten seats of members under clause (b) of sub-section (3), shall be distributed proportionately to their members, as counted on the prescribed date before the election, between those registered practitioners who follow the Ayurvedic or the Unani Systems of Medicine as the case may be.

**4. Election of members—** (1) The election of practitioners entitled to be members of the Parishad 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 by rules and where any dispute arises regarding any such election, it shall be referred to the Government, whose decision shall be final.

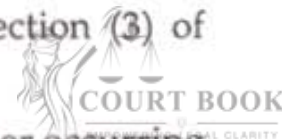
(2) Where any dispute arises regarding any election of a member or of the President or Vice-President, it shall be referred to the Government, and the decision of the Government shall be final.

**5. Term of office—** The term of office of elected and nominated members shall be for a period of five years commencing from the date on which the first meeting of the Parishad is held after the members are elected under sub-section (3) of section 3.

Provided that a member who is nominated by virtue of his office shall continue to be a member of the Parishad so long as he continues to hold office by virtue of which he is nominated to the Parishad.



**6. Casual Vacancies—** (1) A casual vacancy in the office of the President, or the Vice-President or a member elected under clause (b) of sub-section (3) of section 3 shall be filled by election.



Provided that any such vacancy in the office of an elected member occurring within six months prior to the date on which the term of office of all the members expires, shall not be filled.

(2) A casual vacancy in the office of a member nominated under clause (a) of sub-section (3) section 3 of that section shall be reported forthwith by the Registrar to the Government, and shall, as soon as possible thereafter, be filled by the Government by nomination.

(3) Any person elected under clause (b) or nominated under clause (a) of sub-section (3) of section 3 to fill a casual vacancy shall, hold office only so long as the person in whose place he may be elected or nominated, as the case may be, would have held office, if the vacancy had not occurred.

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

Provided that the President shall address his resignation to the Vice-President.

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

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

(b) becomes subject to any of the disqualifications mentioned in section 9, the Parishad shall declare his office to be vacant.

**9. Disqualifications—** (1) A person shall be disqualified for being elected or nominated as, and for continuing as, a member—

(a) if he is an undischarged insolvent; or

(b) if he has been adjudicated by a Competent Court to be of unsound mind; or

(c) if he is found guilty of professional misconduct and of contravening the code of medical ethics; or

(d) if he is a whole time officer or servant of the Parishad; or

(e) if he has been convicted for an offence involving moral turpitude; or

(f) if his name has been removed from the register.

(2) If any member becomes, or is found to be, subject to any of the disqualifications mentioned in sub-section (1), the Parishad shall submit a report

to the Government and the Government, if satisfied about the disqualification, shall declare his seat vacant.

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

- (a) to maintain the live register, and to provide for the registration of medical practitioners;
- (b) to hear and decide appeals against any decision of the Registrar;
- (c) to prescribe a code of ethics for regulating the professional conduct of the practitioners;
- (d) to reprimand a practitioner, or to suspend or remove his name from the register, or to take such other disciplinary action against him as may, in the opinion of the Parishad, be necessary or expedient;
- (e) to exercise such other powers, perform such other duties and discharge such other functions, as are laid down in this Act, or as may be prescribed;
- (f) to receive complaints from public (including patients and their relatives) against misconduct or negligence by a medical practitioner, to proceed for inquest, take a decision on the merits of the case and to initiate disciplinary action or award compensation and similarly to take action against frivolous complaints;
- (g) to provide protection to its members in discharging professional duties;
- (h) to ensure that no unqualified person practises Bharatiya Chikitsa (Indian Systems of Medicine).

**11. Executive Committee—** (1) The Parishad shall, as soon as may be, constitute an Executive Committee consisting of the President as ex-officio member, and such other member (number not exceeding six), elected by the Parishad from among its members, as may be prescribed.

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

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

(4) The President shall be the ex-officio Chairman of the Executive Committee.



12. **Fee and allowances to members of the Parishad and of the Executive Committee**— There shall be paid to the President, the Vice President and other members of the Parishad, and to the members of its Executive Committee, such fees and allowances for attendance at meetings, and such travelling allowance, as shall from time to time be prescribed.

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

14. **Time and place of meeting of the Parishad**— The Parishad shall meet at such time and place and every meeting of the Parishad 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 Parishad at such time and place as he may deem expedient, by letter addressed to each member.

15. **Procedure meetings of the Parishad**— (1) The President, when present, shall preside at every meeting of the Parishad. If at any meeting the President is absent, the Vice-President, and in the absence of both, some other member elected by the members present from amongst themselves, shall preside at such meeting.

(2) All issues at a meeting of the Parishad shall be decided by a majority of members present and voting.

(3) Eight members (including the President and Vice- President) shall form a quorum. When a quorum is required but not present, the presiding authority shall, after waiting for not less than thirty minutes for such quorum, adjourn the meeting to such hour or some future day as it may notify on the notice board at the office of the Parishad; and the business which would have been brought before the original meeting had there been a quorum thereat, shall be brought before the adjourned meeting, and may be disposed of at such meeting or any subsequent adjournment thereof, whether there be a quorum present, or not.

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

16. **Registrar**— (1) (a) The Parishad shall, with the previous sanction of the Government appoint a Registrar who shall be a qualified graduate of the Bharatiya Chikitsa (Indian System of Medicine). The Registrar shall be the Secretary and who may also, if deemed expedient, act as Treasurer.

(b) The Parishad may also employ such other persons as may be approved by the Government and possess the qualification prescribed by regulations to carry out the purposes of this Act.



(2) The Executive Committee may, from time to time, grant leave to the Registrar.

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

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

Provided that, when the period of such vacancy does not exceed one month, the appointment may be made by the President, who shall forthwith report such appointment to the Executive Committee, and the Government.

(4) The Parishad may, with the previous sanction of the Government, suspend, dismiss or remove any person appointed as the Registrar or impose any other penalty upon him in the manner as may be prescribed.

(5) Save as otherwise provided by this Act, the salary and allowances and other conditions of service of the Registrar and employees of the Parishad shall be such as may be approved by the Government.

(6) The Registrar shall be the Secretary and the Executive Officer of the Parishad. He shall attend all meetings of the Parishad and of its Executive Committee, and shall keep minutes of the meetings and names of members present and of the proceedings of such meetings.

(7) The accounts of the Parishad shall be kept by the Registrar, in the prescribed manner.

(8) The Registrar shall have such supervisory powers over the staff as may be prescribed, and may perform such other duties and discharge such other functions as may be specified in this Act, or as may be prescribed.

(9) The Registrar and employees of the Parishad shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

(10) The Parishad shall adopt the Central Civil Services Rules *mutatis mutandis*.

### CHAPTER III

#### PREPARATION AND MAINTENANCE OF REGISTER

**17. Preparation of Register—**(1) As soon as may be after the appointment day, the Registrar shall prepare and maintain thereafter a register of practitioners for Delhi, in accordance with the provisions of this Act.



(2) The register shall be in such form and may be divided into such parts, as may be prescribed. The register shall include the full name, address and qualifications with the name of college and university of the registered practitioner, the date on which each qualification was obtained, the date of validity of the registration and such other particulars as may be prescribed.

(3) Any person who possess any of the qualifications in the First, Second or Third Schedule to the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) shall subject to any condition laid down by or under the Indian Medicine Central Council Act, 1970, at any time on an application made in the prescribed form to the Registrar and on payment of a prescribed fee and on presentation of proof of his registerable qualification, be entitled to have his name entered in the register.

(4) Every person, whose name was inserted on a date prior to the constitution of the Parishad in the Register of the Board of Ayurvedic and Unani System of Medicine, Delhi, shall continue to be registered practitioner of the System concerned, in the Parishad and his name shall be inserted in the register of the Parishad without any application or payment of fee by such practitioners.

(5) Any person servicing or practising Indian Systems of Medicine in Delhi shall be registered with the Parishad under this Act. Without registration with the Parishad any person though qualified in Indian Systems of Medicine, shall be liable for action as specified by the Parishad.

(6) Every registered practitioner shall be given a certificate of registration in the prescribed form. The registered practitioner shall display the certificate of registration in a conspicuous part in the place of his practice and if he has more than one such place in any one of them but the attested photocopy shall be displayed at every place of practice.

**18. Special procedure for registration in certain cases—** (1) No person who possesses a medical qualification granted by any authority in any place outside the territory of India (other than the qualification specified in the Second Schedule or the Third Schedule to the Indian Medicine Central Council Act, 1970, Central Act, 48 of 1970), shall be registered under this Act, unless the procedure specified in sub-section (2) has been followed.

(2) Any person, who holds any such medical qualification may apply to the Parishad for registration by giving a correct description of his qualification, with his degree, diploma, licence or certificate. The Parishad shall transmit the same to the Central Council for opinion and shall act according to the opinion.

**19. Persons who may not be registered—** Notwithstanding anything contained in sections 17 and 18, no person whose name has been removed, whether before or after the appointed day, from any register kept under Act or any other law for the time being in force in India regulating the registration of practitioners on the ground of professional misconduct, shall be entitled to have his name



entered in the register, unless his name is duly ordered to be restored to the register from which it was so removed.

**20. Fee for and certificate of provisional registration—** (1) Any person who desires to be registered provisionally under section 28 of the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970), shall make an application in the prescribed form to the Registrar and shall pay the prescribed fee.

(2) Every person whose name is entered in the register under sub-section (1) shall be given a certificate of provisional registration in the prescribed form. Such certificate shall remain in force for such period as may be specified therein.

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

(2) (a) Every Registrar of Deaths on receiving notice of the death of a practitioner registered under this Act shall forthwith transmit by post of the Registrar appointed under this Act a certificate under his own hand of such death with the particulars of time and place of death and may charge the cost of such certificate and transmission as an expense of his office.

(b) The names of registered practitioners, who die or whose names are directed to be removed from register under section 23 shall be removed therefrom.

(3) Any person whose name is entered in the register and who subsequent to his registration desires to record in the register any change in his name shall, on an application made in this behalf and on payment of prescribed fee be entitled to have such change in his name recorded in the register.

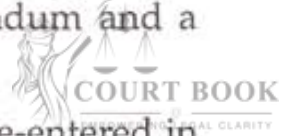
(4) Subject to the provisions of section 30 of the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970), any person whose name is entered in the register and who subsequent to his registration obtains any additional qualification specified in any of the Schedules to the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970), shall on an application made in this behalf, and on payment of the prescribed fee, be entitled to have an entry stating such additional qualification made against his name in the register.

(5) Where it is shown to the satisfaction of the Registrar that a certificate of registration has been lost or destroyed, the Registrar may, on payment of prescribed fee and on furnishing an indemnity bond issue a duplicate certificate after due confirmation and approval of the Executive Committee.

**22. Publication of list of registered practitioners—** (1) Every five years, the Registrar shall cause to be printed and published a correct list of all persons for the time being entered in the register but not later than three months of the start of election process.



(2) The Registrar shall cause to be printed and published annually on or before a date to be decided by the Executive Committee, an addendum and a corrigendum to the list published under sub-section (1) showing —



- (a) the names of all persons for the time being entered or re-entered in the register, and not included in any subsisting list already printed and published;
- (b) the names of all practitioners included in any subsisting list, whose names have since been removed on account of any reason whatsoever from, and not re-entered in, the register; and
- (c) any other amendments to the subsisting list.

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

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

Provided that in the case of any person whose name does not appear in such copy, a certified copy under the hand of the Registrar of the entry of the name of such person on the register shall be evidence that such person is registered under the provisions of this Act.

**23. Disciplinary action including removal of names from the Register—** (1) The Parishad shall have a disciplinary Committee comprising—

- (i) a Chairman to be nominated by the Parishad;
- (ii) a legal expert to be nominated by the Parishad;
- (iii) one member of Legislative Assembly of Delhi to be nominated by the Speaker thereof;
- (iv) an eminent public man nominated by the Government;
- (v) an eminent Indian Medicine specialist in the relevant speciality to which the complaint pertains, to be nominated by the Parishad;
- (vi) a member nominated by Indian Medicine related association of Delhi with minimum ten years standing in practice.

(2) If a registered practitioner has been, after due inquiry held by the Parishad or by the Executive Committee in the prescribed manner, found guilty of any misconduct by the Parishad or the Executive Committee, the Parishad may—

- (a) issue a letter or warning to such practitioner; or



(b) direct the name of such practitioner—

(i) to be removed from the register for such period as may be specified in the aforesaid direction; or

(ii) to be removed from the register permanently.



*Explanation*— For the purpose of this section, a registered practitioner shall be deemed to be guilty of misconduct if—

(a) he is convicted by a criminal court for an offence which involves moral turpitude and which is cognizable within the meanings of the Code of Criminal Procedure, 1974 (Central Act 2 of 1974), or

(b) in the opinion of the Parishad his conduct is unworthy of the medical profession particularly under any Code of Ethics prescribed by the Parishad or by the Central Council of Indian Medicine constituted under the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) in this behalf.

(3) The Parishad may, on sufficient cause being shown, direct on any subsequent date that the name of a practitioner removed under the sub-section (2) shall be re-entered in the register on such conditions, and on payment of the prescribed fee, as the Parishad may deem fit.

(4) The Parishad may, of its own motion, or on the application of any person, after due and proper inquiry 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 Parishad, such entry was fraudulently or incorrectly made.

(5) In holding any inquiry under this section, the Parishad or the Executive Committee, as the case may be, shall have the same powers as are vested in Civil Courts under the Code of Civil Procedure, 1908 (Central Act 5 of 1905) when trying a suit, in respect of the following matters namely—

(a) enforcing the attendance of any person, and examining him on oath;

(b) compelling the production of documents;

(c) issuing of commissions for the examination of witnesses.

(6) All the inquiries under this section shall be deemed to be judicial proceedings within the meaning of sections 193, 219 and 228 of the Indian Penal Code, 1960 (Central Act 45 of 1860).

(7) (a) For the purpose of advising the Parishad or the Executive Committee, as the case may be, on any question of law arising in any inquiry under this section, there may in all such inquiries be an assessor, who has been for not less than ten years an advocate enrolled under the Advocates Act, 1961 (Central Act 25 of 1961).

*Explanations*— For the purpose of this sub-section, in computing the period during which a person has been enrolled as an advocate, there shall be included any period during which he was enrolled as an advocate under the Indian Bar Council Act, 1926.

- (b) Where an assessor advises the Parishad, or the Executive Committee, as the case may be, on any question of law as to evidence, procedure or any other matter, he shall do so in the presence of every party or person representing a party to the inquiry who appears thereat or if the advice is tendered after the Parishad or the Executive Committee has begun to deliberate as to its findings, every such party or person as aforesaid shall be informed what advice the assessor has tendered. Such party or person shall also be informed if, in any case, the Parishad or the Executive Committee does not accept the advice of the assessor on any such question as aforesaid.
- (c) Any assessor under this section may be appointed either generally, or to any particular inquiry, and shall be paid the prescribed remuneration.

(8) The name of every registered practitioner after his death, shall be removed from the register.

**24. Renewal and restoration of registration—** (1) It shall be the duty of every registered practitioner to get his registration renewed after five years from the date of registration or last renewal, as the case may be, on making such application and on fulfilment of conditions and payment of fees as may be prescribed for the purpose, within three months after the expiry of the date of registration or renewal, as the case may be, after which the registration shall stand automatically cancelled.

(2) Persons whose registration is cancelled under sub-section(1) after the expiry of the term, shall be eligible for restoration of their registration on fulfilment of such conditions and payment of fees as may be prescribed.

**25. Appeals—** (1) Any person aggrieved by any decision of the Registrar under this Act may, within a period of one month from the date on which the decision is communicated to him, appeal to the Parishad which shall hear and determine the appeal in the prescribed manner.

(2) Save as otherwise provided in the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970), the decision of the Parishad under this Act shall be final.

**26. Rights of registered practitioners—** Notwithstanding anything contained in any law for the time being in force—

- (i) the expression 'Legally qualified medical practitioner' or "duly qualified medical practitioner" or "registered practitioner" of any word importing a person recognised by law as a medical practitioner



or member of the medical profession shall in all Acts of the Legislative Assembly of Delhi and all the Central Acts (in their application to Delhi) in so far as such Acts relate to any matter with respect to which the Legislative Assembly has powers to make laws, under clause (3) of article 239 AA of the Constitution, include a practitioner whose name is entered in the register under this Act;

- (ii) every registered practitioner shall be exempt, if he so desires, from serving on an inquest.

## CHAPTER IV MISCELLANEOUS

**27. Constitution of Parishad for the first time—**Notwithstanding anything contained in section 3 of the Act—

- (a) the Council for the first time including the members, the President, and Vice President thereof shall be nominated by the Government from amongst persons qualified to be elected or nominated as members of the respective category; and
- (b) the members so nominated shall hold office for such period not exceeding three years in the aggregate as the Government may, by notification in the official Gazette, specify.

**28. General Provision applicable to medical practitioners—**The provisions of this Act are in addition to, and not in derogation of the provisions of the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) containing general provisions applicable to all medical practitioners.

**29. Penalty for falsely claiming to be registered—**If any person whose name is not for the time being entered in the register, falsely represents that it is so entered, or uses in connection with his name or title any words or letters reasonably calculated to suggest that his name is so entered, he shall, on conviction, be punished with fine which may extend to fifty thousand rupees, or rigorous imprisonment which may extend upto two years, or both.

**30. False assumption of practitioner under this Act to be an offence—**Any person who falsely assumes that he is a practitioner as defined in clause (k) of section 2 and practises the Bharatiya Chikitsa (Indian Systems of Medicine) shall be punishable with rigorous imprisonment which may extend upto three years and with fine which may extend upto fifty thousand rupees.

*Explanation—* Under this section, punishment can be awarded only to practitioners as defined in clause (k) of section 2 of this Act and no punishment may be awarded to any one practising Veterinary medicine or Veterinary surgery or Homoeopathic or Modern Scientific System of Medicine.



**31. Court Competent to try offence, under this Act and take cognizance of offence—** (1) No court other than the court of a Metropolitan Magistrate 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 by an officer empowered by rules made in this behalf.

**32. Control of Government—** (1) If at any time it appears to the Government that the Parishad or its President or Vice-President has failed to exercise or has exceeded or abused any of the powers conferred upon it or him by or under this Act, or has ceased to function, or has become incapable of functioning, the Government may, if it considers such failure, excess, abuse or incapacity to be of a serious character, notify the particulars thereof to the Parishad or the President or the Vice-President, as the case may be. If the Parishad or the President, or the Vice-President, as the case may be, fails to remedy such failure, excess, abuse or incapacity within such reasonable time as the Government may fix in this behalf, the Government may remove the President or Vice-President or dissolve the Parishad for a specified period, as the case may be, and in case of dissolution of the Parishad cause all or any of the powers, duties and function of the Parishad to be exercised, performed and discharged by the Director, Indian System of Medicine of the Government or any registered practitioner as the Government may appoint in that behalf.

Provided that a new Parishad shall be constituted before the expiration of a period of six months from the date of its dissolution.


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

**33. Examining Body—** (1) The Government may, by notification in the Official Gazette constitute an Examining Body to be known as the Examining Body for para medical training for Bharatiya Chikitsa, Delhi for the purpose of holding qualifying examinations for para medical training as per clause (m) of section 2 and prescribing the courses of study and training for such examinations and other matters related to para-medical training such as Pharmacist, Nursing courses, Punch Karma technician, etc.

(2) The Examining Body shall be a body corporate with the name aforesaid, having perpetual succession and a common seal, with power to acquire hold and dispose of property and to contract, and shall by the said name sue and be sued.

(3) The Examining Body shall consist of the following eleven members to be nominated by the Government namely—



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- (a) one member to represent the Department of Health and Family Welfare of the Government;
  - (b) one member who shall be an official of the Technical Education Board of the Training and Technical Education Department of the Government;
  - (c) one member from the Central Council;
  - (d) two members who shall be professors of Ayurvedic System of Medicine;
  - (e) one member who shall be a professor of Unani System of Medicine;
  - (f) two practitioners of repute of the Ayurvedic System of Medicine;
  - (g) one practitioner of repute of the Unani System of medicine;
  - (h) two officials of the Directorate of Indian Systems of Medicine of the Government;

(4) The Government shall nominate one of the members to be the Chairman of the Examining Body.

(5) The provisions of sections 12, 13, 14 and 15 shall apply to the Examining Body as they apply in relation to the Parishad, subject to the modification that reference to the President therein shall be construed as reference to the Chairman and the reference to eight members in sub-section (3) of section 15 shall be construed as a reference to five members.

(6) A member of the Examining Body shall hold office for such period as may be prescribed by rules by the Government.

Provided that the Government may, for reasons to be recorded in writing, remove any member before the expiry of such term.

Provided further that no order for such removal shall be made unless the member concerned has been given a reasonable opportunity to show cause against such removal.

(7) A casual vacancy in the office of a member of the Examining Body shall be filled by fresh nomination and the member nominated to fill a casual vacancy will hold office only so long as the member in whose place he is nominated would have held office if the vacancy had not occurred.

(8) Any member of the Examining Body may, at any time, resign his office by letter addressed to the Government and the resignation shall take effect from the date on which it is accepted by the Government.

(9) There shall be paid to the members of the Examining Body such fees and allowances for attending meetings as may be prescribed by rules by the Government.



(10) The Examining Body shall, with the previous approval of the Government, appoint a Secretary and such members or other employees as it may deem necessary and they shall receive such salary and allowances and be subject to such conditions of service as the Examining Body may, with the approval of the Government, prescribe by regulations.

(11) The Secretary and other employees of the Examining Body shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Central Act 45 of 1860).

(12) In the performance of its functions under this Act, the Examining Body shall be bound by such directions as the Government may give to it in writing from time to time.

**34. Code of conduct and ethics—** The Parishad shall follow the conduct and code of medical ethics as prescribed by the Central Council.

**35. Protection of action taken in good faith—** No suit, prosecution or other legal proceedings shall lie against the Government, the Parishad, the Committee or the Examining Body thereof or any officer or servant of the Government or the Parishad or Committee or the Examining Body aforesaid for anything which is in good faith done or intended to be done under this Act.

**36. Delegation of powers by the Government—** The Government may, by notification in the Official Gazette, direct that any power exercisable by it under this act shall, subject to such conditions, if any, as may be specified in the notification be exercisable by any of its officers.

**37. Power to make rules—** (1) The Government may, by notification in the Official Gazette, and subject to the condition of previous publication, make rules to carry out the purposes of this Act. Such rules may be made to provide for all or any matters expressly required or allowed by this Act to be prescribed by rules.

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


- (a) the time and place at which and the manner in which the election of the members, land of the President and the Vice- President shall be held under section 3 and 4.
- (b) the powers, duties and functions of the Parishad, the conditions subject to which they shall be exercised and performed; and regulation of professional conduct of practitioners by a code of ethics in accordance with section 10;
- (c) number of elected members who shall be elected by the Parishad from amongst its members for constituting the Executive Committee of the Parishad; and the term of office of, and the manner of filling



casual vacancies among, and the procedure to be followed by, the members of the Executive Committee and also the powers and duties and functions of the Parishad as may be delegated by the Parishad to be exercised, performed and discharged by the Executive Committee, under the provisions of section 11;

- (d) the fees and allowances payable to the President, the Vice-President and other members of the Parishad, and to the members of its Executive Committee under section 12;
- (e) the salary and allowances payable to the Registrar and other conditions of service of the Registrar, manner of maintenance of the accounts of the Parishad by the Registrar, supervisory powers of the Registrar over the staff and the duties and functions as may be specified in the Act, which may be performed and discharged by the Registrar;
- (f) the conditions of service of the officers and staff of the Parishad under sub-section (5) section 16;
- (g) preparation and maintenance of register of practitioners, the form of such register, particulars including the name, address and qualification, and validity date of registration etc. of a registered practitioner to be entered in the register, prescription of the form of application to have names registered prescription of fees to be paid for such entry and the manner of payment, prescription of the form of certificate which shall be given to registered practitioner under section 17;
- (h) prescribing the form of application for provisional registration, fee payable for such registration and prescribing form of certificate of provisional registration under section 20;
- (i) prescription of fee for recording change of name in the register, prescription of the fee payable for entering additional qualification in the register and prescription of fee payable for issue of duplicate certificate of registration under sub-sections (3) and (4) of section 21;
- (j) the form of the list of registered medical practitioners and manner of the publication of the list under section 22;
- (k) manner for taking disciplinary action, etc., against registered practitioners by the Parishad or by the Executive Committee conditions subject to which and the fee for re-entering the name of a practitioner in the register and the remuneration to be paid to an assessor under section 23;
- (l) form of application for renewal of registration by registered medical practitioners, fee payable for re-entry of name which is removed from the register due to non-renewal under section 24;



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- (m) the manner in which appeals against the decision of the Registrar shall be heard by the Parishad under section 25;
  - (n) officers who are empowered to make a complaint under sub-section (2) of section 31;
  - (o) the form of the certificate of registration mentioning therein the part in which the registered practitioner is registered and the manner of endorsement of renewal thereof;
  - (p) the term of office of the member of the Examining Body under sub-section (5) of section 33;
  - (q) the fees and other allowances payable to members of the Examining Body for attending meeting under sub-section (8) of section 33;
  - (r) any matter which is to be, or may be, prescribed under this Act.

**38. Regulations—** (1) The Parishad may with the previous sanction of the Government and by notification, make regulations, not inconsistent with any rules made under this Act for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely—

- (a) the time and place at which the Parishad shall hold its meeting under section 14;
- (b) the salary allowances and other conditions of service of officers and servants of the Parishad other than the Registrar under sub-section (5) of section 16;
- (c) all other matters which may be necessary for the purpose of carrying out the objects of this Act.

**39. Powers of the Examining Body—** (1) The Examining Body may, with the previous sanction of the Government, make regulations not inconsistent with any rules made by the Government and regulations made by the Parishad for carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely—

- (a) the time and place at which the Examining Body shall hold its meetings;
- (b) the courses of study for training and qualifying examinations including the course of training and examination prior to qualifying examinations;
- (c) the language in which the examinations shall be conducted and instruction shall be imparted;



- (d) the admission of students to the bodies or institutions authorised under section 33;
- (e) the conditions under which students shall be admitted to the diploma or certificate course and to the qualifying and prior to qualifying examinations;
- (f) the conditions of appointment of examiners and the conduct of examinations;
- (g) any other matter which is required to be, or may be prescribed by regulations.

(3) All regulations shall be published in the official Gazette.

Provided that the Government may by notification in the official Gazette, cancel any rule and regulation.

**40. Laying of rules made under section 37, regulations made under sections 38 or 39 and orders issued under section 42 before the House of Legislative Assembly—** Every rule made under section 37, every regulation made under section 38 or section 39 and every order made under section 42 shall be laid, as soon as may be after it is made, before the House of the Legislative Assembly of Delhi while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, the House agrees in making any modifications to the rule or regulation or order, or the House agree that the rule, regular or order, as the case may be, should not be made, the rule or regulation or order 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 prejudiced to the validity of anything previously done under that rule, regulation or order.

**41. Repeal and savings—** (1) As from the date of the commencement of this Act, the East Punjab Ayurvedic and Unani Practitioners Act, 1949 (East Punjab Act 14 of 1949), as in force in the National Capital Territory of Delhi shall stand repealed.

(2) Notwithstanding the provisions of sub-section (1)—

- (a) the previous operation of the provisions so repealed or anything duly done or suffered thereunder;
- (b) subject to the provisions of sub-section (1) anything done or any action taken under the Act hereby repealed shall, in so far as it is not inconsistent with this Act, be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under this Act.

**42. Removal of difficulties—** If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order published in the official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for the purposes of removing difficulty.

Provided that no such order shall be made after the expiration of Two years from the commencement of this Act.