

# The Maharashtra Medical Practitioners Act, 1961

MAHARASHTRA

India

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### Act 28 of 1961

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The Maharashtra Medical Practitioners Act, 1961 Maharashtra Act No. 28 of 1961 For Statement of Objects and Reasons, see Maharashtra Government Gazette, 1960, Part V, pages 411-414; for Report of the Joint Committee, see Maharashtra Government Gazette, 1961, Part V, pages 288-327. [Received the assent of the President on the 10th day of June 1961, assent first published in the Maharashtra Government Gazette, Part IV, on the 20th day of June 1961.] An Act to regulate the qualifications and to provide for the registration of practitioners of the Ayurvedic, [Siddha] [The word 'Siddha' was inserted by Maharashtra 30 of 1979, Section 2.] and Unani Systems of Medicine, with a view to encourage the study and spread of such systems, and to make certain provisions relating to medical practitioners generally, in the State of Maharashtra; and for that purpose to consolidate and amend the law relating thereto. Whereas, it is expedient to regulate the qualifications and to provide for the registration of practitioners of the Ayurvedic, [Siddha] [The word 'Siddha' was inserted by Maharashtra 30 of 1979, Section 3.] and Unani Systems of Medicine, with a view to encourage the study and spread of such systems, and to make certain provisions relating to medical practitioners generally, in the State of Maharashtra; and for that purpose to consolidate and amend the law relating thereto.; It is hereby enacted in the Twelfth Year of the Republic of India as follows, namely:-

## Chapter I Preliminary

### 1. Short title, extent and commencement.

(1) This Act may be called the Maharashtra Medical Practitioners Act, 1961. (2) It extends to the whole of the State of Maharashtra. (3) The whole Act (except Chapter VI thereof) shall come into force on such [date] [23rd day of October 1961, vide G. N., U.D. & P.H.D., No. MMP. 1061-(a)/Unification, dated 21st October, 1961.] as the State Government may, by notification in the Official Gazette, appoint; and Chapter VI shall come into force on such other dates [being a subsequent date] [1st day

of November 1966, vide G.N., U.D. & P.H.D., No. MMP. 1164/51495-H, dated 1st September, 1966.] as that Government, by like notification, appoints.

## 2. Definitions.

(1) In this Act, unless the context otherwise requires, - (a) "appointed day" means the date on which the whole Act except Chapter VI thereof comes into force; (b) [\* \* \*] [Clauses (b) and (c) were deleted by Maharashtra 23 of 1982, Section 2(a) and (b), respectively.] (c) [\* \* \*] [Clauses (b) and (c) were deleted by Maharashtra 23 of 1982, Section 2(a) and (b), respectively.] (d) "by-law" means by-law made under section 31; (e) ["Council" means the Maharashtra Council of Indian Medicine established under section 3;] [These clauses were substituted for clause (e) by Maharashtra 23 of 1982, Section 2(c).] (f) "Director of Ayurved" means the Director of Ayurved, Maharashtra State; (fa) "Indian Medicine" means the system of Indian Medicine commonly known as Ashtang Ayurvedic or Siddha or Unani or Unani Tibb, whether supplemented or not by such modern advances as the Central Council from time to time by notification may declare under clause (e) of sub-section (1) of section 2 of the Indian Medicine Central Council Act, 1970; (g) [\* \* \*] [Clause (g) was deleted by Maharashtra 23 of 1982, Section 2(d).] (h) "Inspector" means an Inspector appointed by [the Council] [These words were substituted for the words 'the Faculty' by Maharashtra 23 of 1982, Section 2(e).] (i) [\* \* \*] [Clause (i) was deleted by Maharashtra 30 of 1979, section 4(b).] (j) "member" means a member of [the Council] [These words were substituted for the words 'the Board or the Faculty, as the case may be' by Maharashtra 23 of 1982, Section 2(f).] (k) "President" means the President of [the Council] [These words were substituted for the words the Board' by Maharashtra 23 of 1982, Section 2(g).] (l) "recognised institution" means any institution recognised under section 27; (m) "register", except in Chapter VI, means the register of practitioners prepared and maintained under section 17; (n) "registered practitioner" means a practitioner whose name is for the time being entered in the register; (o) "Registrar" means the Registrar appointed under section 16; (p) "rules" means rules made under section 30; (q) "Schedule" means the Schedule appended to this Act; (r) "State" means the State of Maharashtra; (s) ["Vice-President" means the Vice-President of the Council.] [Clause (s) was substituted for the original by Maharashtra 23 of 1982, Section 2(h).] (2) For the purposes of Chapter VI, a person shall be deemed to practice any system of medicine who holds himself out as being able to diagnose, treat, operate, or prescribe medicine or other remedy or to give medicine for any ailment, disease, injury, pain, deformity or physical condition or who, by any advertisement, demonstration, exhibition or teaching offers or undertakes, by any means or method whatsoever to diagnose, treat, operate or prescribe medicine or other remedy or to give medicine for any ailment, disease, injury, pain, deformity or physical condition: Provided that, a person who, - (i) mechanically fits or sells lenses, artificial eyes, limbs or other apparatus or appliances; or (ii) is engaged in the mechanical examination of eyes for the purpose of constructing or adjusting spectacles, eye-glasses or lenses; or (iii) practices physiotherapy or electrotherapy or chiripody or naturopathy or hydropathy or yogic healing or; (iv) without personal gain furnishes medical treatment or does domestic administration of family remedies; or (v) being registered under the Dentists Act, 1948, limits his practice to the art of dentistry; or (vi) being a nurse, midwife or health visitor registered or enlisted under the Bombay Nurses, Midwives and Health Visitors Act, 1954, or any other corresponding law for the time being in force in the State or a Dai attends on a case of labour, shall not be deemed to practise

medicine;Explanation. - In this sub-section, -(i)"advertisement" includes any word, letter, notice, circular, picture, illustration, model, sign, placard, board, or other document and any announcement made orally or by any means of producing or transmitting light sound, smoke or other audible or visible representation and(ii)"physio-therapy" means treatment of any ailment, disease, injury, pain, deformity or physical condition, by massage or other physical means, but does not include bone-setting.

## **Chapter II**

### **Constitution, Functions And Powers of [The Council] [These words were substituted for the words 'THE BOARD AND THE FACULTY' by Maharashtra 23 of 1982, Section 3.]**

#### **3. [ Establishment and incorporation of Council and dissolution of existing Board and Faculty; and Director to function as Administrator temporarily. [This section was substituted for the original, by Maharashtra 23 of 1982, Section 4.]**

(1)(a)On the date of commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1982, a Council to be called "the Maharashtra Council of Indian Medicine" shall be deemed to have been established.(b)The Council shall be a body corporate by the name aforesaid, and have perpetual succession and a common seal, with power to acquire, hold and dispose of property and to contract, and may by the said name sue and be sued.(2)Subject to the provisions of section 41, the existing Board and the Faculty shall stand dissolved on and with effect from the date of commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1982, and all the members of the aforesaid Board and Faculty shall vacate office.(3)Notwithstanding anything contained in this Act, on and with effect from the date of commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1982, the Director of Ayurved shall function as the Administrator, and he shall exercise all the powers and perform all the functions of the Council established under sub-section (1) during the period he holds the office of the Administrator under sub-section (4).(4)The term of office of the Administrator functioning under sub-section (3) shall expire on the day immediately preceding the date of publication under section 5 of the names of the members of the Council (including the President and the Vice President) nominated, or as the case may be, elected in accordance with the provisions of sections 3A and 4.]

#### **3A. [ Constitution of Council. [This section was inserted by Maharashtra 23 of 1982, Section 5.]**

(1)The Council shall consist of the following members, including the President and the Vice-President,-(a)the Director of Ayurved, ex-officio;(b)five members nominated by the State Government, out of whom two shall be practitioners in Ashtang Ayurvedic or Siddha system of Medicine and two shall be practitioners in Unani or Unani Tibb system of Medicine;(c)nine

members elected by registered practitioners as follows, that is to say, - (i) [eight members] elected by registered practitioners whose names are entered in Part I of register, from amongst themselves; (ii) [one member elected the registered practitioners whose names are entered in Part II and Part III of the register, from amongst themselves;] [Sub-clause (ii) was substituted by Maharashtra 21 of 1993, Section 2(b).] [\* \* \* \*] [Both the proviso were deleted by Maharashtra 21 of 1993, Section 2(c).] (d) [ (i) two members elected by the Principals or Heads of Colleges or institutions affiliated to or, as the case may be, recognised by any statutory university in the State of Maharashtra and which are imparting education in Indian Medicine for appearing at the examinations held by any such university, from amongst themselves; and [Clause (d) was substituted for the original by Maharashtra 24 of 1986, Section 2.] (ii) two members, elected by the Teachers (other than Principals or Heads) of such colleges or institutions, from amongst themselves, who are registered practitioners possessing any of the qualifications specified in the Schedule and for a period of not less than three years engaged in teaching in any of the systems of Indian Medicine in any such colleges or institutions; Provided that, the members to be elected under sub-clauses (i) and (ii) of this clause shall be persons other than those nominated or elected under the preceding clauses. ] (2) If at any election, the electors fail to elect the requisite number of members to the Council, the State Government shall nominate such registered practitioners as it deems fit, to fill the vacancies which remain unfilled after the election, and the practitioners so nominated shall be deemed to have been duly elected under sub-section (1). (3) The President and the Vice-President of the Council shall be elected by the members, from amongst themselves. ]

#### **4. [ Procedure for election of members, President and Vice-President. [This section was substituted for the original by Maharashtra 23 of 1982, Section 6.]**

(1) The election of members of the Council, under section 3, shall be held at such time, and at such place, and in such manner as may be prescribed by rules: Provided that, for the purpose of any election under clause (c) of sub-section (1) of section 3A, the list referred to in sub-section (1) of section 23 (including any addendum or corrigendum thereto duly printed and published) and for the time being in force on such date as the State Government may, by general or special order, notify in this behalf (being a date not earlier than 30 days from the date of issue of such order) shall be the electoral roll. (2) (a) Within seven days after the nomination and election of members under the foregoing provisions, a meeting shall be called for the election of the President and Vice-President on such date as the Director of Ayurved may fix. Such election shall be by ballot. (b) The meeting called under clause (a) shall be presided over by the Director of Ayurved, and he shall have the right to vote. The Director presiding over such meeting (hereinafter referred to in this section as "the Presiding Officer") may, for reasons recorded in writing which in his opinion are sufficient, refuse to adjourn such meeting, or as the case may be, adjourn such meeting. (c) If in the election of the President or Vice-President, there is an equality of votes, the result of the election shall be decided by lot to be drawn in the presence of the Presiding Officer, in such manner as he may determine. (d) In the event of a dispute arising as to the validity of the election of a President or Vice-President, the Presiding Officer may, within 30 days from the date of the election, refer the dispute to the State Government for decision. The decision of the State Government in such dispute shall be final and conclusive and shall not be questioned in any Court. ]

## 5. Term of office.

(1)The State Government shall, as soon as possible after the election held [in accordance with the provisions of sections 3A and 4] [These words were substituted for the words and figures 'under section 3 and 4' by Maharashtra 23 of 1982, Section 7(a)(i).], by notification in the Official Gazette, publish the names of the President, [the Vice-President and the members of the Council] [These words were substituted for the words 'the Chairman and the members of the Board and of the Faculty' by Maharashtra 23 of 1982, Section 7(a)(ii).](2)The President and the [Vice-President] [This words were substituted for the word 'Chairman' by Maharashtra 23 of 1982, Section 7(b).] shall hold office for such period as the State Government may specify in the notification published under sub-section (1), provided that, such period shall not exceed the term of office of such President or [Vice-President], [This words were substituted for the word 'Chairman' by Maharashtra 23 of 1982, Section 7(b).] as a member under sub-section(3). The term shall commence from the date of the notification published under sub-section (1).(3)[A member of the Council] [These words were substituted for the brackets, letter and words '(a) A member of the Board' by Maharashtra 23 of 1982, Section 7(c)(1).], whether elected or nominated, shall hold office for a period of five years commencing from the date of the notification published under sub-section (1).(b)[\* \* \*] [Clause (b) was deleted by Maharashtra 23 of 1982, Section 7(c)(ii).](4)The term of an outgoing President, [Vice President] [This word was substituted for the word 'Chairman' by Maharashtra 23 of 1982, Section 7(d).] or member shall notwithstanding anything contained in sub-section (2) or (3) be deemed to extend to and expire with the day immediately preceding the day on which the name of the successor of such President, [Vice-President] [This word was substituted for the word 'Chairman' by Maharashtra 23 of 1982, Section 7(d).] or member is published under sub-section (1).(5)An outgoing member shall be eligible for re-election or re-nomination.(6)Notwithstanding anything contained in sub-section (3), the State Government may, by notification in the Official Gazette, extend from time to time the term of office of the members of [the Council] [These words were substituted for the words 'the Board', by Maharashtra 23 of 1982, Section 7(e).] for a further period not exceeding [three years] [These words were substituted for the words 'two years' by Maharashtra 66 of 1981, Section 2.] in the aggregate.

## 6. Casual vacancies.

(1)Any casual vacancy, previous to the expiry of the term, in the office of the President or [the Vice-President] [These words were substituted for the words 'the Chairman' by Maharashtra 23 of 1982, Section 8(a).] or a member nominated by the State Government due to his death, resignation, removal, disability or disqualification or any other reason, shall be filled by nomination by the State Government.(2)Any such vacancy in the office of a member of [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 8(b).] elected by Registered practitioners, shall be filled by the State Government by nomination of a person from a panel of three registered practitioners recommended by [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 8(b).]:Provided that, if [the council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 8(b).] fails to make a recommendation under this sub-section, within such time as the State Government may fix, the State Government may appoint any registered practitioner to fill the vacancy.(3)[\* \* \*

\*) [Sub-Section (3) was deleted by Maharashtra 23 of 1982, Section 8(c).](4)Any person nominated under sub-section (1) or (2) [\* \* \* \*] [These word brackets and figure 'or elected under sub-section (3)' were deleted by Maharashtra 23 of 1982, Section 8(d).] to fill a vacancy shall, notwithstanding anything contained in section 5, hold office only so long as the person in whose place he is nominated or elected would have held office, if the vacancy had not occurred,

## 7. Resignation.

(1)An elected member may at any time resign his office by a notice in writing to the President [\* \* \* \*] [These words 'or the Chairman as the case may be' and the words 'the Chairman or' were deleted, by Maharashtra 23 of 1982, Section 9(a)(i) and (ii) respectively.] A nominated member may at any time resign his office by a notice in writing to the State Government. Such resignation shall take effect from the date on which the resignation is accepted by the President or [\* \* \* \*] [These words 'or the Chairman as the case may be' and the words 'the Chairman or' were deleted, by Maharashtra 23 of 1982, Section 9(a)(i) and (ii) respectively.] the State Government, as the case may be.(2)The President or [the Vice-President] [These words were substituted for the words 'the Chairman by Maharashtra 23 of 1982, Section 9(b).] may at any time resign his office by a notice in writing to the State Government, The resignation shall take effect from the date on which such resignation is accepted by the State Government.

## 8. Disqualification, disability and removal from office.

(1)No person-(a)who is an undischarged insolvent;(b)who has been adjudged to be of unsound mind by a competent court;(c)whose name has been removed from the register; or(d)who is full time officer or servant of [the Council] [These words were substituted for the words 'the Board or the Faculty' by Maharashtra 23 of 1982, Section 10(a).];shall be eligible to be elected or nominated as member.(2)If any member-(a)absent himself from three consecutive meetings of [the Council] [These words were substituted for the words 'the Board or the Faculty, as the case may be' by Maharashtra 23 of 1982, Section 10(b)(i)] without such reasons as may, in the opinion of the State Government in the case of the President and [the Vice-President] [These words were substituted for the words ' the Chairman' by Maharashtra 23 of 1982, Section 10(b)(ii)], and in the opinion of [the Council] [These words were substituted for the words 'the Board or the Faculty, as the case may be' by Maharashtra 23 of 1982, Section 10(b)(i)] in the case of any other member, be sufficient; or(b)becomes or is found to be, subject to any of the disqualifications specified in sub-section (1),the State Government shall declare his office to be vacant.(3)The State Government may, on the recommendation of [the Council] [These words were substituted for the words 'the Board or the Faculty, as the case may be,' by Maharashtra 23 of 1982, Section 10(c)(i).] supported by at least two-thirds of the whole number of members, remove any member elected or nominated under this Act, if such member has been guilty of misconduct in the discharge of his duties as a member, or of any disgraceful conduct, or has become incapable of performing his duties as a member:Provided that, no resolution recommending the removal of any member shall be passed by [the Council] [These words were substituted for the words 'the Board or the Faculty' by Maharashtra 23 of 1982, section 10(c)(ii).], unless the member to whom it relates has been given a reasonable opportunity of showing cause why such recommendation should not be made.(4)The State Government may

remove the President or [the Vice-President] [These words were substituted for the words 'the Chairman' by Maharashtra 23 of 1982, section 10(d).], if he has been guilty of misconduct in the discharge of his duties under this Act, or of any disgraceful conduct, or has become incapable of performing his duties as the President or, as the case may be, [the Vice-President] [These words were substituted for the words 'the Chairman' by Maharashtra 23 of 1982, section 10(d).]:Provided that, no such action shall be taken unless the President or, as the case may be, [the Vice-President] [These words were substituted for the words 'the Chairman' by Maharashtra 23 of 1982, Section 10(d).] is given a reasonable opportunity of showing cause why he should not be removed from office.

## **9. Meetings of the [Council] [These words were substituted for the words 'the Board and the Faculty' by Maharashtra 23 of 1982, Section 11(e),].**

(1)The meetings of [the Council] [These words were substituted for the words 'the Board or the Faculty' by Maharashtra 23 of 1982, Section 11(a).] shall be convened, held and conducted in such manner as may be prescribed by rules.(2)[ Save as otherwise provided in sub-section (2) of section 4, the president, when present, shall preside at every meeting of the Council. If at any meeting the President is absent, then 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.] [This sub-section was substituted for the original by Maharashtra 23 of 1982, Section 11(b).](3)All questions at a meeting of [the Council] [These words were substituted for the words 'the Board or the Faculty' by Maharashtra 23 of 1982, Section 11(c).], shall be decided by a majority of the votes of the members present and voting at the meeting.(4)The presiding authority at a meeting shall have and exercise a second or a casting vote, in case of an equality of votes.(5)[Eight members of the Council including the President and Vice-President] [These words were substituted for the portion beginning with the words 'Seven members' and ending with the words 'Chairman, as the case may be,' by Maharashtra 23 of 1982, Section 11(d)(i).] shall form a quorum. When a quorum is required but not present, the presiding authority shall adjourn the meeting to such hour on some future day as it may notify on the notice-board at the office of [the Council] [These words were substituted for the words 'the Board or the Faculty, as the case may be,' by Maharashtra 23 of 1982, Section 11(d)(ii).] 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.

## **10. Proceedings of meetings and validity of acts.**

(1)The proceedings of the discussion of every meeting of [the Council shall] [These words were substituted for the words 'the Board and the Faculty shall' by Maharashtra 23 of 1982, Section 12(a)(i).] be treated as confidential and no person shall, without the previous resolution of [the Council] [These words were substituted for the words 'the Board and the Faculty, as the case may be' by Maharashtra 23 of 1982, Section 12(a)(ii).] disclose any portion thereof:Provided that nothing in this section shall be deemed to prohibit any person from disclosing or publishing the text of any resolution adopted by [the Council] [These words were substituted for the words 'the Board as the case may be, Faculty,' by Maharashtra 23 of 1982, Section 12(a)(iii).], unless [the Council] [These

words were substituted for the words 'the Board as the case may be, Faculty,' by Maharashtra 23 of 1982, Section 12(a)(iii).] directs such resolution also to be treated as confidential.(2)No disqualification of or defect in the election, nomination or appointment of any person as a member or as the President or as [the Vice-President] [These words were substituted for the words 'the Chairman' by Maharashtra 23 of 1982, Section 12(b)(i).], or as a presiding authority of a meeting, shall of itself be deemed to vitiate any act or proceedings of [the Council] [These words were substituted for the words 'the Board, or as the case may be faculty' by Maharashtra 23 of 1982, Section 12(b)(ii).] in which such person has taken part, whenever the majority of persons, parties to such act or proceedings, were entitled to vote.(3)During any vacancy in [the Council] [These words were substituted for the words 'the Board or the Faculty' by Maharashtra 23 of 1982, Section 12(c).], the continuing members may act as if no vacancy had occurred:Provided that, the number of vacancies shall at any time not exceed six in number.

## **11. Fees and allowances [for meetings] [These words were substituted for the words 'to President, Chairman and members' by Maharashtra 23 of 1982, section 2(b).].**

- There shall be paid to the President, [the Vice-President] [These words were substituted for the words 'the Chairman' by Maharashtra 23 of 1982, Section 13(a).] and other members of [the Council] [These words were substituted for the words 'the Board and Faculty' by Maharashtra 23 of 1982, Section 13(b).], [and to the members of their committees and to the Chairman and members of the appellate authority referred to in sub-section (7) of section 17] [These words, brackets and figures were inserted by Maharashtra 19 of 1962, Section 2(a).] such fees and allowances for attendance at meetings, and such reasonable travelling allowances as shall from time to time be prescribed by rules.

## **12. Income and Expenditure of the [Council] [This word was substituted for the word 'Board' by Maharashtra 23 of 1982, Section 14(c).].**

(1)The income of [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 14(a)(i).] shall consist of-(a)fees received from practitioners;(a1)[ fees received from examinees; [These clauses were inserted by Maharashtra 23 of 1982, Section 14(a)(ii).](a2)any other fees collected by the Council;](b)grants received from the State Government, if any; and(c)[ donations and any other sums received by the Council.] [This clause was substituted for clause (c) by Maharashtra 23 of 1982, Section 14(a)(iii).](2)It shall be competent for [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 14(a)(i)] to incur expenditure for the following purposes, namely :-(a)salaries and allowances of the Registrar and the staff [including the Inspectors] [These words were inserted by Maharashtra 23 of 1982, Section 14(b)(ii).] maintained by [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 14(a)(i)];(b)fees and allowances paid to the members of [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 14(a)(i)], [or a committee [(including a board of studies)] [This portion was inserted by Maharashtra 19 of 1962, Section 3.] thereof or of the appellate



authority referred to in sub-section (7) of section 17];(b1)[ remuneration paid to paper setters, examiners, moderators and other persons appointed by the Council for the conduct of examinations; [These clauses were inserted by Maharashtra 23 of 1982, Section. 14(b)(iv).](b2)other expenses for the conduct of examinations;](c)such other expenses as are necessary for performing its duties and functions under this Act.

**13. [\* \* \* \*] [Section 13 was deleted by Maharashtra 23 of 1982, Section 15.]**

**14. Powers, duties and functions of [the Council] [This word was substituted for the word 'Board' by Maharashtra 23 of 1982, Section 16(d).].**

- Subject to such conditions as may be prescribed by or under the provisions of this Act, the powers, duties and functions of [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 16(a).] shall be-(a)[ to provide for registration of practitioners and to maintain the register;] [Clause (a) was substituted for the original by Maharashtra 30 of 1979, Section 5(d).](b)to hear and decide appeals from any decision of the Registrar;(c)to prescribe a code of ethics for regulating the professional conduct of registered [\* \* \* \*] [The words 'and enlisted.' Were deleted by Maharashtra 30 of 1979, Section 5(b).] practitioners;(d)to reprimand a registered [\* \* \*] [The words or an enlisted' were deleted by Maharashtra 30 of 1979, Section 5(c).] practitioner, or to suspend or remove him from the register [\* \* \* \*] [The words 'or the list, as the case may be' were deleted by Maharashtra 30 of 1979.] or to take such other disciplinary action against him as may, in the opinion of [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 16(b).], be necessary or expedient;(e)[ to hold examinations and to make all the necessary arrangements of such examinations; [These clauses were substituted for clause (e) by Maharashtra 23 of 1982, Section 16(c).](f)to conduct the courses of training which were, immediately before the date of commencement of Maharashtra Medical Practitioners (Amendment) Act, 1982, conducted by the Faculty and such other courses as the Central Council, prescribes by regulations made under clause (i) of section 36 of the Indian Medicine Central Council Act, 1970, leading to the examinations held by the Council, and to charge fees for such examinations;(g)to provide for post-graduate training;(h)to grant degrees, diplomas and marks of honour;(i)to award stipends, scholarships, medals, prizes and other rewards;(j)to recommend recognition of institutions for the purpose of giving instructions for the courses leading to the examinations held by the Council, or to recommend the cancellation of such recognition;(k)to recommend the inclusion of any degree, diploma, certificate or award in the Schedule or to recommend the removal of any degree, diploma, certificate or award from the Schedule;(l)to prepare, publish and prescribe text books, and to publish statements of prescribed courses of study;(m)to provide for the maintenance of an adequate standard of proficiency for the practice of the system of Indian Medicine;(n)to provide for research in the system of Indian Medicine;(o)to provide for the inspection of recognised institutions, and to require such institutions to furnish such information as may be necessary;(p)to provide for the inspection of any other institutions giving instructions for any of the qualifications included in the Schedule;(q)to appoint boards of studies and committees consisting of persons, who may or may not be members of the Council, but at least half of the number of such persons shall be medical practitioners registered under any of the laws mentioned in sub-section (1) of section 34, and to lay down the constitution, the duties and the

functions of such boards and committees;(r)subject to the approval of the State Government, to receive donations and to determine the conditions of acceptance of donations;(s)to exercise such other powers and perform such other duties and functions as are laid down in this Act, or may be prescribed by rules.]

**15. [\* \* \* \*] [Section 15 was deleted, Maharashtra 23 of 1982, Section 17.]**

**16. Registrar and other employees of [the Council] [These words were substituted for the words 'the Board and Faculty' by Maharashtra 23 of 1982, Section 18(f).].**

(1)The State Government shall, after consulting [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 18(a)(i).] appoint a Registrar, who shall be the Executive Officer of [the Council] [These words were substituted for the words 'the Board and the Faculty' by Maharashtra 23 of 1982, Section 18(a)(ii).]. The salary, allowances and other conditions of service of the Registrar shall be such as may be prescribed by the State Government.(2)[The Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 18(b).] may from time to time grant leave to the Registrar: Provided that, if the period of leave does not exceed two months, the leave may be granted by the President.(3)During any such temporary vacancy in the office of the Registrar due to leave or any other reason, [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 18(c).] may, with the previous sanction of the State 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 purposes of this Act;Provided that, when the period of such vacancy does not exceed two months, the appointment may be made by the President, who shall forthwith report such appointment to the State Government.(4)The State Government may, after consulting [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, section 18(d).] suspend, dismiss or remove any person appointed as the Registrar, or impose any other penalty upon him(5)[The Council] [These words were substituted for the words 'the Board and Faculty' by Maharashtra 23 of 1982, Section 18(e).] shall, from time to time, appoint such other officers and servants as it deems necessary for carrying out its duties and performing its functions under this Act:Provided that, the number and designations and the salaries, allowances and other conditions of service of such officers and servants shall be such as the State Government may from time to time determine.(6)The Registrar and any other officer or servant appointed under this section shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

**16A. [ Executive Committee of [Council] [Sections 16A and 16B were inserted by Maharashtra 19 of 1962, Section 5.].**

- The [Council] [This word was substituted for the word 'Board' by Maharashtra 23 of 1982. Section 19.] shall, as soon as may be, constitute an Executive Committee consisting of the President, ex-officio, and such number of other members, elected by the [Council] [This word was substituted for the word 'Board' by Maharashtra 23 of 1982. Section 19.] from amongst its members, as may be

prescribed by rules.(2)The term of office of, 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 by rules.(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 [Council] [This word was substituted for the word 'Board' by Maharashtra 23 of 1982. Section 19.] as may be delegated to it by rules or entrusted to it, from time to time, by the [Council] [This word was substituted for the word 'Board' by Maharashtra 23 of 1982. Section 19.].

**16B. [ \* \* \* \* ] [Section 16B was deleted by Maharashtra 23 of 1982, Section 20.] ]**

## **Chapter III**

**[Registration of Practitioners] [This heading was substituted for the original heading 'Registration and Enlistment' by Maharashtra 30 of 1979, Section 6.]**

### **17. Preparation of Register.**

(1)As soon as may be after the appointed day, the Registrar shall prepare and maintain thereafter a register of [practitioners of Indian Medicine] [These words were substituted for the words 'Ayurvedic and Unani Practitioners' by Maharashtra 23 of 1982, Section 21(a).] for the State, in accordance with the provisions of this Act.(2)The register shall be divided into [three parts,] [These words were substituted for the words 'two parts' by Maharashtra 30 of 1979, Section 7(a)(1)] namely:-(i)Part I containing the names of practitioners who possess any of the qualifications specified in the Schedule;(ii)[ Part II containing the names of practitioners, whose names were included in that part immediately before the 1st day of October 1976; [Clauses (ii) and (iii) were substituted for the original clause (ii) by Maharashtra 30 of 1979, Section 7(a)(ii)](iii)Part III containing the names of practitioners, who on the 30th day of September 1976 were enlisted practitioners and who are on that day deemed to have become registered practitioners under section 18.]Each part shall consist of one or more sections as the State Government may specify in this behalf.(3)Every person who possesses any of the qualifications specified in the Schedule shall, at any time on an application made in the form prescribed by rules, to the Registrar and on payment of [such fees as the State Government may, by notification in the Official Gazette, specify,] [Substituted 'a fee of five hundred rupees,' by Maharashtra Act No. 59 of 2018, dated 20.8.2018.] be entitled to have his name entered in the register.(3A)[ Notwithstanding anything contained in any law for the time being in force, every person enrolled on the register maintained under the Indian Medicine Central Council Act, 1970, but not enrolled on the register maintained under this Act, shall, on an application and on payment of the fee as provided in sub-section (3), be entitled to have his name entered in the register maintained under this Act.] [Sub-section (3A) was inserted by Maharashtra 30 of 1979, Section 7(b).](4)The name of every person who on the day immediately preceding the appointed day stood registered in any register kept under,-(a)the Bombay Medical Practitioners'

Act, 1938, as in force in the Bombay area of the State; or (b) the Central Provinces and Berar Ayurvedic and Unani Practitioners' Act, 1947, as in force in the Vidarbha region of the State; or (c) the Medical Act, as in force in the Hyderabad area of the State; shall be entered in the register prepared under this Act without such person being required to make an application or to pay any fee. (5) Any person, not being a person qualified for registration under sub-section (3) or (4), who proves to the satisfaction of the Committee appointed under sub-section (6), - (i) that he had been regularly practicing the Ayurvedic or the Unani system of medicine in the Vidarbha region or the Hyderabad area of the State, for a period of not less than ten years immediately before the 23rd day of November 1960; or (ii) that he was on the 4th day of November 1941 regularly practicing the Ayurvedic or the Unani system of medicine in the Bombay area of the State, but his name was not entered in the register maintained under the Bombay Medical Practitioners' Act, 1938; [or [Clause (iii) was inserted by Maharashtra 17 of 1965. Section 5(a)(i).] (iii) that his name had been entered in the list kept under section 18 of the Bombay Medical Practitioners' Act, 1938, by virtue of paragraph (ii) or (iii) of sub-section (1) of section 31C inserted in that Act by the Bombay Medical Practitioners' (Amendment) Act, 1949, and stood included, on the day immediately preceding the date of the commencement of the Maharashtra Medical Practitioners' (Amendment) Act, 1964, in the list maintained under this Act, by virtue of clause (a) of sub-section (2) of section 18,] shall, on an application made in the form prescribed by rules, accompanied by a fee of ten rupees and such documents as may be prescribed by rules, [on or before the 31st day of March 1965] [These words were substituted for the words 'within a period of two years from the appointed day' by Maharashtra 17 of 1965, Section 5(a)(ii).], be entitled to have his name entered in the register. (6) All applications for registration under sub-section (5) shall be considered by a Committee of three members of [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 21(c).] appointed by the State Government. The Committee shall make enquiry in such manner as may be prescribed by rules, [The Committee shall not entertain any further application from a person, if an application made by him under clause (i) or (ii) of sub-section (5) has already been decided by it.] [This portion was added by Maharashtra 17 of 1965, Section 5(b).] (7) [(a)] [This clause was renumbered and clause (b) was inserted by Maharashtra 17 of 1965, Section 5(c).] Any person aggrieved by the decision of the Committee appointed under sub-section (6) may, within a period of one month from the date on which such decision is communicated to him, on payment of a fee of five rupees, appeal to the appellate authority constituted by the State Government in this behalf. The appellate authority shall consist of a Chairman who has for at least seven years held judicial office not lower in rank than that of a District Judge, one member elected by [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 21(d).], and the Director of Ayurved shall be the ex-officio member. The decision of the appellate authority shall be final. (b) [Notwithstanding anything contained in clause (a) any person aggrieved by such decision of the Committee, who has not already appealed to the appellate authority aforesaid before the date of the commencement of the Maharashtra Medical Practitioners' (Amendment) Act, 1964, may, on or before the 31st day of March 1965, on payment of a like fee of five rupees, appeal to the appellate authority.] [This Clause was renumbered and clause (b) was inserted by Maharashtra 17 of 1965, Section 5(c)] (7A) [If on an application for registration made under clause (iii) of sub-section (5) or on appeal under sub-section (7), a person is found eligible for registration, then on his name being included in the register the entry of his name in the list shall be cancelled.] [Sub-section (7A) was inserted by Maharashtra 17 of 1965, Section 5(d).] (8) The register shall include the following

particulars, namely:-(a)the full name and residential address of the registered practitioner;(b)the date of his admission to the register maintained under this Act; and if he be a person who was registered on the day immediately preceding the appointed day, in a register kept under any of the Acts referred to in sub-section (4), the date of his admission to that register;(c)the qualification specified in the Schedule possessed by him, if any, and the date on which he obtained the qualification and the authority which conferred or granted it; and(d)such further particulars as may be prescribed by rules.(9)When the register is prepared in accordance with the foregoing provisions, the Registrar, shall publish a notice in the Official Gazette, and such newspapers as [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 21(e).] may select, about the register having been prepared, and the register shall come into force from the date of the publication of such notice in the Official Gazette.(10)(a)Every registered practitioner shall be given a certificate of registration in the form prescribed by rules. The registered practitioner shall display the certificate of registration in a conspicuous place in his dispensary, clinic or place of practice.(b)[ Such certificate shall be valid until it is duly cancelled and the name of the practitioner is removed from the register under the provisions of this Act; and every certificate of registration given before the commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1972 which is valid on such commencement shall, subject to the provisions of section 23A, be valid likewise, and shall continue, accordingly.] [Clause (b) was substituted by Maharashtra 5 of 1972, Section 2(b).](c)[ Where it is shown to the satisfaction of the Registrar that a certificate of registration has been defaced, lost or destroyed, the Registrar may, on payment of the prescribed fee, issue a duplicate certificate in such form as may be prescribed.] [Clause (c) was added by Maharashtra 21 of 1966, Section 2.]

## **18. [ Enlisted practitioners deemed to be registered practitioners on 30th September 1976. [Sections 18 and 18A were substituted for the original section 18 Maharashtra 30 of 1979, Section 8.]**

(1)Every person, who on the 30th day of September 1976, that is, the day immediately preceding the date of coming into force of section 17 of the Indian Medicine Central Council Act, 1970, was an enlisted practitioner under this Act, shall be deemed to have become a registered practitioner under this Act, on that day and to have become a person enrolled on the State Register for the purposes of the said section 17. His name shall be entered by the Registrar in the register maintained under this Act with effect from that day, without such person being required to make any application or to pay any fee.(2)Every person whose name is entered in the register under sub-section (1) shall be given a certificate of registration in the form prescribed by rules, on the payment of a fee of fifteen rupees.

## **18A. Provisional registration for practice.**

(1)If the courses of study to be undergone for obtaining any of the qualifications specified in the Schedule, include a period of training after a person has passed the qualifying examination, and before such qualification is conferred on him, any such person shall, on an application made to the Registrar, in the form prescribed by rules and on payment of [such fees as the State Government may, by notification in the Official Gazette, specify] [Substituted 'a fee of seventy-five rupees' by

Maharashtra Act No. 59 of 2018, dated 20.8.2018.], be granted a provisional registration in the register, in order to enable him to practise Ayurvedic or Unani system of medicine in an approved institution for the purpose of such training, and for no other purpose, for the period aforesaid.(2)Every person who is granted a provisional registration under sub-section (1) shall be given a certificate of provisional registration in the form prescribed by rules, which shall remain in force for such period as may be specified therein.]

## **19. Persons not entitled to registration [\* \* \*] [The words 'or enlistment' were deleted by Maharashtra 30 of 1979, Section 9(c).]**

- Notwithstanding anything contained in [section 17] [The words and figures 'section 17' were substituted for the words and figures 'section 17 and 18', by Maharashtra 30 of 1979, Section 9(a).] no person, whose name has been removed from any register [\* \*] [The words 'or list' were deleted by Maharashtra 30 of 1979, Section 9(b).] kept under-(i)The Bombay Medical Practitioners' Act, 1938, as in force in the Bombay area of the State;(ii)The Central Provinces and Berar Ayurvedic and Unani Practitioners' Act, 1947, as in force in the Vidarbha region of the State;(iii)The Medical Act, as in force in the Hyderabad area of the State;(iv)any other law for the time being in force in India or any part thereof regulating the registration of practitioners of medicine,for infamous conduct in a professional respect, shall be entitled to have his name entered in the register [\* \* \*] [The words 'or the list respectively' were deleted by Maharashtra 30 of 1979.] unless his name is duly restored to the register [\* \* \*] [The words 'or the list' were deleted by Maharashtra 30 of 1979.] from which it was so removed.

## **20. Removal of names from the register [\* \*] [The word 'list' was deleted by Maharashtra 30 of 1979, Section 10(c).]**

(1)If a registered practitioner has been, after due inquiry, held by the [Council] [This word was substituted for the word 'Board' by Maharashtra 23 of 1982, Section 22(a).] [(or the Executive Committee)] [These brackets and words were substituted for the brackets and words '(or a committee appointed by the Board for that purpose)' by Maharashtra 19 of 1962. Section 6(a).] in the manner prescribed by rules, found guilty of any misconduct by the [Council] [This word was substituted for the word 'Board' by Maharashtra 23 of 1982, Section 22(a).], the [Council] [This word was substituted for the word 'Board' by Maharashtra 23 of 1982, Section 22(a).] may-(a)issue a letter of 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 direction, or(ii)to be removed from the register permanently.Explanation. - For the purposes of this section, "misconduct" shall mean-(i)the conviction of a registered practitioner by a criminal court for an offence which involved moral turpitude, and which is cognizable within the meaning of [the Code of Criminal Procedure, 1973] [These words were substituted for the words 'the Code of Criminal Procedure, 1898' by Maharashtra 23 of 1982, Section 22(b).] [\*] [See now the Code of Criminal Procedure, 1972 (2 of 1974).]; or(ii)the conviction under the Army Act, 1950, of a registered practitioner subject to military law for an offence which is cognizable within the meaning of [the Code of Criminal Procedure, 1973] [These words were substituted for the words 'the Code of Criminal Procedure, 1898' by Maharashtra 23 of 1982,

Section 22(b).] [\*] [See now the Code of Criminal Procedure, 1972 (2 of 1974).]; or(iii)any conduct which, in the opinion of the [Council] [This word was substituted for the word 'Board' by Maharashtra 23 of 1982, Section 22(a).] is infamous in relation to medical profession particularly under any code of ethics prescribed by the Board.(2)If the name of any such practitioner is entered in-(a)[ the register maintained under the Maharashtra Medical Council Act, 1965;] [Clause (a) was substituted for the original, by Maharashtra 30 of 1979, Section 10(a).](b)the register or list maintained under the Bombay Homoeopathic and Biochemic Practitioners' Act, 1959 or any other law for the time being in force in relation to the qualifications and registration of Homoeopathic or Biochemic practitioners in any part of the State,it shall be the duty of the Registrar to give intimation of such removal to the authority entitled to maintain the said register or the said list.(3)If the name of a registered practitioner is also entered in the register or the list, as the case may be, maintained under any of the laws referred to in sub-section (2) and it is removed from the said register or the said list, the [Council] [[This word was substituted for.the word 'Board' by Maharashtra 23 of 1982,section 22(a).]] shall if such removal comes to its notice also remove his name from the register under this Act.(4)The [Council] [[This word was substituted for.the word 'Board' by Maharashtra 23 of 1982,section 22(a).]] may, on sufficient cause being shown, direct at, anyi subsequent date that the name of a practitioner removed under sub-section (1) or [(3)] [This was substituted for '(2)' by Maharashtra 5 of 1972, Section 3.] shall be re-entered in the register on such conditions and on the payment of such fees, as may be prescribed by rules.(5)The [Council] [[This word was substituted for.the word 'Board' by Maharashtra 23 of 1982,section 22(a).]] may of its own motion, or on the application of any person, after due and proper enquiry and after giving an opportunity to the person concerned of being heard, cancel or alter any entry in the register if in the opinion of the [Council] [[This word was substituted for.the word 'Board' by Maharashtra 23 of 1982,section 22(a).]] such entry was fraudulently or incorrectly made.(6)In holding any inquiry under this section, [the Council] [These words were substituted for the word 'the Board' by Maharashtra 23 of 1982, Section 22(a).] [or the Executive Committee] [These words were substituted for the word 'or a Committee appointed by the Board' by Maharashtra 19 of 1962, Section 6(b).] shall have the same powers as are vested in Civil Courts under the Code of Civil Procedure, 1908, 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.(7)All 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.(8)(a)For the purpose of advising [the Council] [These words were substituted for the word 'the Board' by Maharashtra 23 of 1982, Section 22(a)] [or the Executive Committee] [These words were substituted for the words 'or a Committee appointed by it' by Maharashtra 19 of 1962, Section 6(c)(1).] 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.-(i)an advocate enrolled under [the Advocates Act, 1962] [These words were substituted for the words and figures 'The Indian Bar Council Act, 1926, or' by Maharashtra 23 of 1982, Section 22(c).];(ii)an attorney of a High Court.(a)Where an assessor advises [the Council] [These words were substituted for the word 'the Board' by Maharashtra 23 of 1982, section 22(a).] [or the Executive Committee] [These words were substituted for the words 'or Committee', by Maharashtra 19 of 1962, Section 6(c)(ii).] 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, as to the inquiry who

appears thereat or if the advice is tendered after [the Council] [These words were substituted for the word 'the Board' by Maharashtra 23 of 1982, section 22(a).] [or the Executive Committee] [These words were substituted for the words 'or committee', by Maharashtra 19 of 1962, Section 6(c)(ii).] has begun to deliberate as to their 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 Council] [These words were substituted for the word 'the Board' by Maharashtra 23 of 1982, section 22(a).] [or the Executive Committee] [These words were substituted for the words 'or committee', by Maharashtra 19 of 1962, Section 6(c)(ii).] does not accept the advice of the assessor on any such question as aforesaid.(b)Any assessor under this section may be appointed either generally, or for any particular inquiry or class of inquiries, and shall be paid such remuneration as may be prescribed by the rules.(9)[\* \* \*] [Sub-section (9) was deleted by Maharashtra 30 of 1979, Section 10(b).]

## **21. Maintenance of register [\* \* \*] [The words 'and list' were deleted by Maharashtra 30 of 1979, Section 11(b).]**

(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 the certificates of registration [\* \* \*] [The words 'and renewal slip' were deleted by Maharashtra 5 of 1972, Section 4.] in accordance with the provisions of this Act, the rules made thereunder, and the orders of [the Council] [These words were substituted for the word 'the Board' by Maharashtra 23 of 1982, Section 23(a).](2)The names of registered practitioners who die or whose names are directed to be removed from the register under section 20 shall be removed therefrom.(3)Any person whose name is entered in the register and who subsequent to his registration obtains any additional qualification which is specified in the Schedule, or desires to record in the register any change in his name, shall on an application made in this behalf and on payment of such fee as may be prescribed by rules, be entitled to have an entry stating such additional qualification made against his name in the register or such change in his name recorded in the register, as the case may be:[Provided that, where a registered practitioner whose name is entered in Part II or Part III of the register makes an application for entry of such additional qualification which involves change of his registration from Part II, or as the case may be, Part III, to Part I of the register, such application shall be treated as an application for fresh registration, and it shall be accompanied by a fee of one hundred rupees. After the name of such registered practitioner is entered in Part I of the register the entry of his name made in any of the other Part of the register earlier shall be cancelled.] [This proviso was inserted by Maharashtra 23 of 1982, Section 23(b).](4)[\* \* \*] [Sub-section (4) was deleted by Maharashtra 30 of 1979, Section 11(a).]

## **22. [Renewal fee].**

Deleted by Maharashtra 5 of 1972, Section 5.

## **23. Publication of list of registered [\* \* \*] [The words 'and enlisted' were deleted by Maharashtra 30 of 1979, Section 12(b).] practitioners.**



(1) At such time after the publication of the notice under sub-section (9) of section 17 as [the Council] [These words were substituted for the words 'the Board' by Maharashtra 23 of 1982, Section 24(a).] deems fit, and thereafter at such intervals as may be prescribed by rules, the Registrar shall cause to be printed and published a correct medical list of all persons for the time being entered in the register. (2) Except in a year in which a list is published under sub-section (1), the Registrar shall cause to be printed and published annually on or before a date to be prescribed by rules, 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; and (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. (2A) [Notwithstanding anything contained in sub-section (2), when the election of members of [the Council] [Sub-section (2A) was inserted by Maharashtra 4 of 1959, Section 3] is to be held under [clause (c) of sub-section (b) of section 3A] [These words brackets, letters and figures were substituted for] the words, brackets, letters and figures 'clause (b) of sub-section (2) of section 3' by Maharashtra 23 of 1982, Section 24(b)(ii).] and any general or special order is issued by the State Government under the proviso to [sub-section (1) of section 4] [These words, brackets and figures were substituted for the words brackets and figures 'sub-section (5) of the said section 3' by Maharashtra 23 of 1982, Section 24(b)(iii).] the Registrar shall review the subsisting list and if necessary cause to be printed and published, on the date immediately preceding the date notified under the said proviso, an addendum and corrigendum to the said 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 by rules. (4) A copy of list referred to in sub-section (1) shall be 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. [Such certified copy may be issued by the Registrar on payment of such fee and in such form as may be prescribed] [These words were added by Maharashtra 21 of 1966. Section 3.] (5) [\* \* \*] [Sub-section (5) was deleted by Maharashtra 30 of 1979, Section 12(a).]

### **23A. [ Renewal of Registration. [Section 23A was inserted by Maharashtra 5 of 1972, Section 6.]**

- [(1) Notwithstanding anything contained in sections 17 and 23, (a) every registered practitioner who is holding a certificate of registration prior to such date, as the Council, by order published in the Official Gazette, specifies, shall within a period of three months from the specified date, apply in the prescribed form, with such renewal fee as the State Government may, by notification in the Official Gazette, specify, to the Registrar for the renewal of the registration. There shall be accompanied with such form a self-attested copy of the AADHAR card issued to him by the Unique Identification Authority of India ; (b) the registered practitioner who fails to apply for the renewal of his registration within the specified period may apply in the prescribed form along with such late fee

as the State Government may, by notification in the Official Gazette, specify, for renewal of the registration ;(c)every registered practitioner who has obtained the renewed certificate of registration under clause (a) or (b), shall be required to get the same renewed every five years thereafter, on payment of such renewal fees or late fees as the State Government may, by notification in the Official Gazette, specify :Provided that, such person shall, not less than two months prior to the date on which the registration period of five years from the renewal of the registration under clause (a) or (b) expires, make an application in the prescribed form with the requisite fees as specified under this clause, for the renewal of his certificate of registration ;(d)the Registrar shall on registration or renewal of the registration certificate also issue to such practitioner an identity card in such form containing such particulars, as may be prescribed.Explanation. - Nothing in clause (b) of this sub-section shall affect the liability of a practitioner, whether civil or criminal, incurred during the period commencing on the date of expiry of his registration and ending on the date of renewal of such registration.](2)[ (a) Any registered practitioner to whom a certificate of registration is issued before the 9th day of November 1972, and such certificate is still in operation, may, at any time, by an application in writing, accompanied by such certificate (in original) and a fee of five rupees, apply to the Registrar for issue of a fresh certificate of registration in lieu of the certificate issued earlier.(b)on receipt of such application, the Registrar shall cancel such certificate and issue a fresh certificate of registration in the form prescribed by rules made under sub-section (10) of section 17.] ]

## **24. No refund of fees.**

- Fees paid under section 17, 18, [18A,] [The figures and letter '18A' were inserted by Maharashtra 30 of 1979, Section 14] 20, 21 [and 23A] [This was substituted for 'and 22' by Maharashtra 5 of 1972, Section 7.] shall not be refunded.

## **25. [ Rights of registered practitioners to practice. [Section 25 was substituted for the original section by Maharashtra 30 of 1979, Section 15.]**

- 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 any words importing a person recognised by law as a medical practitioner or member of the medical profession or as having a right to practise any system of medicine shall, in all Acts of the State Legislature and in all Central Acts (in their application to the State of Maharashtra), in so far as such Acts relate to any matters specified in List II or List III in the Seventh Schedule to the Constitution of India, include a practitioner whose name is entered in any part of the register maintained under this Act, whether before or on or after the 1st day of October 1976, that is, the date of coming into force of section 17 of the Indian Medicine Central Council Act, 1970;(ii)it shall be lawful for every practitioner whose name is entered in any part of the register maintained under this Act to use. in full after his name the words "Registered Medical Practitioner", (iii)a certificate, required by any Act from a medical practitioner or medical officer, shall be valid if such certificate has been given and signed by a practitioner registered under Part I or Part II of the register maintained under this Act.]

## **Chapter IV**

### **Examinations Held By [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 26.], Courses of Studies, Recognition of Institutions And Recognition of Qualifications**

#### **26. Examinations held by [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 27(b).] and courses of studies.**

- [The Council] [These words were substituted for the word 'The Faculty' by Maharashtra 23 of 1982, Section 27(a).] shall by by-laws made under section 31 prescribe the examinations to be held by it, the qualifications for admission to such examinations, the courses of studies for such examinations (including the subjects of medicine, surgery, midwifery and gynaecology), the standard of passing, the degree, diploma, certificate or any other like award to be given to persons who pass the examinations, and such other matters in respect of such examinations as may be necessary or expedient.

#### **27. Recognition of institutions.**

(1) Every institution recognised under this section shall, subject to such conditions as may be prescribed by the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28.], be entitled to train students for the examinations of the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28.]. (2) Any institution desirous of recognition under this Act shall send an application to the Registrar, giving full information in respect of the following matters, namely:-(a) the constitution and personnel of the managing body; (b) subjects and courses in which it gives or proposes to give instruction, and the examination for which it seeks recognition; (c) accommodation, equipment and the number of students for whom provision has been or is proposed to be made; (d) the strength of the staff, their salaries, qualifications, and the research work carried out by them; (e) fees levied or proposed to be levied, and the financial provision made for capital expenditure on buildings and equipment and for continued maintenance and efficient working of the institution: Provided that, no application shall be entertained by the Registrar unless the institution agrees in writing to give all facilities to any Inspectors or visitors authorised by the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28] to make an inspection or enquiry or to attend any examination under sub-sections (3) to (9). (3) The Registrar shall place the application before the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28], and the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28] may direct the Registrar to call for any further information which it may deem necessary. The [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28.] may also direct a local inquiry to be made by a competent person or persons authorised by it in this behalf. (4) After recording the report of such local inquiry and after making such

further inquiry as may be necessary, the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28] shall forward the application together with its report, to the State Government with its recommendations. The State Government may thereupon grant or refuse the recognition, or may grant it subject to such conditions as it deems fit. The State Government shall not grant recognition to any institution which does not provide such facilities for clinical training as may be prescribed under the by-laws. The decision of the State Government shall be final.(5)It shall be the duty of the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28] to secure the maintenance of an adequate standard of proficiency in the subject of medicine, surgery, midwifery and gynaecology and for the practice to the Ayurvedic system of medicine or the Unani system of medicine, For the purpose of securing the maintenance of such standard, the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28] shall have authority to call on the governing body or authorities of any recognised institution to permit Inspectors or visitors appointed by the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28] in this behalf, who may or may not be members of the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28] to inspect the recognised institution and the hospitals attached to it, and to attend and be present at all or any of the examinations held by the institution. Every recognised institution shall comply with the directions issued by the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28] from time to time.(6)The Inspectors, or visitors shall not interfere with the conduct of any examination but it shall be their duty to report to the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28] their opinion as to the sufficiency or insufficiency of every examination which they attend, and any other matters in regard to such institution on which the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28] may require them to report.(7)Every recognised institution and every examination held by such institutions shall be inspected by the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28] through its Inspectors or visitors at least once in five years, and more frequently if the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28] so desires.(8)The [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28] shall forward a copy of every such report to the authorities of the institution in respect of which the report was made, and shall also forward a copy of such report, together with any observations made thereon by the said body, to the State Government.(9)An Inspector, or a visitor shall receive such remuneration to be paid as part of the expenses of the [Council] [This word was substituted for the word 'Faculty' by Maharashtra 23 of 1982, Section 28], as may be prescribed by rules.

## **28. Withdrawal of recognition of institutions.**

(1)If it appears to the State Government on the report of the [Council] [This word was substituted for the 'Faculty' by Maharashtra 23 of 1982, Section 29.] or otherwise that any recognised institution is not maintaining an adequate standard of training according to the requirements of the [Council] [This word was substituted for the 'Faculty' by Maharashtra 23 of 1982, Section 29.], the State Government may ask the [Council] [This word was substituted for the 'Faculty' by Maharashtra 23 of 1982, Section 29.] to direct the institution to take steps within such reasonable time as it may fix

to bring the training up to the required standard.(2)If the institution fails so to do within the stipulated time, the State Government may at any time withdraw the recognition granted to such institution.

## 29. Amendment of Schedule.

(1)If it shall appear to the State Government on the report of the [Council] [This word was substituted for the 'Faculty' by Maharashtra 23 of 1982, Section 30.] or otherwise that the course of study and examinations prescribed by any university, body or institution conferring a degree, diploma, certificate or any other like award not entered in the Schedule, is such as to secure the possession, by persons obtaining such degree, diploma, certificate or award of, the requisite knowledge and skill for the efficient practice of their profession, including the medicine, surgery, midwifery and gynaecology, it shall be lawful for the State Government from time to time by notification in the Official Gazette, to amend the Schedule and to direct the inclusion therein of any such degree, diploma, certificate or award subject to such conditions (if any) as may be specified in respect of any such degree, diploma, certificate or award.(2)Any university, body or institution desirous of having included in the Schedule, any degree, diploma, certificate or award in the Ayurvedic system of medicine or the Unani system of medicine conferred by it, may apply to the [Council] [This word was substituted for the 'Faculty' by Maharashtra 23 of 1982, Section 30. ] in the manner provided in sub-section (2) of section 27 and for the purposes of this section the [Council] [This word was substituted for the 'Faculty' by Maharashtra 23 of 1982, Section 30.] shall have all the powers specified in sub-section (3) to (9) of section 27 as if the university, body or institution had applied for recognition under section 27.(3)If it appears to the State Government on the report of the [Council] [This word was substituted for the 'Faculty' by Maharashtra 23 of 1982, Section 30.] or otherwise that the course of study or the examinations prescribed by any university, body or institution for any degree, diploma, certificate or award which is entered in the Schedule under this section, are such not as to secure the maintenance of an adequate standard of proficiency for the practice of the Ayurvedic system of medicine or the Unani system of medicine, as the case may be, including the practice' of medicine, surgery, midwifery and gynaecology it shall be lawful for the State Government at any time by notification in the Official Gazette, to direct the removal of any such degree, diploma, certificate or award from the Schedule:Provided that, no notification under sub-section (1) or this sub-section shall be issued by the State Government without first consulting the [Council] [This word was substituted for the 'Faculty' by Maharashtra 23 of 1982, Section 30.]:Provided further that, before making any recommendation to the State Government under this sub-section to remove any degree, diploma, certificate or award from the Schedule, the [Council] [This word was substituted for the 'Faculty' by Maharashtra 23 of 1982, Section 30.] shall require the university, body or institution to take such steps as may be directed by the [Council] [This word was substituted for the 'Faculty' by Maharashtra 23 of 1982, Section 30.] and within such reasonable time as the [Council] [This word was substituted for the 'Faculty' by Maharashtra 23 of 1982, Section 30.] may prescribe to bring the course of study or examination or such degree, diploma or award to the required standard.

## Chapter V

### Miscellaneous

#### 30. Rules.

(1)The State 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.(2)In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:-(a)the time and place at which and the manner in which election to [the Council] [This portion was substituted for the portion beginning with the words 'the Board and to the faculty' and ending with the words 'respectively' by Maharashtra 23 of 1982, Section 31(a).] shall be held under sub-section (1) of section 4];(b)the manner in which the meetings of [the Council] [These words were substituted for the words 'the Board and the Faculty' by Maharashtra 23 of 1982, Section 31(b).] shall be convened, held and conducted under sub-section (1) of section 9;(c)[ the fees and other allowances to be paid under section 11] [This clause was substituted for the original by Maharashtra 19 of 1962, Section 7(a).];(d)[ the powers duties and functions of the Council under clause (s) of section 14;] [This clause was substituted for the original by Maharashtra 23 of 1982, Section 31(c).](da)[ the number and term of office of, the manner of filling casual vacancies among, and the procedure to be followed by, the members of the Executive Committees, and the powers, duties and functions, of [the Council delegated to the Executive Committee under section 16A] [This clause was inserted by Maharashtra 19 of 1962, Section 7(b).];(e)any further particulars to be entered in the register [\* \* \*] [The words 'and the list' were deleted by Maharashtra 30 of 1979, Section 16(a).];(f)[ the forms of application for registration and provisional registration under sections 17 and 18A, and the documents to accompany such forms;] [Clause (f) was substituted for the original by Maharashtra 30 of 1979, Section 16(b).](g)the manner of making enquiry by the committee appointed under sub-section (6) of section 17;(h)the forms of certificate of registration [and provisional registration] [The words 'and provisional registration' were substituted for the words 'and enlistment' by Maharashtra 30 of 1979, Section 16(c).];(i)the manner of holding enquiry under section 20;(j)the conditions and the fees for re-entering the name of a practitioner removed under section 20;(k)the remuneration to be paid to the assessor under clause (c) of sub-section (8) of section 20;(l)the fees chargeable for the entry of additional qualifications or change of name under sub-section (3) of section 21;[\* \* \*] [Clauses (m) and (n) were deleted by Maharashtra 5 of 1972, Section 8.](o)the interval at which the medical list shall be published under sub-section (1) of section 23;(p)the forms of the medical list, the supplementary list, the particulars to be included therein and the manner of publication under sub-section (3) of section 23;(q)remuneration to be paid to an Inspector or visitor under sub-section (9) of Section 27;(r)any other matter which is to be or may be prescribed under this Act;(s)the furtherance of any of the objects of this Act.(3)[ Every rule made under this section shall be laid as soon as may be after it is made before each House of the State Legislature while it is in session for a total period of thirty days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that rule should not be made, and notify such decision in the Official Gazette, the rule shall from the date of publication of such notification have effect only in such modified form or

be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.] [Sub-section (3) was substituted by Maharashtra 17 of 1965, Section 8.]

### **31. Bye-laws.**

(1)The [Council] [This word was substituted for the word 'faculty' by Maharashtra 23 of 1982, Section 32.] may, with the previous sanction of the State Government, make by-laws, not inconsistent with the provisions of this Act or the rule made thereunder, for the following matters, namely:-(a)the examinations to be held by it;(b)the qualifications for admission to and the courses of studies for the examinations;(c)the standard of passing;(d)the degree, diploma, certificate or other like award to be conferred upon those who pass the examinations, and the manner of conferring such degree, diploma, certificate or award(e)the language in which the examinations shall be conducted;(f)the conditions of appointment of examiners, paper-setters, moderators and other persons appointed and fees to be paid to them, the conduct of examinations and the fees to be charged for the conduct of examinations;(g)the conditions for the recognition of teachers in recognized institution;(h)the number of students to be admitted to recognized institutions;(i)the language in which instructions shall be given in recognized institutions;(j)such other matters as may be necessary for the exercise of the powers and performance of duties and functions by the [Council] [This word was substituted for the word 'faculty' by Maharashtra 23 of 1982, Section 32.] under this Act.(2)The State Government on receiving the draft bye-laws may sanction or refuse to sanction the same, or sanction subject to such modifications as it may think fit or return them to the [Council] [This word was substituted for the word 'faculty' by Maharashtra 23 of 1982, Section 32.] for further consideration.(3)All by-laws when sanctioned, shall be published in the Official Gazette by the State Government.(4)The State Government may, by notification in the Official Gazette, cancel any by-law.

### **32. Control of State Government.**

- If at any time it appears to the State Government that [the Council] [These word were substituted for the words 'the Board or the 'Faculty' by Maharashtra 23 of 1982, Section 33(a)(i).] or its President [or Vice-President] [These words were substituted for the words 'or Chairman' by Maharashtra 23 of 1982, Section 33(a)(ii).] 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 otherwise ceased to function, or has become incapable of functioning, the State Government may, if it considers such failure, excess or abuse, to be of a serious character, notify the particulars thereof to the [Council] [These words were substituted for the words 'Board or Faculty ' by Maharashtra 23 of 1982, Section 33(a)(iii).] or the President [or the Vice-President] [These words were substituted for the words 'or the Chairman' by Maharashtra 23 of 1982, Section 33(a)(iv).] as the case may be. If [the Council] [These word were substituted for the words 'the Board or the Faculty' by Maharashtra 23 of 1982, Section 33(a)(i)] or the President [or the Vice-President] [These words were substituted for the words 'or the Chairman' by Maharashtra 23 of 1982, Section 33(a)(iv).] fails to remedy such failure, excess or abuse within such reasonable time as the State Government may fix in this behalf, the State Government may remove the President [or the Vice-President] [These words were substituted for the words 'or the

Chairman' by Maharashtra 23 of 1982, Section 33(a)(iv).], or dissolve [the Council] [These words were substituted for the words 'the Board or the Faculty, as the case may be, ' by Maharashtra 23 of 1982, Section 33(a)(v).] and cause all or any of the powers, duties and functions of [the Council] [These word were substituted for the words 'the Board or the Faculty' by Maharashtra 23 of 1982, section 33(a)(i).] to be exercised and performed by such persOns and for such period not exceeding [two years] [These words were substituted for the words 'one year' by Maharashtra '49 of 1973, Section 3.] as it may think fit, and shall take steps to constitute a [new Council] [These words were substituted for the words 'new Board or new Faculty, as the case may be,' by Maharashtra 23 of 1982, Section 33(a)(vi).].(2)Notwithstanding anything contained in this Act, or in the rules or by-laws, if at any time it appears to the State Government that [the Council] [These words were substituted for the words 'the Board of the Faculty' by Maharashtra 23 of 1982, Section 33(b)] or any other authority 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 State Government may cause any of such powers or functions to be exercised or performed by such person, in such manner and for such period not exceeding six months and subject to such conditions, as it thinks fit.

## Chapter VI

### General Provisions Applicable To All Medical Practitioners

#### **33. [ Prohibition of medical practice by persons not registered. [Section 33 was substituted for the original by Maharashtra 30 of 1979, Section 17.]**

(1)Notwithstanding anything contained in any law for the time being in force or in any judgment, decree or order of any Court, no person other than a medical practitioner whose name is entered in -(i)the register maintained under this Act; or(ii)the register or the list prepared and maintained under the Bombay Homoeopathic and Biochemic Practitioners' Act, 1959 or under any other law for the time being in force in relation to the qualifications and registration of Homoeopathic or Biochemic Practitioners in any part of the State; or(iii)the register prepared and maintained under the Maharashtra Medical Council Act, 1965; or(iv)the Indian Medical Register prepared and maintained under the Indian Medical Council Act, 1956.shall practice any system of medicine in the State:Provided that, the State Government may, by notification in the Official Gazette, direct that subject to such conditions as it may deem fit to impose and the payment of such fees as may be prescribed by rules, the provisions of this section shall not apply to any class of persons, or to any area, as may be specified in such notification.] [The original sub-section (2) was deleted by Maharashtra 30 of 1979, Section 13, and this sub-section (2) was inserted by Maharashtra 23 of 1982, Section 25(b).](2)[ Any person, who acts in contravention of any of the provisions of sub-section (1) shall, on conviction, [be punished,-(a)for the first offence, with rigorous imprisonment for a term which shall not be less than two years but which may extend to five years and with fine which shall not be less than thousand rupees but which may extend to ten thousand rupees; and(b)for a second or subsequent offence, with rigorous imprisonment for a term which may extend to ten years and with fine which may extend to twenty-five thousand rupees:]Provided that, when the contravention is continued after the order of conviction, a further fine which may extend to five hundred rupees, for each day of continuation of such contravention, may be imposed.]



[Sub-section (2) was substituted by Maharashtra 21 of 1993, Section 5.]

### **33A. [ Unregistered persons not to hold certain appointments. [Section 33A was inserted by Maharashtra 17 of 1965, Section 9.]**

(1)[Notwithstanding anything contained in any law for the time being in force,] no person, who is not a practitioner registered under any of the Acts referred to [in section 33] [These words and figure were substituted for the words 'in that section' by Maharashtra 21 of 1993, Section 6(a).], shall after the commencement of this Chapter, hold any appointment as,(a)physician, surgeon, or other medical officer, in any hospital, infirmary or dispensary not supported wholly by voluntary contribution;(b)medical officer of health of any local authority;(c)teacher in medicine, surgery or midwifery in any public institution.][Explanation. - For the purposes of this sub-section a practitioner registered under this Act shall not include a practitioner registered under Part III of the register maintained under this Act.] [This Explanation was inserted Maharashtra 30 of 1979, Section 18(b).](2)[ Any person, who contravenes the provisions of sub-section (1) shall, on conviction, [be punished,-(a)for the first offence, with rigorous imprisonment for a term which shall not be less than two years but which may extend to five years and with fine which shall not be less than two thousand rupees but which may extend to ten thousand rupees; and(b)for a second or subsequent offence, with rigorous imprisonment for a term which may extend to ten years and with fine which may extend to twenty-five thousand rupees:]Provided that, when the contravention is continued after the order of conviction, a further fine which may extend to five hundred rupees, for each day of continuation of such contravention, may be imposed.] [Sub-section (2) was substituted by Maharashtra 21 of 1993, Section 6(b).]

### **34. Registered practitioners competent to give valid certificates or expert evidence.**

(1)Notwithstanding anything in any law for the time being in force, a birth or death certificate, or a medical or fitness certificate, or any other certificate required by any law to be signed or authenticated by a duly qualified medical practitioner, shall be valid only if it has been signed or authenticated by a practitioner registered under-(i)[ Part I or Part II of the register maintained under this Act;] [Clause (i) was substituted for the original Maharashtra 30 of 1979, Section 19(a)(i).](ii)[ the Maharashtra Medical Council Act, 1965;] [Clause (ii) was substituted for the original Maharashtra 30 of 1979, Section 19(a)(ii).](iii)the Bombay Homoeopathic and Biochemical Act, 1959 or any other law for the time being in force in relation to the qualifications and registration of Homoeopathic or Biochemical practitioners in any part of the State; or(iv)the Indian Medical Council Act, 1956.(2)[Notwithstanding anything contained in any law for the time being in force, no person] [These word were substituted for the words 'No person ' by Maharashtra 30 of 1979, Section 19(b).] other than a practitioner registered under any of the laws specified in sub-section (1) shall be qualified to give evidence at any inquest or in any Court of law as an expert under section 45 of the Indian Evidence Act, 1872, on any matter relating to medicine, surgery or midwifery.

### **35. Conferring, granting or issuing colorable imitations of degrees, diplomas or licences to be an offence.**

(1)No person other than-(a)a University established by law;(b)the [Council] [This word was substituted for the word 'faculty' by Maharashtra 23 of 1982, Section 34.] constituted under this Act;(c)an authority specified or notified under the Indian Medical Degrees Act, 1916;(d)the Court of Examiners constituted under the Bombay Homoeopathic and Biochemical Practitioners Act, 1959 or any other body constituted under any other law for the time being in force in relation to the qualifications and registration of Homoeopathic or Biochemic Practitioners in any part of the State;(e)an authority empowered or recognized as competent, by the State Government, to confer, grant or issue any degree, diploma, licence, certificate or any other like award,shall confer, grant or issue or hold himself out as entitled to confer; grant or issue any degree, diploma, licences, certificate or any other like award which is identical with or is a colourable imitation of any degree, diploma, licence, certificate or award granted by a body or institution specified in clauses (a), (b), (c), (d) or (e) of this sub-section. [or which states or implies that the holder thereof is qualified to practice any system of medicine.] [These words were added by Maharashtra 21 of 1966, Section 4.](2)Any person who contravenes the provisions of sub-section (1), and if the person so contravening is an association, every member of such association who, knowingly or wilfully authorizes or permits the contravention shall, on conviction, be punished(i)for a first offence, with fine which may extend to one thousand rupees;(ii)for a subsequent offence, with imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both.

### **36. Prohibition against addition of any title, description, etc., to name of any person unless authorized to do so.**

(1)No person shall add to his name any title, description, letters or abbreviations which imply that he holds a degree, diploma, licence or certificate or any other like award as his qualification to practice any system of medicine unless-(a)he actually holds such degree, diploma, licence or certificate or any other like award; and(b)such degree, diploma, licence or certificate or any other like award,-(i)is recognized by any for the time being in force in India or in any part thereof, or(ii)has been conferred, granted or issued by a body or institution referred to in sub-section (1) of section 35, or(iii)has been recognized by the Medical Council of India, [or [The word 'or' and Clause (iv) were inserted by Maharashtra 30 of 1979, Section 20.](iv)has been recognized by the Central Council of Indian Medicine.](2)[ Any person, who contravenes the provisions of sub-section (1) shall, on conviction, be punished with rigorous imprisonment for a term which shall not be less than one year but which may extend to three years and with fine which shall not be less than one thousand rupees but which may extend to five thousand rupees; and when the contravention is a continuing one, with further fine which may extend to two hundred rupees for every day during which such contravention continues after conviction for the first such contravention.] [Sub-section (2) was substituted by Maharashtra 21 of 1993, Section 7.]

**37. [ Liberty to practise in rural areas. [[Section 37 was deleted by Maharashtra 40 of 2005 Section 2. w.e.f. 25.8.2005.**

Deleted section 37 reads as follows:-

**37. Liberty to practice in rural areas. - Notwithstanding anything contained in this Chapter, a person may practice medicine in any rural area-**

(i)if he has commenced practice in any village in the said area prior to a date on which a practitioner registered under the Bombay Medical Act, 1912, or under the Bombay Medical Practitioners' Act, 1938, (or any law corresponding thereto) or under the Bombay Homeopathic Act, 1951 (or other law in relation to the qualifications and registration of Homoeopathic or Biochemic Practitioners) for the time being in force, has commenced, and is in regular practice of medicine in that village, and(ii)so long as he continues to practice in that village as his principal place of practice.Explanation. - For the purposes of this section, 'rural area' means-(i)any local area in the Bombay area of the State, which was not within the limits of a municipal corporation, municipality, cantonment or notified area committee on the let day of March 1939; and(ii)any local area in rest of the State, which is not within the limits of a municipal corporation, municipality, municipal committee, town committee, cantonment or notified area committee on the date of passing of this Act,irrespective of any change in designation or description of such local area at a subsequent date.]]Deleted by Maharashtra 40 of 2005, Section 2, w.e.f. 25-8-2005]

**38. Cognizance of offences.**

- All offences under this Act shall be [cognizable and non-bailable] [These words were substituted for the word 'cognizable' by Maharashtra 9 of 2001, Section 4, w.e.f. 13.3.2001.]

**39. Indemnity to persons acting under the Act.**

- No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, or under the rules or by-laws made thereunder.

## **Chapter VII**

### **Repeal And Transitional Provisions**

**40. Repeal and saving.**

(1)Subject to the provisions of this Chapter, on the appointed day,-(a)The Bombay Medical Practitioners' Act, 1938, in its application to the Bombay area of the State;(b)The Central Provinces and Berar Ayurvedic and Unani Practitioners Act, 1947, in its application to the Vidarbha region of the State;(c)The Medical Act, in its application to the Hyderabad area of the State, shall stand

repealed.(2)Subject to the Provisions of sub-section (2) of section 44 all or any of the rules, by-laws, regulations, orders or any other instruments made or issued under any of the Acts repealed under sub-section (1), relating to any examinations held by any Faculty, Board or Medical Council or like body competent to hold such examinations under the said Acts, as the State Government may by order specify on the appointed day, shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to have been made or issued under and for the purposes of the relevant provisions of this Act and be in force accordingly, unless and until superseded by any rules or by-laws or other orders made under this Act. All other rules, by-laws, regulations, orders or any other instruments made or issued under the said Acts shall on and from the appointed day cease to be in force.(3)The register kept or maintained or deemed to be kept and maintained-(i)Under the Bombay Medical Practitioners' Act,1938, in its application to the Bombay area of the State; and(ii)under the Central Provinces and Berar Ayurvedic and Unani Practitioners Act, 1947, in its application to the Vidarbha region of the State, which are in force immediately before the appointed day, shall be deemed to be the register under this Act, until the register prepared under section 17 comes into force under sub-section (9) thereof.(4)The list kept or deemed to be kept under the Act repealed under clause (a) of sub-section (1) which is in force immediately before the appointed day, shall be deemed to be the list under this Act, until the list prepared under section 18 comes into force under sub-section (3) of section 18 read with sub-section (9) of section 17.(5)Any appointment, notification, notice, order or form made, issued or given under any of the Acts, repealed under sub-section (1) and subsisting immediately before the appointed day shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been made, issued or given under the relevant provisions of this Act, and be in force throughout the State accordingly, unless and until superseded by any appointment, notification, notice, order or form made, issued or given under this Act.

#### **41. [ Vesting of rights, duties etc. in the Council and saving. [This section was substituted for the original by Maharashtra 23 of 1982, Section 35.]**

- On and with effect from the date of commencement of the Maharashtra Medical Practitioners (Amendment) Act, 1982 (hereinafter in this section referred to as "the commencement date"), the following consequences shall ensue, that is to say,-(a)all rights of the Board and the Faculty dissolved under sub-section (2) of section 3 (hereinafter in this section referred to as "the dissolved Board and Faculty") shall on the commencement date vest in the Council established under sub-section (1) of section 3 (hereinafter referred to as "the Council");(b)all the property moveable or immovable which on the day immediately preceding the commencement date vested in the dissolved Board and Faculty shall, subject to all limitations and conditions as were in force on that day, vest in the Council;(c)all sums, due to the dissolved Board and Faculty on any account shall be recoverable by the Council, which shall be competent to take, any measure or institute any proceedings which it would have been open to the dissolved Board and Faculty to take or institute if the Maharashtra Medical Practitioners (Amendment) Act, 1982 had not come into operation;(d)all debts, liabilities and obligations incurred by or on behalf of the dissolved Board and Faculty, immediately before the commencement date and subsisting on the said day, shall be deemed to have been incurred by the Council in exercise of the powers conferred on it by or under this Act and shall continue in operation accordingly;(e)all proceedings and matters pending before any authority or

officer immediately before the commencement date shall be deemed to be transferred to and continued before the corresponding authority or officer under this Act as amended by the Maharashtra Medical Practitioners (Amendment) Act, 1982 competent to entertain such proceedings and matters;(f)all prosecutions instituted by or on behalf of or against the dissolved Board and Faculty and all suits and other legal proceedings instituted by or against the dissolved Board and Faculty or any officer or any such dissolved Board and Faculty on behalf of the dissolved Board and Faculty pending on the commencement date, shall be continued by or against the Council;(g)the Registrar and all officers and servants in the employment of the dissolved Board and Faculty immediately before the commencement date, shall be the Registrar, officers and servants employed by the Council and shall receive salaries and allowances and be subject to the conditions of service or retirement benefits which they were entitled to or subject to on the commencement date;Provided that-(i)the service rendered by such Registrar, officers and servants before the commencement date shall be deemed to be service rendered under the Council:(ii)if, in the opinion of the Council, the services of any officer or servant are not necessary as being surplus in view of the State Government sanctioning new pattern of staff with due reference to the volume of work of the Council, or are not suitable to the requirements of services under it, it may, with the previous approval of the State Government, discontinue the services of any such officer or servant and any officer or servant whose services are so discontinued shall be entitled to receive from the Council such leave, pension, gratuity or other benefits as he would have, if the Maharashtra Medical Practitioners (Amendment) Act, 1982 had not been enacted been entitled to receive on being invalidated out of service of the dissolved Board or Faculty and may receive such additional amount by way of compensation as the Council may with the sanction of the State Government determine;(h)any appointment, notification, notice, order, rule, bye-law, register, registration certificate, recognition or form held, made, issued, maintained or granted under this Act and subsisting and in force immediately before the commencement date shall, in so far as it is not inconsistent with the provisions of this Act as amended by the Maharashtra Medical Practitioners (Amendment) Act, 1982, continue to be in force, unless and until superseded by any appointment, notification, notice, order, rule, bye-law, register, registration certificate, recognition or form held, made, issued, maintained or granted under this Act as amended by the Maharashtra Medical Practitioners (Amendment) Act, 1982.]

**42. [ Dissolution of Faculty and constitution of new Faculty. [Sections 42, 43, 44, 45 and 46 of the Act were deleted by Maharashtra 23 of 1982, Section 36.]**

[Deleted.] ]

**43. [ Provision regarding Registrars. [Sections 42, 43, 44, 45 and 46 of the Act were deleted by Maharashtra 23 of 1982, Section 36.]**

[Deleted.] ]

**44. [ Provision regarding examination. [Deleted.] ] [Sections 42, 43, 44, 45 and 46 of the Act were deleted by Maharashtra 23 of 1982, Section 36.]**

**45. [ Provision regarding recognized institution. [Deleted.] ] [Sections 42, 43, 44, 45 and 46 of the Act were deleted by Maharashtra 23 of 1982, Section 36.]**

**46. [ Vesting of rights, duties etc. [Deleted.] ] [Sections 42, 43, 44, 45 and 46 of the Act were deleted by Maharashtra 23 of 1982, Section 36.]**

#### **47. Power to remove difficulty.**

If any difficulty arises in giving effect to the provisions of this Act [as amended by the Maharashtra Medical Practitioners (Amendment) Act, 1982, during the period of one year from the date of commencement of the said amendment (Act,] [These words were inserted by Maharashtra 32 of 1982, Section 37.] the State Government may as occasion requires, by order do anything which appears to it necessary or expedient for the purpose of removing the difficulty.

### **Schedule**

(See sections 15, 17, 21, 29 and 44)Qualifications the possession of which entitles a person to registration

### **Part A – Qualifications in the Ayurvedic System of Medicine with a course supplemented by modern advances with-**

(a)the Inter Science (B Group) examination as qualification for admission; or(b)the Matriculation or S.S.C. Examination or its equivalent Examination as qualification for admission, provided the course is of a duration of six or more years.

Serial No.	Authority	Qualification	Abbreviation for registration and conditions for registration, if any.
1.	2.	3.	4.
1.	Benaras Hindu University, Benaras	(1) Ayurvedacharya with Bachelor of Medicine and Surgery.	A.M.B.S. (Ben.), (This qualification shall be granted in or after 1952). A.M.S. (Ben.)

		(2) Ayurvedacharya with Medicine and Surgery	
		(3) Ayurvedacharya with Modern Medicine and Surgery.	A.M.M.S. (Ben.).
2.	University of Poona	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S. (Poona)
	Faculty of Ayurvedic and Unani Systems of Medicine, constituted under the Bombay Medical Practitioners Act, 1938[and after the 23rd October 1961, the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Maharashtra Practitioners Act, 1961.] [This portion was added by G.N., U.D. & P.H.D, No. MMP-1061-Unification, dated 29th January, 1962.]	Graduate of the Faculty of Ayurvedic Medicine.	G.F.A.M. (Bombay)
4.	College of Indigenous Medicine, Madras	Graduate of the College of Indigenous Medicine.	G.C.I.M. (Poona).
5.	Tilak Maharashtra Vidyapeeth, Poona	Ayurvediya-Parangat	A.V.P. (Poona).
6. [ [This entry was included by G.N., U.D. & P.H.D. No. BMP/1261/46587/H, dated 27th March, 1962.]	Faculty of Ayurvedic and Unani Systems of Medicine, Gujarat.	Graduate of the Faculty of Ayurvedic Medicine.	G.F.A.M. (Guj.).]
7. [ [Entries 7 to 9 were included by G.N., U.D. & P.H.D., No. MMP-1364/1964/19569-H, dated 28th March, 1964.]	University of Kerala	Bachelor in Ayurvedic Medicine	B.A.M. (Kerala)
8.	University of Gujarat	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S. (Guj.).

9.	University of Nagpur	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S. (Nag.)]  B.A.M.S. (Ravi) (This qualification shall be recognized onlywhen granted to students admitted by the University on or afterthe 1st day of June 1968).
10.	Ravishankar University, Raipur	Bachelor of Ayurvedic Medicine and Surgery (Ayurvedacharya).	
11.	Maharashtra Faculty of Ayurvedic and Unani Systems ofMedicine, Bombay.	Bachelor of Ayurvedic Medicine and Surgery	B.A.M.S. (Maharashtra Faculty)
12.	Marathwada University, Aurangabad.	Bachelor of Ayurvedic Medicine and Surgery	B.A.M. & S.
13.	Shivaji University, Kolhapur	Bachelor of Ayurvedic Medicine and Surgery	B.A.M. & S.
14.	University of Indore (Madhya Pradesh)	Ayurved Sankaya (Bachelor of Ayurved with Modern Medicine andSurgery.)	B.A. M.S.
15.	University of Jabalpur (Madhya Pradesh).	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S.
16.	University of Kanpur (Uttar Pradesh)	'Ayurvedacharya' Bachelor of Ayurved with Modern Medicine andSurgery.	B.A.M.S. (Kanpur)
17.	University of Sagar (Madhya Pradesh).	'Ayurvedacharya' Bachelor of Ayurved with Modern Medicine andSurgery.	B.A.M.S. (Sagar) (This qualification shall be recognized onlywhen



18.	Vikram University, Ujjain (Madhya Pradesh)	Bachelor of Ayurved with Modern Medicine and Surgery.	granted in or after 1972). B.A.M.S. (This qualification shall be recognized only when granted to students admitted by the University before 1971).
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**Part B – Qualifications in the Ayurvedic System of Medicine with course supplemented by modern advances with the Matriculation of S.S.C. Examination or its equivalent Examination as qualification for admission.**

Serial No.	Authority	Qualification	Abbreviation for registration and conditions for registration, if any.
1.	2.	3.	4.
1.	Faculty of Ayurvedic and Unani Systems of Medicine, constituted under the Bombay Medical Practitioners Act, 1938.	Ayurved Visharad	D.A.S.F. (Bombay)
2.	Vidarbha Board of Ayurvedic and Unani Systems of Medicine constituted under the Central Provinces and Berar Ayurvedic and Unani Practitioners' Act, 1947 (C.P. & Berar Act. IV of 1948) [and, on and after the 23rd October 1961, the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Maharashtra Medical	[Bachelor of Ayurved with Modern Medicine and Surgery Ayurvednayanacharya.] [These words were substituted by G.N., U.D., P.H. & H.D., No. MMP. 1168-H, dated 16th December, 1968.]	B.A., M.S (Vid).

	Practitioners Act, 1961.] [This portion was added by G.N., U.D. & P.H.D., No. MMP. 1061-Unification, dated 29th January, 1962.]		
3	Board of Indian Medicine, Hyderabad (Deccan), constituted under the Medical Act (Hyd.I of 1312 Fasli).	Ayurved Visharad of the Government Ayurvedic College, Hyderabad.	A.V.V. (Hyd.).
4.	Tilak Maharashtra Vidyapeeth, Poona	Ayurvedic Visharad	A.V.V. (Pune). (This qualification shall be recognized only when granted before 1944).
5.	Ayurved Mahavidyalaya, Ahmednagar.	Ayurvedteerth	A.T. (Nagar). (This qualification shall be recognized only when granted before 1942).
6.	Aryangla Vasidyak Mahavidyalaya, Satara.	Ayurved Visharad	A.V.V. (Satara). (This qualification shall be recognized only when granted before 1942).
7.	L.A.M. (Patan) (This qualification shall be recognized only when granted before 1942).	Ayurved-Shastra	L.A.M. (Patan) (This qualification shall be recognized only when granted before 1942).
8.	Gurukul University, Kangri	Ayurvedalankar	A.L. (Kang). (This qualification shall be recognized only when—
(a) granted after 1926 but before 1952; (b) granted after 1952 to students admitted by the University before June 1952).			
9.	Board of Examiners in Indian Medicine, Madras	Licenciate of Indian Medicine	L.I.M.. (Madras)
10.	The ad hoc Committee appointed by Bombay Government Resolution in Local Self-Government and	[Ayurved-Visharad (Graduate of College of Ayurvedic Medicine), Nanded.] [Substituted	[A.V.V.(G.C.A.M..) Nanded.] [Substituted by G.N., U.D., & P.H.D., No.

Public Health Department, by G.N., U.D., & ADR-4668/75920-H,  
No. AUC-48591 P.H.D., No. dated 20th May,  
73751/31474H, dated the ADR-4668/75920-H, 1969.]  
31st December 1959 [and, on dated 20th May, 1969.]  
and after the 23rd October  
1961, the  
Maharashtra Faculty of  
Ayurvedic and Unani  
Systems of Medicine  
constituted under the  
Maharashtra Medical  
Practitioners Act, 1961.]  
[This portion was added by  
G.N., U.D., & P.H.D., No.  
MMP-1061-Unification,  
dated 29th January, 1962.]

11. [ [Entries 11 to 15  
were included by G.N.,  
U.D., & P.H.D. No.  
MMP-1061/63024-H,  
dated 17th June, 1963.]

Board of Indian Medicine,  
U.P.

1. Bachelor of Indian  
Medicine and Surgery

B.I.M.S (U.P.)

2. Diploma of Indian  
Medicine and Surgery

D.I.M.S (U.P.)

12.

Government Ayurvedic  
College, Patna

Ayurvedacharya and  
Graduate of Ayurvedic  
Medicine and Surgery.

G.A.M.S, (Patna).

13.

Ayurvedic and Tibbi  
College, Delhi

1. Ayurvedacharya  
Dhanwantari.

.....

2. Bhishagacharya  
Dhanwantari

.....

14.

Government Ayurvedic  
School and College, Mysore

Licentiate of Ayurved  
Medicine and Surgery.

L.A.M.S. (Mysore).

15.

Faculty of Ayurvedic  
Medicine, Bengal

1. Member of the  
Ayurvedic State  
Faculty.

M.A.S. F. (Bengal).

2. Fellow of the  
Ayurvedic State  
Faculty.

F.A.S.F. (Bengal)]

16. [ [Entries 16 and 17  
were included by G.N.,  
U.D., & P.H.D., No.  
MMP-1364/19569-H,

University of Kerala

Diploma in Ayurvedic  
Medicine

D.A.M. (Kerala)

dated 28th March,  
1964.]

17.	Board of Indian Medicine, Uttar Pradesh	Ayurvedacharya Bachelor of Medicine and Surgery	A.M.B.S., U.P. (This qualification shall be recognized only when granted after 1956).]
18. [ [This entry is included by G.N., U.D., & H.D., No. MMP-1365/29551-H, dated 5th September, 1966.]	J.B. Ashtang Ayurvedic College, Calcutta.	Diploma of L.A.M.S. (Bhishagratna).	L.A.M.S. (Bhishagratna, Bengal. This qualification shall be recognized only when granted in or before 1942.)]
19. [ [This entry is added by G.N., U.D., P.H. & H.D. No. MMP-1165/77886-H, dated 1st December, 1967.]	Government Ayurvedic School Raipur.	Diploma of Licentiate Ayurvedic Practitioner (Bhishagwar)	L.A.P (Bhishagwar), Madhya Pradesh. (This qualification shall be recognised only when granted in or before 1958).] [M.F.A.M.. (Maharashtra)] [Substituted by G.N., U.D., P.H., & H.D., No.
20. [ [Added by G.N., U.D., P.H., & H.D., No. AVD-1267/47254-H, dated 24th December, 1967.]	Maharashtra Faculty of Ayurvedic and Unani System of Medicine, Bombay.	Member of the Faculty of Ayurvedic Medicine	AVD-1268/79281-H, dated 24th December, 1968.]
21. [ [Added by G.N., U.D., P.H., & H.D., No. MMP-1267/52101-H, dated 9th May, 1968.]	Board of Studies in Indian Medicines, Mysore, Bangalore.	Graduate Course of Integrated Medicines.	G.C.I.M. (Mysore). (This qualification shall be recognised only when granted upto 1967).] B.A.M.S. (Sagar) (This qualification shall be recognised only when granted to students admitted by the University before the 1st day of June 1964).
22.	University of Sagar	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S. (Sagar) (This qualification shall be recognised only when granted to students admitted by the University before the 1st day of June 1964).
23.	Ravishankar University, Raipur	Bachelor of Ayurvedic Medicine and Surgery.	B.A.M.S. (Ravi) (This qualification shall be recognised only when

24.	Dayanand Ayurvedic College	Vaidya Vachaspati	granted to students admitted by the University after the 31st day of May 1964 but before the 1st day of June 1968). V. V. (This qualification shall be recognised only when granted before 1947).
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**Part C – Qualifications in the Ayurvedic System of Medicine with the Matriculation or S.S.C. Examination or an equivalent Examination with Sanskrit, as qualification for admission.**

Serial No.	Authority	Qualification	Abbreviation for registration and conditions for registration, if any.
1.	2. The Committee for Shudha-Ayurvedic Course appointed under Bombay Government Resolution, in Local Self-Government and Public Health Department No. ADR-1253, dated the 17th September 1953 [and, on and after the 23rd October 1961, the Maharashtra Faculty of Ayurvedic and Unani systems of Medicine constituted under the Maharashtra Medical Practitioners Act, 1961.] [This portion was added by G.N., U.D., & P.H.D. No. MMP-1061-Unification, dated 29th January, 1962.]	3. Ayurvedic-Pravin, styled as such under Bombay Government Resolution in L.S.G. and P.H.D. No, BMP-1054-H, (Bombay) dated the 12th July 1956, granted in 1957 and thereafter.	4. D.S.A.C.
1.	2. [ [Added by G.N., U.D., P.H., & H.D., No. MMP 1368/44807 (a)-H, dated 11th November,	Ayurved Pravin	D.A.S.C. (Mysore)

1968.]

			D.S.A.C. (Gujarat) (This qualification shall berecognised only when granted upto April 1968).]
3.	Committee of Shuddha Ayurvedic Course, GujaratState, Ahmedabad.	Ayurved Pravin	D.A.M. (This qualification shall be recognisedonly when granted to students admitted prior to July 1968). D.A.M. (Kerala) (This qualification shall berecognised only when granted to students admitted in or beforeJuly 1968.)
4.	Board of Studies in Indian Medicine Bangalore(Karnataka).	Diploma in Ayurvedic Medicine	
5.	Government of Kerala	Diploma in Ayurvedic Medicine	
6.	University of Bombay (Maharashtra)	'Ayurvedacharya' Bachelor of Shuddha AyurvedicMedicine.	B.S.A.M.
7.	University of Poona (Maharashtra)	'Ayurvedacharya' Bachelor of ShuddhaAyurvedic Medicine.	B.S.A.M.
8.	Shivaji University, Kolhapur (Maharashtra)	'Ayurvedacharya' Bachelor of Shuddha AyurvedicMedicine.	B.S.A.M.
9.	Marathwada University, Aurangabad (Maharashtra)	'Ayurvedacharya' Bachelor of Shuddha AyurvedicMedicine.	B.S.A.M.

## Part D – Qualification in the Unani System of Medicine.

Serial No.	Authority granting the qualification	Qualification	Abbreviation for registration and conditions for registration, if any.
1.	2.	3.	4.
1.	Board of Examiners in Unani	Mahire-Tib-o-Jarahat	M.T.J. (Bombay). (This qualification shall be recognised only when granted in 1942 or 1943).
2.	Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Bombay Medical Practitioners' Act, 1938 (Bombay XXVI of 1938).	Mahire-Tib-o-Jarahat	D.U.S.F. (Bombay)
3.	Ayurvedic and Unani Tibbi College, Delhi.	(i) Fazil-e-Tib-o-Jarahat	F.T.J. (Del.)
(ii) Kamil-e-Tib-o-Jarahat	K.T.J. (Del.)		
4. [ [Entries 4 to 6 were included by G.N., U.D., & P.H. D. No. MMP-1061/6304-H, dated 17th June, 1963.]	Government Ayurvedic College, Mysore.	Licentiate of Unani Medicine and Surgery.	L.U.M.S. (Mysore).
5.	Board of Indian Medicine, Uttar Pradesh.	1. Bachelor of Indian Medicine and Surgery.	B.I.M.S. (U.P).
		2. Diploma in Indian medicine and Surgery.	D.I.M.S (U.P)
6.	Government Unani Tibbi College, Hyderabad.	Tabeeb-e-Mustanad.	D.I.M.S (U.P).]
7. [ [Entries 7 to 8 were included by G.N., U.D., & P.H. D. No. MMP-1364/19569-H, dated 28th March, 1964.]	Board of Indian Medicine, Uttar Pradesh.	Fazii-Ul-Tib, Bachelor of Medicine and Surgery.	F.M.B.S., U.P (This qualification shall be recognised only when granted after 1956).
8.	Muslim University, Aligarh.	Bachelor of Unani Medicine and Surgery.	B.U.M.S (Aligarh).]

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|----|----------------------|-----------------------|----------------|
| 9. | Maharashtra Faculty  |                       |                |
|    | of Ayurvedic and     | Diploma in Unani      | D.U.M.S.       |
|    | Unani System         | medicine and Surgery. | (Maharashtra). |
|    | of Medicine, Bombay. |                       |                |

[Part E [Part E was added by Maharashtra 30 of 1979, Section 21.] All qualifications specified in the Second, Third and Fourth Schedules to the Indian Medicine Central Council Act, 1970, other than those specified in parts A to D above.] Notifications G.N., L.L.D., P.H. & H. D., No. MMP. 1072/68025-H, dated 20th February, 1974 (M. G., Part IV-B, page 452) - In exercise of the powers conferred by sub-section (2) of section 1 of the Maharashtra Medical Practitioners (Amendment) Act, 1973 (Maharashtra XLIV of 1973), the Government of Maharashtra hereby appoints the 20th day of February 1974, to be the date on which the said Act, shall come into force. G.N., M.E. & D.D. No. CIM. 2000/CR-93/2000/ACT, dated 13th January, 2001 (M. G., Part IV-B, part 304), - In exercise of the powers conferred by sub-section (2) of section 1 of the Maharashtra Medical Practitioners (Amendment) Act, 2000 (Maharashtra IX of '2001), the Government of Maharashtra hereby appoints the 13th day of March 2001 to be the date on which the said Act, shall come into force. G.N., U.D. & P.H. D., No. MMP. 1061-(a)/Unification, dated 21st October, 1961 (M. G., Part IV-B, page 1014) - In exercise of the powers conferred by sub-section (3) of section 1 of the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961), the Government of Maharashtra hereby appoints the 23rd day of October 1961, to be the date on which the whole of the said Act, (except Chapter VI thereof) shall come into force. G.N., U.D. & P.H.D., No. MMP. 1164/51495-H, dated 1st September, 1966 (M. G., Part IV-B, page 1608) - In exercise of the powers conferred by sub-section (3) of section 1 of the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961), the Government of Maharashtra hereby appoints the 1st day of November 1966, to be the date on which Chapter VI of the said Act, shall come into force. G.N., U.D., P.H. & H. D., No. MMP. 1174/52104-H, dated 30th December, 1974 (M. G., 1975, Part IV-B, page 69) - In exercise of the powers conferred by sub-sections (1) and (2) of section 3 of the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961), the Government of Maharashtra hereby constitutes with effect from the 31st December 1974 "the Maharashtra Board of Ayurvedic and Unani Systems of Medicine" consisting of the members specified below and [Vaidya S. I. Nagral shall be the President of the said Board] [Added by G. N. of 13-9-1975].:-

Serial No. Name Address

Members nominated by the State Government.

## 1. to 5. [Not printed.]

Member elected by the Registered Practitioners

## 6. to 15. [Not printed.]

[Members elected by the Members of the Faculty] [Added by G. N. of 13-9-1975.] G.O., U.D., P.H. & H. D., No MMP. 1174/52104-H, dated 10th October 1974 (M. G., Part IV-B, page 1186) - In pursuance of the proviso to sub-section (5) of section 3 of the Maharashtra Medical Practitioners Act, 1961 (Mah XXVIII of 1961), and in supersession of Government Order, Urban Development,



Public Health and Housing Department, No. MMP. 1171/79266-(c)-H, dated 4th February 1972, the Government of Maharashtra hereby notifies the 11th day of November 1974, to be the date for the purposes of the proviso to sub-section (5) of the said section 3.G.N. M.E & D.D. No. CIM. 1587/450/CR-86/87/ACT, dated 16th March, 1998 (M.G., Part IV-B, page 1802) - Whereas for the purpose of electing members or the Maharashtra Council of Indian Medicine, General Elections are to be held under sub-clause (c) and (d) of sub-section (1) of section 3 A read with section 4 of the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961) (hereafter herein referred to as "the said Act").Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 3 A and section 4 of the said Act, read with sub-rule (3) of rule 5 of the Maharashtra Council of Indian Medicine (Election) Rules, 1967, the Government of Maharashtra hereby call upon,-(i)the Principals or Heads of Colleges or institutions affiliated to or, as the case may be, recognized by any statutory university in the State of Maharashtra and which are imparting education in Indian Medicine for appearing at the examination held by any such university and;(ii)the Teachers (other than Principals or Heads) of such colleges or institutions, to elect two members from each of these categories, on the Council, as required by clause (d) from amongst themselves who are registered practitioners possessing any of the qualifications specified in the Schedule to the Act and for a period of not less than three years engaged in teaching any of the systems of Indian Medicine in any such College or Institutions.G.N.M.E. & D.D. No. CIM. 1587/450/86/87/ACT, dated 29th January, 1997 (M.G., Part IV-B, page 603) - In exercise of the powers conferred by the proviso to sub-section (1) of section 4 of the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961), the Government of Maharashtra hereby notifies the 31st day of December 1996 to be the date for the purposes of the proviso to sub-section (1) of the said section 4.G.N.M.E & D.D. No. CIM. 1587/450/86/87/ACT, dated 2nd January, 1999 (M.G., Part IV-B, page 156) - In exercise of the powers conferred by the proviso to sub-section (1) of section 4 of the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961) and in supersession of the Government Notification, Medical Education and Drugs Department, No. CIM. 1587/ 450/86/87/ ACT, dated the 29th January 1997, the Government of Maharashtra hereby notifies the 31st day of December 1998 to be the date for the purposes of the proviso to sub-section (1) of the said section 4.G.N.M.E. & D.D. No. CIM.2005/502/CR-227/05/ACT, dated 30th December 2005 (M. G., Part IV-B, page 1192) - In exercise of the powers conferred by the proviso to sub-section (1) of section 4 of the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961), the Government of Maharashtra hereby notifies the 30th day of November 2005 to be the date for the purposes of the proviso to sub-section (1) of the said section 4.G.N., U.D., P.H. & H. D., No. MMP. 1174/52104-H, dated 30th December 1974 (M. G., Part IV-B, 1975 page 68) - In exercise of the powers conferred by sub-section (1) and (2) of section 4 of the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961), the Government of Maharashtra hereby constitutes with effect from the 31st December 1974 "the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine" consisting of the members specified below :-

Serial No. Name Address

Members nominated by the State Government

## **1. to 6. [Not printed.]**

Members elected by the Principals or the Heads of Recognised Institutions.

## **7. to 10. [Not printed.]**

Members elected by the teachers in Recognised Institutions.

## **11. to 16. [Not printed.]**

G.N.M.E. & D.D. No. CIM.2000/788/CR-165/01/2000/ACT, dated 23rd July, 2001 (M. G. Part IV-13, page 809) - Whereas, the Government of Maharashtra has constituted the Maharashtra Council of Indian Medicine under presidentship of Dr. Sunil Bandopant Patil under Notification No. CIM. 1587/CR-86/87/ACT, dated the 11th January 2000;And whereas, a reasonable opportunity of showing cause, as to why he should not be removed from office on account of various charges against him about misconduct in discharge of his duties as President, was given to Dr. Sunil Patil as per the proviso to sub-section (4) of section 8 of the Maharashtra Medical Practitioners Act, 1961; vide letter No. CIM. 2001/788/C.R. 165/01/Act, dated 23rd May 2001;And whereas, on receipt of his explanation, vide letter No. MCIM/Conf/10/ 2001, dated 4th June 2001 and letter No. MCIM/Conf/14/2001, dated 15th June 2001, it appears to Government that Dr. Sunil Patil has been guilty in discharge of his duties as President and also in violation of provisions under section 36 of the said Act;In exercise of powers conferred by sub-section (4) of section 8 of the Maharashtra Medical Practitioners Act, 1961 and all other powers enabling it in this behalf, the Government of Maharashtra hereby removes Dr. Sunil Patil from the Presidentship of the Maharashtra Council of Indian Medicine from 23rd day of July month of 2001, and declares that office to be vacant.G.N., U.D. & P.H. D., No. MMP. 1061-Unification, dated 29th January, 1962 (M. G., Part IV-8, page 200) - Whereas in pursuance of the provisions of sub-section (1) of section 44 of the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961) (hereinafter referred to as the "said Act"), the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine (hereinafter referred to as "the Faculty"), is making arrangement to hold examination for conferring the qualifications of-(a)"Graduate of the Faculty of Ayurvedic Medicine", (b)"Bachelor of Ayurvedic Medicine and Surgery", (c)"Ayurvedic Visharad of the Government Ayurvedic College, Nanded", and (d)"Ayurvedic Pravin styled as such under the Bombay Government Resolution in Local Self, Government and Public Health Department, No BMP. 1054-H, dated the 12th July 1956", specified in the Schedule to the said Act and conferring those qualifications on and after the coming into force of the said Act;Now, therefore, in exercise of the powers, conferred by sub-section (i) of section 29 of the said Act, the Government of Maharashtra hereby amends the said Schedule, as follows, namely:-In the said Schedule,-(i)in the table in PART A, in column 2, against entry 3, after the words and figures "Medical Practitioners' Act, 1938" the following shall be added, namely :-"and, on and after the 23rd October 1961, the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Maharashtra Medical Practitioners' Act, 1961";(ii)in the table in PART B, in column 2,-(a)against entry 2, after the brackets, letters, words and figures "(C. P. and Berar IV of 1948\_", the following shall be added, namely :-"and, on and after the 23rd October 1961, the Maharashtra Faculty of Ayurvedic and Unani Systems of Medicine constituted under the Maharashtra Medical

Practitioners Act, 1961, G.N.M.E. & O.D. No. CIM.1097/587/100/97-ACT, dated 27th May, 1997 (M. G., Part IV-B, page 1019) - Whereas, it appears to the Government of Maharashtra that the course of study and examination, prescribed by the North Maharashtra University, Jalgaon conferring a degree in Ayurvedic System of Medicine for examinations, not entered in the Schedule to the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961) (hereinafter referred to as "the said Act") is such as to secure the possession by persons obtaining such degree of the requisite knowledge and skill for the efficient practice of their profession; Now, therefore, in exercise of the powers conferred by sub-section (1) of section 29 of the said Act, the Government of Maharashtra hereby, - (a) directs that the possession of such degree shall, subject to the provisions of the said Act, entitle a person to be registered under Chapter III of the said Act; and (b) includes, after entry 19 in Part A-I of the Schedule to the said Act, the following entry, namely:-

"20	North Maharashtra University, Jalgaon	"Ayurvedacharya" Bachelor of Ayurvedic Medicine and Surgery	B.A. M.S."
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G.N., M.E. & D.D. No. CIM. 1097/1516/301/97/ACT, dated 18th March, 1998 (M. G., Part IV-B, page 1804) - Whereas, it appears to the Government of Maharashtra that the course of Study and examination, prescribed by the Nagpur University, Nagpur for the purposes of conferring a degree of Bachelor of Unani Medicine and Surgery, that is "Kamil-e-Tibb-o-Jarahat" in Unani Systems of Medicine for Examination not entered in the schedule to the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961) (hereinafter referred to as "the said Act"), is such as to secure the possession, by persons obtaining such degree, the requisite knowledge and skill for the efficient practice of their profession; Now, therefore, in exercise of the powers conferred by sub-section (1) of section 29 of the said Act, the Government of Maharashtra hereby - (a) directs that the possession of such degree shall, subject to the other provisions of registration of practitioners in the said Act, entitle a person to be registered his name in the register prepared and maintained under sub-section (3) of section 17, for the purposes of the said Act; and (b) includes, the said degree of the Nagpur University in Part-D of the Schedule to the said Act and for that purpose amend the Schedule as follows :- In the Schedule to the said Act, in Part-D, after entry 10, the following entry shall be inserted, namely :-

"11.	Nagpur University, Nagpur	Kamil-e-Tibb-o-Jarahat (Bachelor of Unani Medicine and Surgery).	B.U.M.S. (From 1996 onwards)".
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G.N., M.E. & D.D. No. CIM. 1096/CR-103/96/ACT, dated 12th May, 1999 (M. G., Part IV-B, page 2020) - Whereas, it appears to the Government of Maharashtra that the course of Study and examination, prescribed by the Mumbai University, Mumbai for the purposes of conferring a degree of Bachelor of Unani Medicine and Surgery, that is "Kamil-e-Tibb-o-Jarahat" in Unani Systems of Medicine for Examination not entered in the Schedule to the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961) (hereinafter referred to as "the said Act"), is such as to secure the possession, by persons obtaining such degree, the requisite knowledge and skill for the efficient practice of their profession; Now, therefore, in exercise of the powers conferred by sub-section (1) of section 29 of the said Act, the Government of Maharashtra hereby - (a) directs that the possession of such degree shall, subject to the other provisions of registration of practitioners in the said Act, entitle a person to be registered his name in the register prepared and maintained under sub-section (3) of section 17, for the purposes of the said Act; and (b) includes, the said degree of the Mumbai University in Part-D of the Schedule to the said Act and for that purpose amend the

Schedule as follows :-In the Schedule to the said Act, in Part-D, after entry 11, the following entry shall be inserted, namely :-

"12. Mumbai University, Kamil-e-Tibb-o-Jarahat (Bachelor of Unani B.U.M.S. (From 1984  
Mumbai Medicineand Surgery). onwards)".

G.N., M.E.& D.D.NO.CIM. 1094/CR-17/94/ACT, dated 28th June, 1999 (M. G., Part IV-B, page 1917) - Whereas, it appears to the Government of Maharashtra that the Course of study and examination, prescribed by the Government Resolution, Urban Development, Public Health and Housing Department No. DRG. 1165/79749/V, dated the 30th November 1967, for the purpose of conferring a certificate of Short Term Course in the Modern Scientific System of Medicine, is such as to secure the possession by persons obtaining such certificates of the requisite knowledge and skill for the efficient practice of their profession;And whereas the Government considers it expedient to include the said certificate in the Schedule for the persons obtaining such certificate for the efficient practice of their profession;Now, therefore, in exercise of the powers conferred by sub-section (1) of section 29 of the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961), the Government of Maharashtra hereby directs the inclusion of the D.S.A.C. (Bombay) with short term course certificate in Modern Scientific System of Medicine in Part B of the said schedule appended to the said Act and for the purpose amends the said schedule follows; namely, in the said Schedule in Part B after Sr. Number 24 the following shall be added namely:-

## Schedule 2

Serial No.	Authority	Qualification	Abbreviation for registration and conditionfor registration, if any
(1)	(2)	(3)	(4)
25	The Committee for Shuddh Ayurvedic Course appointedunder Bombay Government Resolution, in Local Self-Government andPublic Health Department, No. ADR. 1253, dated the 17th September1953 (and, on and after the 23rd October 1961, the MaharashtraFaculty of Ayurvedic and Unani Systems of Medicine constitutedunder Maharashtra Medical Practitioners Act, 1961) and aforesaidcourse introduced and conducted by the Government of Maharashtra in Urban Development the and Public Health and HousingDepartment.	Ayurved Pravin styled as such under BombayGovernment Resolution in L.S.G. and P.H.D. No. BMP. 1054-H, datedthe 12th July 1956, granted in 1957 and thereafter AND those ofwho have passed the Short Term Course Certificate in the ModernScientific System of Medicine (M.S.S.M.) prescribed by GovernmentResolution, in U.D.P.H. & H.D., No. DRG. 1165/79749/V, dated30th November 1967, introduced and conducted by the Government.	D.S.A.C. (Bombay) with Certificate in M.S.S.M.

G.N.M.E. & D.D. No. CIM. 1091/CR-179/91(Part V)/ACT, dated 25th November, 1992 (M. G. Part IV-B, page 420) - In exercise of the powers conferred by the proviso to section 33, read with clause (fa) of section 2 of the Maharashtra Medical Practitioners Act, 1961 (Maharashtra XXVIII of 1961) (hereinafter referred to as "the said Act"), the Government of Maharashtra hereby directs that the Ayurvedic Practitioners enrolled on the State Register of Practitioners of Indian Medicine holding qualification specified in Parts A, B and A-1 of the Schedule appended to the said Act, shall be eligible to practice the modern system of medicine which is known as allopathic system of medicine, to the extent of the training they received in the system.