

# **The Punjab Ayurvedic and Unani Practitioners Act, 1963**

**(Punjab Act No. 42 of 1963)**

**As applicable to the State of Haryana**

**Amended upto 2014.**

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# The Punjab Ayurvedic and Unani Practitioners Act, 1963

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Received the assent of the president of India on 29<sup>th</sup> November, 1963. and first Published for General information in the Punjab Government. Gazette (Extraordinary), Legislative supplement, of the 13<sup>th</sup> December, 1963.

### LEGISLATIVE AMENDMENT

- Amended by Punjab Act 25 of 1964.
- Amended by Punjab Act 15 of 1965.
- Amended by Haryana Act 18 of 1969.
- Amended by Haryana Act 26 of 1970.
- Amended by Haryana Act 12 of 1971
- Amended by Haryana Act 10 of 1972.
- Amended by Haryana Act 24 of 1977
- Amended by Haryana Act 3 of 1979.
- Amended by Haryana Act 14 of 1981
- Amended by Haryana Act 5 of 1983
- Amended by Haryana Act 21 of 1984
- Amended by Haryana Act 27 of 1986
- Amended by Haryana Act 7 of 2014

An act to consolidate and amend the law relating to registration of Practitioners of Ayurvedic and Unani System of Medicines and to regulate the practice in such systems.

Be it enacted by the Legislature of the State of Punjab in the Fourteenth Year of the Republic of India as follows ;-

### CHAPTER I-Preliminary

**1. Short title, extend and commencement:-** (1) This Act may be called the Punjab Ayurvedic and Unani Practitioners Act, 2014.

2. It extends to the whole of the [State of Haryana].

(3) It shall come into force on such date as the state Government may by notification appoint

**2. Definitions:-** In this act, unless the context otherwise requires:-

(a) “Ayurvedic System” means the Asthang Ayurvedic System and Siddha, and includes the modernized form thereof;

(b) Ommitted by Haryan Act No. 7 of 2014.

(ba) “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);

(bb) “Council” menas the Council of Indian Medicine, Haryana;

(c) “Director” include the Director of Ayurveda, Haryana, and includes the Deputy Director of Ayurveda, Haryana, the Assistant Director of Ayurveda, Haryana and such other officer as the State Government may appoint for exercising all or any of the functions of the Director under this act and the rules made thereunder ;]

(d) “Faculty” means the Faculty as defind in clause (b) of section 2 of the Punjab State Faculty of Ayurvedic and Unani System of Medicines Act, 1963;]

(da) “Indian Medicine” means the System of Indian Medicine commonly know as Ayurvedic System or Unani System supplemented or not by such modern and advances, as the Central Council may declare, by notification, from time to time; ;

(e) “Member” means a member of the Council, & includes the Chairman & Vice-Chairman;

(f) “Practitioner” means a person who practices the Ayurvedic System or Unani System;

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

(h) “Register” means the [new register] of practitioners maintained under section 14;

(i) “Registered practitioner” means a practitioners, [whose name is entered, or deemed to have been entered in the Register;

(j) “Registrar” means the Registrar appointed under section 13;

(k) “Schedule” means a Schudle appended to this act ; and

(ka) “State Government” means the Government of the State of Haryana;

(l) Ommitted by Haryana Act No. 7 of 2014.

## CHAPTER-II

Establishment and Constitution of Council and Registration of Practitioners.

**3. Establishment and constitution of Council:-** (1) Subject to the provisions of sub-section (6) there shall be established and constituted for the purpose of carrying out of the provision of this Act a Council [consisting of a chairman and eleven other members] residing in the State of Haryana of whom:-

(a). [four], including the Director and one Principle of any Ayurvedic or Unani institution recognised by the Faculty, shall be appointed by the State Government ; and

(b). [Seven], of whom not less than [four] shall be persons holding or diploma or degree in the Ayurvedic System or Unani System shall be elected by the registered practitioners from amongst themselves.

(2). The Council shall be a body corporate with the name aforesaid, having perpetual succession and a common seal with power, subject to provisions of this Act, to acquire, hold & dispose of property, and to contract, and may by the said name sue and be sued.

“(3) The Chairman of the Council shall be appointed by the State Government from amongst the practitioners.-

(i) possessing a degree mentioned in the Second Schedule or the Third Schedule or the Fourth Schedule to the Indian Medicine Central Council Act, 1970(Central Act 48 of 1970);

(ii) registered with the Council; and

(iii) who is domicile of the State of Haryana,

on such terms and conditions, as it may think fit and shall hold office during the pleasure of the State Government.”.

(3A). The Vice-Chairman shall be elected by the members of the Council from amongst themselves.]

(4). The Seven seats of members provided in clause (b) of sub section (1) shall be distributed by the state Government proportionately to their numbers, as counted on the prescribed date before the election, between the registered practitioners who follow the Ayurvedic Systems and the registered practitioners who follow the Unani System;

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

(5). Every election or appointment of a member and every vacancy in the office of a member shall be notified by the state Government in the Official Gazette.

(6). Until the Council is established and constituted in accordance with the provisions of the preceding sub-sections, as amended by the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Ordinance, 1968 the State Government may constitute a Council consisting or six persons, included the Director, to be appointed by the state Government and the Council so constituted shall, as from such the commencement of that ordinance and for a period [not exceeding twenty years] from such commencement, be deemed to be the Council established and constituted for the purpose of carrying out all the provisions of this Act and the provisions of sub sub-section (3) and (5) shall apply to such a Council].

**4. Election of member:-** The election of members of the Council under clause (b) of sub-section (1) of Section 3 shall be held at such time and place in such manner as may be prescribed.

## COMMENTARY

**1. Interim Council ceased to exist in Haryana on 1.11.66:-** On the enforcement of Punjab Re-organisation Act. The Interim Council of Ayurvedic and Unani constituted under 3(6) of the Punjab Ayurvedic and Unani Practitioner’s Act ceased to function. A petition filed under Article 226 by a vaid of Haryana State without questioning the validity of the Haryana Act 5 of 1968 was held to be not maintainable and the constitution of another interim Council upheld. Kartar Singh v. U.O.I., AIR 1969 Pb. 287.

**2. Legal right to be established:-** Before a void can challenge the constitution of a Council he must establish his locus standi and he must indicate as to which of his rights has been infringed. Failure to do so would non-suit him. Kartar Singh v. U.O.I., AIR 1969 Pb. 287.

**3. Interim Council is not an Inter-state Body:-** An interim Council which continued into existence after the coming into force of the Punjab Re-organisation Act, 1966 is not an inter State Corporate Body under the provisions of Re-organisation Act. . Kartar Singh v. U.O.I., AIR 1969 Pb. 287.

**4. Defunct Council is not revived:-** The Defunct Council would not get revived on the coming into force of Punjab Ayurvedic and Unani Practitioners (Amendment & Validation Act, 1967 (Haryana Act 5 of 1968)). . Kartar Singh v. U.O.I., AIR 1969 Pb. 287.

## SECTION 5-6

**5. Term of office:-** (1) Save as otherwise provided, the term of office of the not-official members of the Council, other than the Council deemed to be established and constituted under sub-section (6) of section 3, shall be five years commencing from the date on which the first meeting of such Council is held.

Provided that an outgoing member shall continue in office until the election or appointment of his successor, as the case may be.

(2) The outgoing member shall be eligible for re-election or re-appointment.

**6. Vacancies :-** (1) If a vacancy occurs in the office of a member of the Council through death, resignation, removal or disability of such member or otherwise, the vacancy shall be filled in the same manner as is provided in section 3.

(2) Any person elected or appointed to fill the vacancy shall, notwithstanding anything in section 5, hold office only so long as the member in whose place he is elected or appointed would have office if the vacancy, had not occurred.

**7. Resignation:-** Any member of the Council may at any time resign his office by letter addressed to the Chairman and the resignation shall take effect from the date on which it is accepted by him.

**8. Disabilities for continuing as member:-** If, in the opinion of the Council , any member of the Council absents himself without sufficient cause from three consecutive ordinary meeting of the Council or becomes subject to any of the disqualifications specified in section 9, the Council shall declare his office to be vacant :-

Provided that before declaring his office to be vacant, the Council shall call for his explanation and record its decision thereon.

**[8-A Power to remove members: -** The State Government may, by notification remove any member who in its opinion has been guilty of misconduct in the discharge of his duties.

Provided that before the State Government notifies the removal of any member the reasons for his proposed removal shall be communicated to him and he shall be given an opportunity of tendering an explanation in writing which shall be duly considered.]

## NOTE

\*Section 8-A added by Haryana Act 18 of 1969, Section 5

## SECTION 9

**9. Disqualifications: -** No Person shall be eligible for election or appointment as member of the Council-

- a) who is a minor or an undischarged insolvent; or
- b) who has been adjudicated by a competent court to be of unsound mind, or
- c) whose name has been removed from the register ; or
- d) who has been sentenced by a criminal court to imprisonment for such offence involving moral turpitude as may be declared by the State Government.

**10. Vacancies etc. not to invalidate proceeding of Council:-** No act done, or proceeding taken under this Act by the Council shall be invalid merely on the ground-

- (a) . of any vacancy or defect or defect in the Constitution of the Council or
- (b). of any defect or irregularity in election or appointment of a person acting as a member thereof, or

© of any defect or irregularity in such Act or proceeding, not affecting the merits of the case.

**11. Time and place of meeting of Council:** - The Council shall meet at such time and place and every meeting of the Council shall be summoned in such manner, as may be provided in the regulations made under this Act.

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

**12. Procedure at meetings of Council :-** (1) The chairman and in his absence the Vice Chairman and in the absence of both, a person elected by the members of the Council from amongst themselves, shall preside at every meeting of the Council.

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

Provided that in case of equality of votes, the Chairman, Vice Chairman or the person presiding, as the case may be, shall, in addition to his vote as a member of the Council, have a second to in section (6) of that section.

(3). [Five] members shall form a quorum at a meeting of the Council referred to in sub section (1) of section 3 and three members shall form a quorum at a meeting of the Council referred to in section (6) of that section

Provided that if a meeting is adjourned for want of quorum, no quorum shall be necessary at the next meeting called for transacting the same business.

**13. Registrar and other staff :-** (1) Subject to such rules as the State Government may make in this behalf, the Council shall appoint a Registrar who shall receive such salary and allowances and be subject to such conditions of service as may be prescribed.

Provided that until a Registrar is so appointed, by the state Government shall. [as from the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Ordinance, 1968] be deemed to be the Registrar who shall be entitled to such salary and allowances and shall be subject to such conditions of service as may be determined by the State Government.

(2) The Council may appoint such other employees as may be necessary for carrying out the purposes of this Act and such employee shall receive such salary and allowances and be subject to such conditions of service as may be prescribed.

(3) All employees of the Council, including the registrar, shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

## COMMENTARY

**Reversion when post abolished :-** Under the service conditions of an employee officiating in a permanent post of Assistant Director (Unani) the appointment is terminable on one month's notice and on the abolition of the post the employee is reverted to his substantive rank. such a reversion can not be challenged on the ground that it violates rule 9 of the Punjab Ayurvedic Department Class I & II (Service) rules, 1963. 1968 SLR. 752.

It was further observed that under the conditions of employment the question of the employee completing probation would not arise.

The question arose as to whether preferential qualifications can be made applicable while selecting candidates. It was held that this would not violate article 16 of the Constitution. This decision was given while interpreting Punjab Ayurvedic Department Class III (Technical Service Rules, 1974 (1) S.L.R. 453.

**14. Duties of Registrar :-** (1) Subject to the provisions of this Act and the rules made there under and subject to any or special order of the Council, it shall be the duty of the Registrar to maintain the Register and to act as the Secretary to the Council.

(2). The registrar shall be in such form as may be prescribed and shall contain the names, addresses and qualifications of every registered practitioner together with the dates on which qualification were acquired and shall be divided into the following to parts, namely :-

Part I containing the names of persons referred to in [sub-section(1)] of section 15; and

Part II containing the names of persons referred to in [sub-section (3)] of section 15.

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

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

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

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

**15. Registration:** - (1). Every person possessing any of the qualifications specified in Schedule I shall, subject to the provisions of this Act and on payment of such fees as may be prescribed in this behalf be entitled to have his name entered in part I of the Register subject to such conditions as may be prescribed.

(2). Sub-section (2) omitted by Haryana Act 18 of 1969, section 9 (with effect from 26<sup>th</sup> November 1968).

(3). Any person not in possession of the qualifications specified in Schedule I but-

(a) whose name is entered immediately before the 13<sup>th</sup> day of December 1963 in the list maintained under section 34 of the East Punjab Ayurvedic and Unani Practitioners Act, 1949, under section 33 of the Pepsu Ayurvedic and Unani Practitioners Act, 2008 B.K.

(b) Omitted by Haryana Act No. 7 of 2014.

(4). Omitted by Haryana Act 18 of 1969.

(5). Non person shall be entitled under this section to have his name entered in the Register if he is a minor.

**15-A. Registration to be deemed in certain cases :-** Notwithstanding anything contained in sections 13 and 15, every person whose name is entered immediately before the commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Ordinance, 1968, in Part I or Part II of the Register maintained under this Act before such commencement shall, subject to the provisions of this Act, be deemed to be registered in part I or Part II, as the case may be, of the Register.

**15-B. Renewal of registration:** - (1) Every registered practitioner shall get his registration renewed within two months of the commencement of the Punjab Practitioners (Haryana Amendment) Act, 1983 and thereafter the registration shall be got renewed after every five years within one month of the expiry of the period of registration, on payment of such fees as may be prescribed.

(2). If the registered practitioner fails to get his registration renewed within the period provided in sub-section (1), his name, shall thereafter stand removed from the Register :

Provided that his name may be re-entered in the Register by the Registrar on payment of such additional fee as may be prescribed within two months after the expiry of the period provided for renewal.

(3) If a registered practitioner fails to get his registration renewed within the period provided in sub-section (2) he may apply for extension of period of registration within six months from the expiry of the period provided for renewal under sub-section (2), on payment of such fee, as may be prescribed:

Provided that if the name is not re-entered within the period provided under sub-section (3), the same may be re-entered on payment of such renewal fee as well as additional fee per month, as may be prescribed”.

**16. Powers of Council to prohibit entry in or to direct removal from Register etc.** (1) The Council may prohibit the entry in, or order the removal from, the Register to the name of any practitioner:-

(a) who has been sentenced by a Criminal Court to imprisonment for such offence involving moral turpitude as may be declared by the State Government ; or

(b). whom the Council after proper enquiry either made by itself or by a Committee appointed for the purpose by the Council from out of its members, has found guilty of



professional misconduct or other infamous conduct by a majority of at least two-thirds of the members present and voting at the meeting of the Council-

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

**17. Procedure in inquiries:** - For the purpose of inquiry held under clause (b) of sub-section 16 the Council or a committee appointed by the Council shall be deemed to be a court within the meaning of the Indian Evidence Act, 1872 (Act No. 1 of 1872) and shall, so far as may be follow the procedure laid down in the code of Civil Procedure, 1908 (Act No. V of 1908).

**18. Appeal to Council from decision of Registrar and other powers of Council :-**  
(1) Any person aggrieved by the decision of the Registrar regarding the registration of any person or any entry in the Register may, on payment of such fee as may be prescribed, appeal to the Council.

(2). An appeal under sub-section (1) shall be filed within sixty days, of the passing of the order appealed against after excluding the time spent in obtaining a copy thereof and shall be heard and decided by the Council in the manner prescribed.

\*(2-A). Notwithstanding anything contained in sub-section (2), an appeal under sub-section (2), an appeal under sub-section (1), which could be filed during the period commencing on the 4<sup>th</sup> February, 1966 and ending with the date of commencement of the Punjab Ayurvedic and Unani Practitioners (Haryana Amendment and Validation) Ordinance, 1968, may be filed within a period of a sixty days from such commencement after excluding the times spent in obtaining a copy of the order appeal against.

(3). The Council may, on its own motion or on the application any person, after due and proper enquiry and after affording the person concerned an opportunity of being heard, cancel or alter any entry in the Register, if, in the opinion of the Council , such entry was made fraudulently or wrongly.

#### NOTE

\*Sub-section (2-A) added by Haryana Act 18 of 1969, section 11 (with effect from 26<sup>th</sup> November, 1968).

**19. Qualified Practitioners certificate:-** Notwithstanding anything in any law for the time being in force in force:-

(a) the expression 'legally qualified medical practitioner' or 'duly qualified medical practitioner' or any word importing a person recognized by law as a medical practitioner or member of medical profession shall in all Acts or other provisions having the force of law in [Haryana] and relating to matters in II or III of the Seventh Schedule to the Constitution of India, includes a practitioner registered in Part I of the Register;

(b) a certificate required by any Act to be issued by any medical practitioner or medical officer shall be valid, if such certificate has been signed and issued by a practitioner registered in part I of the Register.

Provided that a certificate of illness may also be signed and issued by any practitioner registered in part II of the Register;

(c) a practitioner registered in Part I of the Register shall be eligible to hold any appointment as a medical officer in any Ayurvedic or Unani dispensary or hospital supported by or receiving a grant from the State Government and treating patients according to the Ayurvedic System or Unani or Unani System or in any public establishment, body or institution dealing with any public establishment, body or institution dealing with any such System;

(d) "practitioners of Indian Medicine having qualifications mentioned in the Second Schedule or the Third Schedule or the Fourth Schedule to the Indian Medicine Central Council Act , 1970 (Central Act 48 of 1970) and registered in Part I of the Register of Indian System of Medicine shall be eligible to practice the Indian Medicine and modern system of medicine including minor surgery based on their training and teaching which are included in syllabi of various courses of the Indian System of Medicine as prescribed under the said Act and the practitioners who are already registered in Part II of the Register of Indian System of Medicine shall be eligible to practice the Indian Medicine."

**20. Notice of death:-** Every Registrar of deaths on receiving notice of the death of a registered practitioner shall forthwith transmit by post to the Registrar a certificate under

his own hand of such death with particulars of time and place of death and may charge the cost of such certificates and transmissions as an expense of his office.

**21. Exemption from serving on inquests:-** Notwithstanding anything in any other law for the time being in force, every registered practitioner shall be exempt, if so desires, from serving on any inquest under the Code of Criminal Procedure, 1898 (Act No. V of 1898).

**22. Fees and allowances payable to members:-** There shall be paid to the members for attending meeting of the Council such traveling and other allowances as may be prescribed.

**23. Mode of proof of Councils records:-** A copy of any preceding, receipt, application, plan, notice, order, entry in a register or other document in the possession of the Council shall, if duly certified by the Registrar or any other person authorized by the Council in this behalf, be received as prima facie evidence of the existence of the entry of documents and shall be admitted as evidence of the same extent as the original entry or document would, if procured, have been admissible to prove such matters.

**24. Fees for the issue of copies of orders, entries in Registers etc. :-** Copies of any order passed by the Council or the Registrar or of any entry in the Register shall be supplied on payment of such fees as may be prescribed.

**25. Fees received by Council:-** All moneys received by the Council as fees under this Act shall be applied for the purposes of this Act in the prescribed manner.

**26. Publication of list of practitioners:-** (1) The Registrar shall at least once every five years on or before a date to be fixed by the Council cause to be printed and published a correct list of the names and qualifications of all practitioners for the time being entered in the Register and the date when such qualifications were acquired.

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

**27. False assumption of certificate or diploma to be an offence:-** Whoever willfully any falsely assumes or uses title or description or any addition to his name implying that he is registered practitioner shall be punishable for the first offence with imprisonment which may extend to three years or with fine which may extend to twenty five thousand rupees or with both and for every subsequent offence with imprisonment which may extend to five years or with fine which may extend to fifty thousand rupees, or with both.”

**28. Selling medicines by hawking etc. to be an offence:-** No practitioner, whether registered or not shall sell any medicine of the Ayurvedic System or Unani System in a public as a hawker or by assembling a Majma.

**29. Prohibition to practice:-** No person other than a registered practitioner, shall practice or hold himself out, whether directly or implication, as practicing or as being prepared to practice Indian Medicine.

**30. Penalty:-** Any person who contravenes the provisions of section 28 or section 29, shall, on conviction, be punishable with fine which may extend to two hundred rupees.

**31. Power to amend Schedule 1:-** The State Government may, by notification, amend Schedule I so as to add thereto or omit therefore any qualification and thereupon the Schedule shall be deemed to be amended accordingly.

**32. Control of State Government:-** if at any time it appears to the State Government that the Council has neglected to exercise, or has exceeded or abused any power conferred upon it under this Act or has neglected to perform and duty imposed upon it by this Act, the State Government may communicate the particulars of such neglect, excess or abuse to the Council; any if the Council fails to remedy such neglect, excess or abuse within such time as may be fixed by the State Government in this behalf the State Government may, for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the Council to be exercised and performed by such agency and for such period as the State Government may think fit.

**33. Court competent to try offence and cognizance of offences:-** (1) No court other than the Court of a [judicial Magistrate] of the first Class shall take cognizance of, or try, an offence under their Act.

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

**34. Protection of action taken in good faith:-** No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act under any rules or regulations made thereunder.

## CHAPTER III

### Disputes regarding Elections

**35. Definitions:-** In this Chapter, unless the context otherwise requires:-

- (a). "agent" means any person appointed in writing by a candidate at an election to be his agent for the purpose of his election with the written consent of such person.
- (b). "candidate" means a person who has been or claims to have been duly nominated as a candidate at an election and any such person shall be deemed to have been a candidate as from the time when, with the election in prospect, he began to hold himself out as a prospective candidate.
- (c). "corrupt practice" means any of the practices in Schedule II;
- (d). "costs" means all cost, charges and expenses of, or incidental to, a trial of an election petition.
- (e). "election" means an election to fill the office of a member.
- (f). "electoral right" means the right of a person to stand or not to stand, as, or to withdraw from being, a candidate or to vote or refrain from voting at election.
- (g). "pleader" means any person entitled to appear and plead for another in a civil court and includes an Advocate.

**36. Election petitions:-** No election of a member shall be called in question except by an election petition presented in accordance with the provisions of this Chapter.

**37. Presentation of petitions:-** (1). Any registered practitioner may within a period of thirty days from the date on which the election of any member is notified under sub-section (5) of section 3 and on furnishing the prescribed security in the prescribed manner, present on one or more of the grounds specified in sub-section (1) of section 49 to the prescribed authority an election petition in writing against the election of such member.

(2). The election petition shall be deemed to have been presented to the prescribed authority:

- (a). when it is delivered to the prescribed authority-
  - (i). by the person making the petition, or
  - (ii). by a person authorized in writing in this behalf by the person making the petition;or
- (b). when it is sent by registered post and is delivered to the prescribed authority.

**38. Contents of petition:-** (1). An election petition-

- (a). shall contain a concise statement of the material facts on which the petitioner relies;
- (b). shall set forth full particulars of any corrupt practice that the petitioner alleges, including as full a statement as possible of the names of the practice alleged to have committed such corrupt practice and the date and place of the commission of each such practice; and
- (c). shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 (Act No. V of 1908), for the verification of pleadings:

Provided that where the petitioner alleges any corrupt practice, the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

(2). Any Schedule or annexure to the petition shall also be signed by the petitioner and verified in the same manner as the petition.

**39. Procedure on receiving election petition:-** If the prescribed security not furnished in the prescribed manner or the petition is not presented within the period specified in section 37, the prescribed authority shall dismiss the petition.

Provided that the petition shall not be dismissed without giving the petitioner an opportunity of being heard.

**40. Power of Director to withdraw and transfer petitions:-** The Director may, at any stage after notice to parties and for reasons to be recorded, withdraw any election petition pending before a prescribed authority and transfer it for trial to another prescribed authority and upon such transfer, that prescribed authority shall proceed with the trial from the stage at which it was withdrawn.

Provided that such authority may, if it thinks fit, recall and re-examine any of the witnesses already examined.

**41. Procedure before the prescribed authority:-** Subject to the provisions of this Act and of any rules made there under, every election petition shall be tried by the

prescribed authority, as nearly as may be, in accordance with the procedure applicable under the Code of Civil Procedure 1908 (Act No. V of 1908), to the trial of suits.

Provided that the prescribed authority shall have the discretion to refuse for reasons to be recorded to examine any witness or witnesses, if it is of the opinion that their evidence is not material for the decision of the petition or that the party tendering such witness or witnesses is doing so on frivolous grounds or with a view to delay the proceedings.

(2). The provisions of the Indian Evidence Act, 1872(Act No I of 1972), shall subject to the provisions of this Act, be deemed to apply in all respects to the trial of an election petition.

**42. Appearance before prescribed authority:-** Any appearance application or act before the prescribed authority may be made or done by the party in person or by pleader duly appointed to act on his behalf.

Provided that it shall be open to the prescribed authority to direct any party to appear in person whenever the prescribed authority considers it necessary.

**43. Powers of the prescribed authority:-** The prescribed authority shall have the powers which are vested in a Court under the Code of Civil Procedure, 1908 (Act No. V of 1908), when trying a suit in respect of the following matters:-

- (a). discovery and inspection.
- (b). enforcing the attendance of witnesses and requiring the deposit of their expenses.
- (c). compelling the production of documents.
- (d). examining witnesses on oath.
- (e). granting adjournments.
- (f). reception of evidence taken on affidavit and
- (g). issuing commissions for the examination of witnesses.

and may summon and examine suo moto any person whose evidence appears to it to be material and shall be deemed to be a Civil Court within the meaning of sections 480 and 482 of the Code of Criminal Procedure, 1898 (Act No. V of 1898).

*Explanation:-* For the purpose of enforcing the attendance of witnesses the local limits of the jurisdiction of the prescribed authority shall be the limits of the [State of Haryana].

**44. Documentary evidence:-** Notwithstanding any thing in any enactment to the contrary, no document shall be inadmissible in evidence at the trial of election petition on the ground that it is not duly stamped or registered.

**45. Secrecy of voting not be infringed:-** No witnesses or other person shall be required to state for whom he has voted at an election.

**46. Answering of criminating question and certificate of indemnity:-** (1) No witness shall be excused from answering any question as to any matter relevant to a matter in issue in the trial of an election petition upon the ground that the answer to such question may tend to expose or may tend to expose him to any penalty or forfeiture.

Provided that-

- (a). a witness who answers truly all questions which he is required to answer shall be entitled to receive a certificate of indemnity from the prescribed authority; and
- (b). an answer given by a witness to a question put by or before the prescribed authority shall not except in the case of any criminal proceeding for perjury in respect of the evidence, against him in any civil or criminal proceeding.

(2). When a certificate of indemnity has been granted to any witness it may be pleaded by him in any court and shall be a full and complete defense to or upon any charge under Chapter IX-A of the Indian Penal Code (Act No. VL of 1860), arising out of the matter to which such certificate relates, but it shall not be deemed to relieve him from any disqualification in connection with any election imposed by this Act or any other law.

**47. Expenses of witnesses:-** The reasonable expenses incurred by any person in attending to give evidence may be allowed by the prescribed authority to such person and shall unless the prescribed authority otherwise directs, be deemed to be part of the costs.

**48. Decision of the prescribed authority:-** (1) Where an election petition has not been dismissed under section 40, prescribed authority shall inquire into the election petition and at the conclusion of the inquiry shall make an order-

- (a). dismissing the election petition, or
- (b). setting aside the election.
- (c). At the time of making an order under sub-section (1) the prescribed authority shall also make an order-

- (a). where any charge is made in the petition of any corrupt practice having been committed at the election, recording
  - (i). a finding whether any corrupt practice has or has been proved to have been committed at the election and the nature of that corrupt practice; and
  - (ii). the names of all persons, if any, who have been proved at the trial to have been guilty of any corrupt practice and the nature of that practice: and
- (b). fixing the total amount of costs payable and specifying the persons by and to whom costs shall be paid.

Provided that person who is not a party to the petition shall not be named in the order under sub-clause (ii) of clause (a) unless-

- (i). he has been given notice to appear before the prescribed authority and to show cause why he should not be so named; and
- (ii). if he appears in pursuance of the notice, he has been given an opportunity of cross examining any witness who has already been examined by the prescribed authority and has given evidence against him, of calling evidence in his defense and of being heard.

**49. Grounds for setting aside election:-** (1). If the prescribed authority is of the opinion-

- (a). that on the date of his election the elected person was not qualified or was disqualified to be elected under this; Act
- (b). that any corrupt practice has been committed by the elected person or his agent or by any other person with the consent of the elected person or his agent; or
- (c). that any nomination has been improperly rejected; or
- (d). that the result of the election in so far as it concerns the elected person, has been materially affected-
  - (i). by the improper acceptance of any nomination; or
  - (ii). by the improper reception, refusal or rejection of any vote or the reception of any vote which is void; or
  - (iii). by any non-compliance with the provisions of this Act or of any rules made under this Act;

the prescribed authority shall set aside the election of the elected person.

(2). When an election has been set aside sub-section (1), a fresh election shall be held.

**50. A battement of Election petitions:-** An election shall abate only on the death of a sole petitioner or of survivor of several petitions.

**51. Costs and payment thereof out of security deposits and return of such deposits:-**

- (1). Costs including pleader's fee shall be in the discretion of the prescribed authority.
- (2). If in any order as to costs under the provisions of this Chapter there is a direction for payment of costs by any party to any person, such costs shall, if they have not been already paid, be paid in full or so far as possible out of the security deposit made by such party under this Chapter on an application made in writing in that behalf within a period of one year from the date of such to the Director by the person in whose favor the costs have been awarded.
- (3). If there is any balance left of the security deposit under this Chapter after payment under sub-section (2) of the costs referred to in that sub-section such balance or where no costs have been awarded or no application as aforesaid has been made within the said period of one year, the whole of the said security deposit may, on an application made in that behalf in writing to the Director by the person by whom the security has been deposited or if such person dies after making such deposit, by the legal representative of such person be returned to the said person or to his legal representatives, as the case may be.

**52. Execution of orders as to costs:-** Any order as to costs under the provision of this Chapter may be produced before the principal civil court within the local limits or whose jurisdiction any person directed by such order to pay sum of money has a place of residence or business and such court shall execute the order or cause the same to be executed in the same manner and by the same procedure as if it were a decree for the payment of money made by itself in a suit.

Provided that where any costs or any portion thereof may be received by an application made under sub-section (2) of section 51, no application shall lie under this section within a period of one year from the date of such order unless it is for the recovery of the balance of any costs which has been left unrealized after an application has been made under that sub-section owing to the insufficiency of the amount of the security deposit referred to in that sub-section.

**53. Corrupt practices entailing disqualification:-** The corrupt practices specified in Schedule II shall entail disqualification for membership of the Council for period of five years counting from the date on which the finding of the prescribed authority as to such practice has been given.

Provided that the State Government may, for reasons to be recorded, remove the disqualification or reduce the period thereof.

#### CHAPTER-IV Miscellaneous

**54. Rules:-** (1). The State Government may, by notification and after previous publication, make rules to carry out purposes of this Act.

(2). In particular and without prejudice to the generality of the foreign power, such rules may provide for all or any of the following matters, namely:-

(a). the date on which the number of registered practitioners shall be counted under sub-section (4) of section 3;

(b). the time and place in which and the matter in which election shall be held as required by section 4;

(c). the salary, allowances and other conditions of service of the Registrar and other employees of the Council appointed under section 13;

(d). the form of Register required to be maintained under section 14;

(e). the amount of fees payable under sub-section (4) of section 14;

(f). the amount of fees on payment of which and the conditions subject to which, a person may get his name entered, in Part I or Part II of the Register, under section 14;

(g). the manner in which appeals against the decision of the Registrar shall be heard and decided by the Council under section 18 and the fees chargeable for such appeals ;

(h). fees and allowances payable to members under section 22;

(i). the amount of fees payable for the supply of copies under section 24;

(j). the manner in which moneys received by the Council as fees shall be supplied under section 25;

(k). the amount of security to be furnished and the manner in which it is to be furnished as required by sub-section (1) of section 37.

(l). the authority to whom election petitioners may be presented and by whom such petitions may be inquired into and decided under Chapter III;

(m). the form of affidavit required to accompany the petition under sub-section (1) section 38;

(n). any other matter which may be prescribed.

(3). Every rule made under this section shall be laid as soon as may be after it is made before it is made before each House of The State Legislature while it is in session before a total period of ten days which may be comprised in one session or in two successive sessions and if before the expiry of the session in which it is so laid or the session immediately following both House agree in making and modification in the rule or both House agree that the rule should not be made the rules 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 predicted the validity on any thing previously done under that rule.

#### COMMENTARY

**Requirement to lay down the rules before the Legislature is not mandatory:-** The question arose as to whether the failure to lay the rules before the legislature would invalidate the rules or not. It was held by a Full Bench in *Megha Singh & Co. v. State*, AIR 1977 P & H 297 that this infirmity will not invalidate the rules. Reliance was placed on a Supreme Court decision in *Jag Mohd. v. State of Gujarat*, AIR 1966 SC 385, where in the Supreme Court did not pronounce the rules to be ineffective simply because there was failure to place the rules before the House of the State Legislature. In this connection reference may also be made to *Krishan v. R.T.O.*, AIR 1956 Andhra 129 and *Madhav Rao v. State of A.P.* 1967 (2) And. W.R. 366 wherein similar view was expressed by the Andhra Pradesh High Court.

In this connection reference may be to the case reported as *Regin v. Immigration Appeals Tribunal* which was quoted by the Full Bench in *Mehga Singh & Co. v. State* AIR 1977p & H [at page 304 (para No. 16)] Mr. Justice O. Chinnappa Reddy (now

Judge, Supreme Court of India) who delivered the judgment of the Full Bench observed as under:-

“Recently, in *Regin v. Immigration Appeals Tribunal* the question arose whether certain immigration rules had been laid before parliament as required by the Immigration Appeals Act. The Lord Chief Justice of England and two of his companion Judges went into the matter and on the evidence held that there was compliance with the requirement regarding laying. The question was not brushed aside on the ground that non-laying was of no consequence. In a case which came before the Court of Error of Barbados, *Collymore, C.J.* was reported by *Me Garry* to have said:-

“Where the Legislature delegated its law-making power to a subordinate authority and reserves the right to review the regulations made by such subordinate body and if necessary to disallow them and attaches conditions to secure that it shall have the opportunity or exercise its power of review as the supreme legislative authority such conditions are mandatory.”

**55. Regulations:-** (1). The Council may, with the previous approval of the State Government make regulations not inconsistent with this Act or the rules made there under for all or any of the following matters, namely:-

- (a). the time and place at which the Council shall hold its meetings and the manner in which such meeting shall be summoned under section 11;
- (b). any other matter which may be considered necessary for carrying out the purposes of this Act.

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

(3). The State Government may by notification cancel any regulation.

**56. Interpretation:-** The Punjab General Clause Act, 1898, shall apply for the interpretation of this Act as it applies for the interpretation of a Punjab Act.

**57. Repeal and saving:-** (1). The East Punjab Ayurvedic and Unani Practitioners Act, 1949 and the Pepsu Ayurvedic and Unani Practitioners, Act 2008 BK., are hereby repealed.

Provided that the repeal shall not affect-

- (a). the previous operation of the Acts so repealed or anything duly done or suffered there under, or
- (b). any right, privilege, obligation or liability acquired, accrued or incurred offence committed against the Acts so repealed, or
- (c). any penalty, forfeiture or punishment incurred in respect of any offence committed against the Acts so repealed, or
- (d). any investigation, legal proceeding or remedy in respect of any such right, obligation, liability, penalty. Forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2). Subject to the proviso to sub-section (1), anything done or any action taken (including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation or form framed), under the Acts repealed by sub-section (1) 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.

**58. Transitional provisions:-** (1) As from the commencement of this Act, the two Councils of Ayurvedic and Unani System of Medicine, established and constitute under the East Punjab Ayurvedic and Unani Practitioners Act, 1949 and Pepsu Ayurvedic and Unani Practitioners Act, 2008 BK, shall cease to function.

(2). On the Council's so ceasing to function, all assets vesting in them and all liabilities subsisting against them, on the date of so ceasing shall devolve on the Council.

(3). All suits, prosecution and other legal proceeding institute or which might have instituted by or against any of the Councils so ceasing to function immediately before the commencement of this Act may be continued or instituted by or against the Council.

(4). The Permanent officers and servants of the Councils so ceasing to function shall be either absorbed by the Council in its service on condition which are not less advantageous to those on which they were serving such Councils immediately before the commencement of this Act are retired or compensated in accordance with the conditions of their service in such manner as the State Government may direct.

**59. Power to remove difficulties:-** If any difficulty arise in giving effect to the provisions of this Act, the State Government may, by notification make such provisions, or give such directions, not being inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the removal of the difficulty.

#### SCHEDULE I

(See Sections 15 and 31)

A person having qualifications included in the Second Schedule or the Third Schedule or the Fourth Schedule to the Indian Medicine Central Council Act 1970 (Central Act 48 of 1970), shall be eligible for registration”.

#### SCHEDULE II

[See Sections 35 (c) and 53]

The following shall be deemed to be corrupt practices for the purpose of section 53-

- (1). Bribery, that is to say:-
  - (A). any gift, offer of promise by a candidate or his agent or by any other person with the consent of a candidate or his agent of any gratification to any person whomsoever, with the object, directly or indirectly of inducing-
    - (a). a person to stand or not to stand as, or to withdraw from being, a candidate at an election or
    - (b). a voter to vote or refrain from voting at an election, or as a reward to
      - (i) a person for having so stood or not stood, or for having withdrawn his candidature or
      - (ii) a voter for having voted or refrained from voting;
  - (B). the receipt of, or agreement to receive, any gratification, whether as a motive or a reward-
    - (a). by a person for standing or not standing as, or for withdrawing from being a candidate or
    - (b). by any person whomsoever for himself or any other person for voting or refraining from voting or including or attempting to induce any voter to vote or refrain from voting or any candidate to withdraw his candidature.

Explanation:- For the purposes of this clause, the term ‘gratification’ is not restricted to pecuniary gratification or gratifications estimable in money and it includes all forms of entertainment and all forms of employment for the purpose of any election.

- (2). Undue influence, that is to say, any direct or indirect interference or attempt to interfere on the part of the candidate or his agent or of any other person with the consent of the candidate or his agent, with the free exercise of any electoral right:-

Provided that-

- (a). without prejudice to the generality of the provisions of this clause any such person as is referred to therein whom
  - (i). threatens any candidate or a voter or any person in whom a candidate or such voter is interested, with injury of any kind and including social ostracism and ex-communication or expulsion from any caste or community; or
  - (ii). induces or attempts to induce a candidate or a voter to believe that he, or any person in whom he is interested, will become or will be rendered an object of divine displeasure or spiritual censure.

shall be deemed to interfere with the free exercise of the electoral right of such candidate or a voter within the meaning of this clause.

- (b). a declaration of public policy or a promise of public action or the mere exercise of a legal right without intent to interfere with an electoral right, shall not be deemed to be interference within the meaning of this clause.

- (3). The appeal by a candidate or his agent or by person with the consent of a candidate or his agent to vote or refrain from voting for any person on the ground of his religion, race, caste, community or language or the use of or appeal to religious symbols or the use of or appeal to national symbols such as the national flag or the national emblem for the furtherance of the prospects of the election of that candidate or for prejudicially affecting the election of any candidate.

- (4). The promotion of or attempt to promote, feelings of enmity or hatred between different classes of the citizens of India on ground of religion, race, caste, community or language by a candidate or his agent or his agent or any other person with the consent of



a candidate or his agent for the furtherance of the prospects of election of that candidate or for prejudicially affecting the election of any candidate.

(5). The publication by a candidate or his agent or by any other person with the consent of a candidate or his agent of any statement or fact which is false and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate or in relation to the candidature or withdrawal, of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election.

(6). The hiring or procuring, whether on payment or otherwise, of any vehicle by a candidate or his agent by any other person with the consent of a candidate or his agent for the conveyance of any voter (other than the candidate himself, the member of his family or his family or his agent) to or from any Polling station provided or a place fixed for the poll.

Provide that the hiring of a vehicle by a voter or by several members at their joint costs for the purpose of conveying him or them to from any such polling station or place fixed for the poll shall not be deemed to be a corrupt practice under this clause, if the vehicle so hired is a vehicle not propelled by mechanical power.

Provided further that use of any public transport vehicle by any voter at his own cost for the purpose of going to or coming from any such polling station or place fixed for the poll shall not be deemed to be corrupt practice under this clause.

*Explanation:-* In this clause, the expression 'vehicle' means any vehicle used or capable of being used for the purpose or road transport, whether propelled by mechanical power or otherwise and whether used for drawing other vehicles or otherwise.

(7). The obtaining or procuring or abetting or attempting to obtain or procure by a candidate or his agent or by any other person with the consent of a candidate or his agent, any assistance (other than the giving of vote) for the furtherance of the prospects of that candidate's election, from any person in the service of the Government, the Government of India or the Government of any other State or a local authority.

## THE PUNJAB AYURVEDIC AND UNANI PRACTITIONERS (GENERAL) RULES 1964

As applicable in the State of Haryana  
(Amended upto 29<sup>th</sup> Feb., 1988)

### **Short title and commencement (Definitions)**

1. (1). These rules may be called the Punjab Ayurvedic and Unani Practitioners (General) Rules, 1964.

(2). They shall come into force at once.

2. In these Rules, unless the context otherwise requires,-

(a) 'Act' means the Punjab Ayurvedic and Unani Practitioners Act, 1963;

(b) 'Appendix' means the Appendix to these rules;

(c) 'Chairman' means the Chairman of the Council of Indian Medicine Haryana

(d) 'Committee' means a Committee appointed by the Council of Indian Medicine, Haryana;

(e) 'Government' means the Government of the State of Haryana;

(f) 'Section' means a section of the Act;

(g) 'University' means any University incorporated by an Act or Parliament or any state Legislature.

### **Registration of Practitioners**

3. (1) Every person entitled to have his name entered in Part I of the Register under sub-section (1) of section 15 or in Part II of the Register under sub-section (3) of the aforesaid section shall, if he is desirous of having his name entered in Part I or Part II of the Register, as the case may be, make an application to the Registrar in the form given in Appendix A along with a fee of two thousand five hundred rupees only including all expenses of the Council of Indian Medicine, Haryana. He shall also furnish along with his application such documents as may be necessary to establish his claim for being registered in Part I or Part II, as the case may be.

(2). The Registrar may, after examining the application, require the applicant to furnish such other information or documents and within such time as he may specify.

(3). If the registrar, on receipt of the application under sub-rule (1) or on receipt of further information or documents required from the applicant under sub-rule, (2), and after making such further enquiry as he may deem proper is satisfied that the applicant is entitled to get his name entered in Part I or Part II of the Register, as the case may be, he shall do so. If he is not satisfied, he shall reject the application:

Provided that no order rejecting any application, shall be passed without giving the applicant an opportunity of being heard.

(4). A practitioner whose name is entered in the Register under sub-section (1) or sub-section (3) of section 15 or whose name is deemed to be registered under sub-section (2) or sub-section (4) of the aforesaid section shall be issued a Registration Certification in the form given in Appendix B on payment of fee one rupees and the applicant whose application is rejected shall be sent an intimation of rejection by registered post.

**Rule 3-B- Renewal of registration:** 1 Every registered Practitioner shall get his registration renewed within one month of the expiry of the period of registration on payment of a fee of Three hundred rupees only.

2. If the registered practitioner may get his. Name re-entered in the register by the Registrar on payment of additional fee of one hundred rupees within two months after the expiry of the period provided for renewal in sub rule (1).

#### **Change of address to be intimated to Registrar**

4. [Section 14(3) and (15)(1)]. (1) Every Registered Practitioner shall send to the Registrar immediate notice of any change in his address and shall also promptly answer all such enquires as may be made from him by the Registrar in regard thereto, in order that his correct address may be entered in the Register.

(2). A Registered Practitioner who changes his name shall immediately inform the Registrar about his changed name and shall satisfy the Registrar that he has already notified the fact of the change of his name in a newspaper having a wide circulation in the area in which he carries on his business and published in the leading newspaper in English and Hindi of that area. The Registrar shall, on being so satisfied, correct the Register accordingly. He shall also, on being required to do so by the registered practitioner, make necessary correction in the Registration Certificate.

#### **Entries in Register regarding further qualifications**

5. [Section 14 (4)(1)]. (1) A Registered Practitioner who obtains any further degrees, diploma's; certificates or other qualifications in Ayurvedic System or Unani System or other recognized medical degrees diplomas or certificates and is desirous of getting the same entered in the Register shall make an application to the Registrar about the same along with a fee of one hundred rupees. He shall also furnish along with his application the original degrees, diplomas or certificates, as the case may be, on the basis of which the entry in the Register is sought.

(2). If the Registrar, on receipt of the application under sub-rule (1) and after making such further enquiry as he may deem proper, is satisfied that the applicant is entitled to have entered in the Register the degrees, diplomas or certificates, as the case may be obtained by him, he shall do so. If he is not so satisfied he will giving appropriate causes for rejection:

Provided that no order rejecting any applications shall be passed without giving the applicant an opportunity of being heard.

(3). The application is not rejected may get his Registration Certificate amended from the Registrar on the basis of the entries made in the Register under sub-rule (2).

#### **Issue of duplicate Registration Certificate.**

6. [Sections 15 and 54(1)]. If a Registration Certificate is lost, destroyed or mutilated, the Registrar shall on being satisfied about the same, issue a duplicate Registration Certificate on the application of the practitioner in whose favor the certificate, which has been lost, destroyed or mutilated was issued. A fee of one hundred fifty rupees shall be paid by the registered practitioner for the issue of a duplicate Certificate.

### **Removal from Register**

7. [Under section 16 S: and 54(1)] When information reaches the office of the Council that a practitioner has been sentenced by a Criminal Court to imprisonment for such offence involving moral turpitude as been declared by the State Government under clause (a) of sub-section (1) of section 16 or has been guilty of professional misconduct or other infamous conduct, the Registrar shall make an abstract of such information and place the same before the Council for such action as the Council may like to take under the provisions of sub-section (1) of section 16.

Provided that the Council shall, before passing any order under sub-section (1) of section 16, give the practitioner concerned an opportunity of being heard.

### **Surrender of Registration Certificate**

8. [Section 14(5), 16(1) and 54(1)]. A Registered Practitioner whose name is removed from the Register by the Registrar under sub-section (5) of section 14 or by the Council under sub-section (1) of section 16 shall on receipt of an intimation of such removal forthwith surrender his Registration Certificate to the Registrar.

### **Re-entry of name practitioner removed under section 14 or 16.**

9. (1) [Section 14(5), 16(2) and 51(1)]. Any practitioner whose name is removed from the Register by the Registrar under sub-section (5) of section 14 or whose name has been prohibited to be entered in or is removed from the Register by the Council under sub-section (1) of section 16 and who is desirous of getting his name entered or re-entered, as the case may be, under the proviso to sub-section (5) of section 14 or under sub-section (2) of section 16, shall make an application addressed to the Chairman.

(2). Each such application shall be in writing stating the grounds on which the application is made and shall be accompanied by a fresh registration fee of twenty five rupees. It shall also be accompanied by a Certificate of two Registered Practitioners regarding the identity of the applicant.

### **Publication of List of Practitioners**

10. [Sections 26 and 54(1)]. (1) The list of practitioners referred to in sub-section (1) of section 26 shall be posted at a conspicuous place outside the office of the Council and the fact of its having been printed and so posted shall be given adequate publicity through such newspaper or newspapers having wide circulation in the State of Haryana, as the Council may decide.

(2). In the case of practitioners registered in Part II of the Register the list shall, instead of indicating the qualifications of a practitioner, indicate the system in which he is carrying on his practice.

### **Fees for supply of certified copies**

11. [Section 24 and 54(2) (i)]. (1) The fees for the supply of certified copies of any order passed by the Council or the Registrar or of any entry in the Register shall be charged at the rate of one hundred rupee:

Provided that if the applicant desires to have a copy urgently, he will have to pay double the amount of fees calculated as above subject to a minimum of two hundred rupees.

(2). In the case of urgent application the copy sought for shall be ready for the delivery to the applicant by the close of office hours of the day following that on which the application is made.

### **Appeals**

12. [Sections 18 and 54(2) (g)]. (1) Every appeal preferred to the Council under section 18 shall be addressed to the Chairman of the Council and shall be accompanied by a fee of:

(a). Two hundred rupees if it is an appeal against the order of the Registrar passed against the appellant;

(b). five hundred rupees if it is an appeal against the order of the Registrar passed against any person other than the appellant;

(2). Every appeal shall be deemed to have been duly presented if the same is sent by registered post, or is delivered personally or through an agent authorized in writing by the appellant, in the office of the Council.

(3). Every appeal shall be accompanied by a certified copy of the order appealed against and shall contain the following particulars:

(a) the date of the order against which the appeal is preferred;

(b) the grounds of appeal briefly but clearly set out.

(4). Every appeal shall be signed by the appellant and verified in the manner laid down in the Code of Civil Procedure, 1908, for the verification of grounds of appeal.

#### **Procedure of hearing appeals.**

13. [Sections 18 and 54 (2) (g)]. (1). If the appeal is not preferred in the manner laid down in the preceding rule or is not accompanied by the prescribed fee it shall be summarily rejected.

(2). If the appeal is not rejected under sub-rule (1) the Council shall decide the same after giving the appellant, and where the appeal is against the order of the Registrar passed in relation to any person other than the appellant, after giving such person an opportunity of being heard. Every decision of the Council shall be communicated to the Registrar who shall give effect to the same.

14. [Sections 14 (2) and 54 (2) (d)] Each part of the Register shall be further subdivided into the following two sections:-

Section A-containing the names of Registered Practitioners who follow the Ayurvedic System.

Section B-containing the names of Registered Practitioners who follow the Unani System.

#### **Particulars to be filled in Register**

15. [Sections 14(2) and 54(2) (d)] The Register shall show in respect of each Practitioner, the following particulars:-

(a). Registration Number.

(b). Full name, in case of married woman, her maiden name and full married name.

(c). Father's name.

(d). Date of birth.

(e). Address.

(f). Place or places and period or periods of training.

(g). Nature of qualifications and dates on which these qualifications were obtained in the case of practitioners registered in Part I of the Register.

(h). System in which practicing in the case of Practitioners Registered in Part II of the Register.

(i). Date of Registration (under this heading the date when new Registration number is allotted to a practitioner already registered under the East Punjab Ayurvedic and Unani Practitioners Act, 2008 B.K., shall be mentioned and in case of fresh registration the date when the name is entered in the Register shall be noted).

(j). Remarks.

#### **Verification**

16. [Sections 14 (2) and 54(2) (d)]. Each page of the Register shall be verified by the Registrar's signatures.

#### **Appointment of committees**

17. [S. 54 (1)] For consisting of minimum of three members of the Council as it may deem fit for carrying out the required function as may be assigned to it by the Council.

Provided that nothing in this rule shall be deemed to empower a Committee so appointed to exercise such functions as are specifically mentioned in the Act to be performed by the Council or any other authority.

**Seal of the Council.**

18. [Sections 3(2) and 54(1)]. The common seal referred to in sub-section (2) of section 3 shall be kept by the Registrar in his custody. It shall be affixed on each Registration Certificate which is issued under the provisions of these rules and on such other documents as the Chair-man may, by order, direct.

**Fees payable to members for attending meeting.**

19. [Section 22 and 54 (2) (h)] Each member shall be entitled to get an allowance as per government rates per day for attending a meeting of the Council or any Committee thereof which shall be paid in addition to the traveling allowance admissible to him under these rules.

**Traveling Allowance admissible to members**

20. [Sections 22 and 54 (2)(h)] For attending meetings of the Council or any Committee thereof the official members shall be paid traveling allowance in accordance with the provisions of the Punjab Traveling Allowance Rules as amended from time to time. Non-official members will be allowed T.A at first class railway fare but the allowance for incidental expenses will be paid to them at half the second class fare and if the line by which they travel does provide second class accommodation, 8 paise per mile.

[For the journey undertaken by road, non-official members will be allowed traveling allowance at the rates admissible to Class I Officers of the grade I, in accordance with the provisions of the Punjab Traveling Allowance Rules as amended from time to time].

**Deposit of Council's money in Bank.**

21. [Section 25]. The Council shall open an account in the state Bank of India [or the State Bank of Patiala] and all moneys received by it shall be deposited in the Bank subject to the provisions of rule 22.

**Receipt of money on behalf of Council.**

22. [Section 25 and (54)(1)]. All moneys payable to the Council shall be received on behalf of the Council by the Registrar or any other employee of the Council authorized by him in writing in this behalf, and shall be deposited in the Bank of the day following that on which these are received.

Provided that the Registrar may keep with him an amount not exceeding two thousand rupees as imprest money.

**Maintenance of Cash Book.**

23. [Section 54 (1)]. All moneys received or spent on behalf of the Council shall, without any reservation be brought to the accounts of the Council in the General Cash Book to be maintained in the form given in Appendix C under the direct supervision of the Registrar and in his absence under the supervision of an employee of the Council authorized by him in writing.

**Preparation of statement of income and expinditure**

24. [Sections 25 and 54 (1)]. (1) The Registrar shall in the month of July each year cause to be prepared a statement of the income and expenditure of the preceding financial year ending 31<sup>st</sup> March and draw the attention of the Council to such matters which appear to him necessary for being brought to the notice of the Council.

(2). The statement referred in sub-rule (1) shall be caused to be prepared by the Registrar under the direction of the Committee appointed by the Council for this purpose.

**Preparation of Estimate.**

25. [Section 25 and 54(1)]. The Registrar shall in the month of October, each year, or on such date as the Chairman may fix, cause to be prepared an estimate of the income and the expenditure of the Council for the year commencing on the 1<sup>st</sup> of April, of the next ensuing year and shall submit the same to the Council.

(2). The estimate shall make provision for the fulfillment of the liabilities of the Council and for effectually carrying out the purposes of the Act.

(3). The Council shall consider the estimates submitted to it under sub-rule (1) and may sanction the same without any alteration or subject to such alterations as it may deem fit.

#### **Preparation of Supplementary Estimate.**

26. [Section 25 and 54 (1)]. The Council may, at any time, during the year for which any estimate has been sanctioned cause a supplementary estimate to be prepared and submitted to it. Every such supplementary estimate shall be considered by the Council in the same manner as if it were an original annual estimate . No expenditure shall be incurred which is not duly provided in the estimate sanctioned under sub-rule (3) of rule 25 or in a supplementary estimate.

#### **Payment of bills.**

27. [Section 25 and 54(1)]. A bill or other voucher presented as a claim for money, shall be received and examined by the Registrar. If the claim be for an amount not exceeding two hundred rupees and the bill is in order, he shall pay the amount out of the permanent advance. If the claim be for an amount exceeding two hundred rupees payment shall not be made until it has been examined and passed by the Chairman.

#### **Refunds.**

28. [Section 25 and 54 (1)]. Amount received by the Council towards fees shall not be refunded under any circumstances. The amount thus received shall remain credited to the account of the Council:

Provided that any amount paid by a practitioner in excess of the prescribed fees shall be credited to the suspense account of the Council and may be refunded if claimed within a period of three years and if no claim for refund is made within the aforesaid period the amount shall be credited to the account of the Council.

#### **Operation of Council's Account**

29. [Section 25 and 54 (1)]. The accounts of the Council shall be operated upon by the Registrar and the Chairman and in the absence of the Chairman by the Registrar and the Vice-Chairman.

#### **Repeal**

30. [Sections 25 and 54 (1)]. The East Punjab Ayurvedic and Unani Practitioners Rules, 1949 and the Pepsu Ayurvedic and Unani Practitioners Rules, 1953, in so far as they relate to matters prescribed in these rules are hereby re-pealed;

Provided that the repeal shall not affect anything done or any action taken under the repealed rules which shall be deemed to have been done or taken under the corresponding provisions of these rules.

#### **APPENDIX A**

**[See rule 3 (1)]**

To

The Registrar,

Council of Indian Medicine, Haryana, Chandigarh

Application for Registration under section 15 of the Punjab Ayurvedic and Unani Practitioners Act, 1963.

Sir,

I am to request you to please register my name as an Ayurvedic/Unani Practitioner in Part I/II of the Register maintained under the Punjab Ayurvedic and Unani Practitioners Act, 1963. Necessary particulars concerning my case are given here below for your information and record.

.....

Dated 20.

Signature of the applicant.

*Note :-* All cuttings in the application form must be signed by the Applicant himself.

1. Name of the applicant

(in block letters)

2. (a) Married name if any

(to be filled in block letters by married women only).

3. Father's/husband's name

4. Place where practicing /will practice Village/Mohalla

Post office ,District ,Tehsil

Police Station

5. Date of birth

(Attach a copy of certificate in support of date of birth).

6. System in which practicing (Ayurvedic/Unani)

7. (a) Name and address of recognized Faculty/Council/University where studied.

(b) Period of Study in the institutions mentioned above

.....

(c) The name of examination passed

(d) Year in which passed

8. If studied privately, intimate:-

(a). (Name and address of Guru)

(b). Period of study

9. Period of practice, From

10. If Registered/Enlisted with any State Council?

(a). Registration/Enlistment number

(Enclose a copy of Certificate).

(b). Name of the State Council

11. (a) Two thousand five hundred rupees for making entry in the register, and one rupees for the issue of Registration Certificate have been sent,-*vide* money

order No. \_\_\_\_\_,date \_\_\_\_\_

(b). In case the fee is paid in cash please give official receipt No.

date \_\_\_\_\_

Notes:-

(1). The Registration fee may be sent by money order or may be given in cash to the Registrar, Council of Indian Medicine Haryana, Chandigarh

(2). The diploma/degree of the recognized institutions may be sent along with this application.

(3). Strike out the columns/words which are not applicable.

.....

Dated \_\_\_\_\_ 19. \_\_\_\_\_

Signature of the applicant

**AFFIDAVIT**

I, \_\_\_\_\_,son/daughter of shri \_\_\_\_\_  
resident of village \_\_\_\_\_,post office \_\_\_\_\_  
police station \_\_\_\_\_,tehsil \_\_\_\_\_  
district \_\_\_\_\_,and to practice at village/Mohalla \_\_\_\_\_  
\_\_\_\_\_post office \_\_\_\_\_  
police station \_\_\_\_\_,tehsil \_\_\_\_\_  
district \_\_\_\_\_,solemnly declare as follows

(a). That I have not been convicted and sentenced by Criminal Court to imprisonment for any offence involving moral turpitude.

(b). That I have not been adjudicated by a competent Court to be of un-sound mind.

(c). That I am not an undischarged insolvent.

(d). That my name has not been removed from the Register of Practitioner maintained by any State Council/Council of Parishad for Professional misconduct.

(e). That I have gone through the Punjab Ayurvedic and Unani Practioners Act, 1963 and rules framed there under. I promise to the abide by the provisions of the said Act and Rules.



I solemnly declare and affirm that the contents given in my application for registration and in paras (a) to (e) above are true and correct to the best of my knowledge and belief. I further declare on Oath that nothing relevant has been concealed.

.....

Dated \_\_\_\_\_, 19. \_\_\_\_\_ Signature of the applicant

*Note:-* The affidavit is to be attested by an Oath Commissioner or Magistrate First Class.

*Attested:-*

Signature of the Attesting authority

Name in full Block Letters.

Designation

Place

Date

*(To be filled in by the office)*

Registration application received on \_\_\_\_\_ Dairy No. \_\_\_\_\_

(a). Fees for making entry in the Register and for issuing certificate received on \_\_\_\_\_

.....  
Official receipt No. \_\_\_\_\_, dated \_\_\_\_\_

Cash Book page No. \_\_\_\_\_, Personal Ledger \_\_\_\_\_

Page No. \_\_\_\_\_

Signature of the Cashier \_\_\_\_\_

Signature of the Accountant \_\_\_\_\_

Order of the Registrar \_\_\_\_\_

Registration No. \_\_\_\_\_

Original Certificates scrutinized and returned on \_\_\_\_\_

Registration Certificate issued, -vide No. \_\_\_\_\_, dated \_\_\_\_\_

### **APPENDIX B**

[See rule 3(4)]

#### Registration Certificate

### **COUNCIL OF INDIAN MEDICINE HARYANA, CHANDIGARH**

I certify that Shri \_\_\_\_\_, son of \_\_\_\_\_

Shri \_\_\_\_\_, has been registered in Part \_\_\_\_\_

Of the Register maintained under the Punjab Ayurvedic and Unani Practitioners Act, 1963, as \_\_\_\_\_ on \_\_\_\_\_ at Chandigarh.

Qualifications \_\_\_\_\_

Date of birth \_\_\_\_\_

Address \_\_\_\_\_

.....  
*Notes:-*

(i). This certificate entitles the holder to practice within the State of Punjab only.

(ii). The certificate remains evidence of Registration only until the publication of the Printed Register for the year \_\_\_\_\_ 19. \_\_\_\_\_

Place of common seal. \_\_\_\_\_

Registrar.

### **IMPORTANT NOTICE**

Every registered practitioner should be careful to send to the Registrar immediate notice of any change in his address, and also to answer all enquiries that may be sent to him by the Registrar in regard thereto, in order that his correct address may be duly inserted in the Register. Otherwise under section 14(5) of the Punjab Ayurvedic and Unani Practitioners Act, 1963, the name of such practitioner is liable to be removed from the Register.

### **APPENDIX C**

(See rule 23)

### **COUNCIL OF INDIAN MEDICINE, HARYANA GENERAL CASH BOOK INCOME**

Month	Date	Folio.No Classified Abstract	Departmental Major, minor And detailed Heads and sub-head of Account	Particulars of Receipts and Name of the Persons from whom received	Number of Bank Receipt and date	Amount	Daily Total	Remmitt ance to Bank	Amount
1	2	3	4	5	6	7	8	No. and date of bank receipt	10

**The Council of Indian Medicine  
Haryana, Regulations 1976**

The 1976.

**No.:-** The following regulations made with the previous approval of the State Government, by the Council of Ayurvedic and Unani System of Medicine, Haryana, in exercise of the powers conferred by sub-section (1) of section 55 of the Punjab Ayurvedic and Unani Practitioners Act, 1963, are published as required by sub-section (2) of that section:-

**REGULATIONS**

**Short title & commencement**

1. These regulations may be called the Council of Indian Medicine, Haryana, Regulations 1976.

**Time and place at which the Council shall hold its meetings.**

2. The meeting of the Council shall ordinarily be held at Chandigarh twice a year in the month of April and October or on such dates as the Chairman may fix of which a notice of not than fifteen days shall be given.

3. The Chairman may, at any time Suo Motu and shall, on a written requisition signed by not less than three members of the Council, summon an extra-ordinary meeting of the Council of which a notice of not less than fifteen days shall be given.

Provided that in case of an emergency, the Chairman or in his absence, the Vice Chairman, may summon such a meeting of which a notice of at least three days shall be given.

4. All meetings of the Council shall be convened by the Registrar by a notice addressed to each member, stating the time and place of the meeting.

5. The notice convening any meeting shall declare the purpose of the meeting and it shall be stated therein whether general business or special business shall be transacted; Provided that at any meeting which is convened for special business, no other business than that specified in the notice shall be transacted, unless the Council, by a resolution of the meeting agrees to consider any further business.

6. Prior to any meeting of the Council, the Registrar shall, under the instructions of the Chairman, prepare a provisional programme of business, and shall furnish a copy thereof to each member of the Council not less same time forward to all members of the Council copies for disciplinary action to be brought before the Council in that meeting.

7. Notice of any motion to be include in the business for a meeting of the Council must be sent to the Registrar at least twelve days before the date fixed for the meeting.

8. (1) The Council may set up committees and sub-committees which shall consist of at least three members of the Council for various purpose to deal with the matters provided in the Punjab Ayurvedic and Unani Practitioners Act, 1963.

(2). The meetings of a committee or a sub-committee constituted under sub-regulation (1) above shall be convened by the Registrar, who shall act as Convener/Secretary of the committee or sub-committee as the case may be.

9. (1) A motion shall not be admitted:-

(a). if the matter to which it relates is not within the scope of the functions of the Council; or

(b). if it raises substantially the same question as a motion or amendment. Which had been moved and either decided or withdrawn with the leave of the Council within six months of the date of the meeting at which it is desired to move the new motion; or

(c). unless it is clearly and precisely expressed and raises substantially only one definite issues; or

(d). if it contains arguments, inference, irohical expressions or defamatory statements.

(2). The Chairman shall disallow any motion which in his opinion is inadmissible under sub-regulation (1) above:

Provided that if a motion can be rendered admissible by amendment, the Chairman may, in lieu of disallowing the motion, admit it in an amended form.

(3). When the Chairman disallow or amends a motion the Registrar shall inform the member who gave notice of the motion of the order of disallowance or, as the case may be, of the form in which the motion has been admitted.

10. The proceedings of the meeting of the Council shall be preserved in the form of printed or typed minutes which shall be authenticated after confirmation, by the Chairman.

11. A copy of the minutes of each meeting shall be sent to each member within thirty days of the meeting.

12. The minutes of each meeting shall, contain such motions and amendments as have been moved and adopted, and amendments as have been moved and adopted, or negatived, with the names of the mover and the secondary, but without any comment and without recording any observation made by any member at the meeting. Any walk out by a member or members as protest shall however be recorded in the minutes.

13. The minutes shall be deemed to have been confirmed if no objection to their correctness is received by the Registrar from any member within thirty days of the dispatch of a copy of the minutes to a member.

14. The minutes of the Council shall, as soon as is practicable, after their confirmation, be made up in sheets and paged consecutively for insertion in a volume, which shall be permanently preserved.