

**THE UNITED PROVINCES [AYURVEDIC AND UNANI TIBBI SYSTEMS OF
MEDICINE]¹ ACT, 1939²
[U.P. Act No. X of 1939]**

Amended by
U.P. Act No. XII of 1955
U.P. Act No. VII of 1956
U.P. act No. VIII of 1957
U.P. Act No. XLII of 1958
U.P. Act No. XXXV of 1975

Adapted and modified by the Adaptation of Laws Order, 1950

[Received the assent of the Governor on September 12, 1939, under section 75 of the Government of India Act, 1935 and was published³ on September 23, 1939]

**AN
ACT**

To provide for the Development of the [Ayurvedic and Unani Tibbi Systems of medicine]¹ and to regulate their practice in the United provinces.

Where it is expedient to provide for the development of the [Ayurvedic and Unani Tibbi systems of medicine]¹ [and]⁴ to regulate the practice thereof [***]⁵,

It is hereby enacted as follows:

**PART I
PRELIMINARY**

- Short title, extent and commencement
1. (1) This may be called the [Ayurvedic and Unani Tibbi Systems of medicine]¹ Act, 1939.
 - (2) It extends⁶ to the whole of [Uttar Pradesh]⁷ except the Jaunsar-bawar Pargana of the Dehra Dun District and the portion of the Mirzapur District, south of the kaimur Range.

1- Subs. by s. 3(a) of U.P. Act no. VII of 1956.

2- For S.O.R, see Gaz, 1938, pt, VIII, P,1231.

3- See Gaz, 1939 pt, VIIA, pp. 27-36.

4- The word and substituted by s.2 (a) of U.P. Act VII of 1956.

5- Omitted by s. 2 (b) ibid.

6- This Act has been extended to the areas mentioned in column I of this table under the Act or Order mentioned in column 2 and enforced in such areas under notification, if any, mentioned in column 3 with effect from the date mentioned in column 4 against each such area.

Areas	Act or Order under which extended	Notification if any, under which enforced	Date from which enforced
1.Rampur District	Rampur (Application of Laws) Act, 1950.	No.108/XVII-345-49,jan. 19, 1952, in Gaz. 1952, pt I. p.70.	Jan. 26. 1952
2. Portion of Banaras District covered by erstwhile Banaras State.	Banaras (Application of Laws)Order, 1949.	No.106/XVII-204-50,jan. 19, 1952, in Gaz. 1952, pt I. p.70.	Ditto.
3.Tehri-Garhwal Districts.	Tehre-Garhwal, (Application of Laws) Order 1949.	No.107/2/XVII-344-49,jan. 19, 1952, in Gaz. 1952, pt I. p.70.	Ditto.

7- Subs. by the A.O. 1950 for (the United provinces.)

[The (Ayurvedic and Unani Tibbi Systems of medicine)¹ Act, 1939]

[Section 2]

- (3) Parts I and II of this Act shall come into force on such date¹ as the [State Government]³ may, by notification in the official Gazette, appoint. Part III shall come into force on such date after the expiry of one year from the date² on which Parts I and II come into force, as the [State Government]³ may notify under section 49.

PART II

- Definition 2. In this Act, unless there is anything repugnant in the subject or context,-
- (i) "Board" means the Board of [Ayurvedic and Unani Tibbi Systems of Medicine]⁴ [Uttar Pradesh]⁶ constituted under section 3;
 - (ii) "Indian system of medicine" means the Ayurvedic or the Unani Tibbi system of medicine, whether supplemented or not by such modern advances as the Board may from time to time have determined;
 - (iii) "President" means the President of the Board;
 - [(iii-a) "State Government" means the Government of Uttar Pradesh ;
 - (iii-b) "Faculty" means "Faculty of Ayurvedic. and Unani Tibbi systems of medicine" constituted under section 36-A;]⁴
 - (iv) "Member" means a member of the Board;
 - ["(iv-a) 'Para-medical course, means. a course of study approved by the Board for the training compounders, nurses and midwives in the Ayurvedic or Unani-Tibbi Systems of medicine and surgery;]⁵
 - (v) "Practitioner" means a practitioner of an [Ayurvedic and Unani Tibbi systems of medicine]⁴ ;
 - (vi) "Prescribed" means prescribed by rules framed by the [State Government]³ in accordance with the provisions of this Act;
 - (vii) "Register" means the register of Vaid and Hakims, maintained under section 25.
 - (viii) "Registered practitioner" means a practitioner whose name is for the time being entered in the register.

1- Parts I and II of this Act came in to force on Oct. I, 1946, set notification I no, 2414/V -94-46, dated June 12, 1946, in Gaz., dated June 15, 1946, Pt. I , Pt.219.

2- Sections 49, 53, 55 and 56 of Pt. III of the Act came into force with effect from March 1952 in the whole of Uttar Pradesh, excepting the territories of the erstwhile States of Banaras, Rampur, Tehri-Garhwal, and the erstwhile partially excluded areas for Jaunpur –Bawar in district Dehra Dun and the areas south of the Kaimur Range in Mirzapur district, see notification 3297-B I/V-1069-51, dated March 5, 1952 in Gaz, dated March 8, 1952, part ,I.P. 212.

3 - Subs. by the A. O. 1950 for [Prov. Govt.]

4- Add. by section 4 (a) of U. P. Act VII of 1956,

5 Add. by S. 2 of U. P. Act no. XXXV 1975.

6- Sub by the A. O. 1950 for [Provincial Government]

[The (Ayurvedic and Unani Tibbi Systems of medicine)¹ Act, 1939]

[Section 3-5]

- (ix) "Registrar" means the Registrar appointed under section 24,
- (x) "Vaidya" means a practitioner of Ayurvedic system of medicine [and Surgery.]¹
- (xi) "Hakim" means a practitioner of Unani Tibbi system of medicine and surgery.]¹
- (xii) [* * *]²
- (xiii) [* * *]²
- Establishment of the Board 3. (1) The [State Government]³ shall, by notification in the official Gazette, establish in the manner provided in sub-section (1) of section 5, a Board to be called the Board of Indian Medicine, [Uttar Pradesh]⁴ for the purpose of carrying out the provisions of this Act.
- Such Board shall be a body corporate and have perpetual succession and a common seal and may by the said name sue or be sued.
- Savings for acts done by the existing Board and its dissolution 4. (1) On the date the first Board is constituted under the provisions of this Act, the existing Board of Indian Medicine shall cease to exist and all its assets and liabilities shall devolve upon the Board so constituted.
- (2) All acts begun or completed by the Board of Indian medicine in existence on the date of constitution of the first Board shall, in so far as they relate to the functions allotted to the Board constituted under this Act, be deemed to have been begun or performed by the Board constituted under this Act, and such acts may be carried on and completed by or under the authority of the Board so constituted.
- ⁵[Constitution of the Board 5. (1) The Board shall consist of the following members including the President)-
- (i) a President to be nominated by the State Government;
- (ii) five members to be nominated by the State Government;
- [(iii) one member each from a University established by law in Uttar Pradesh and having a Faculty concerned with the Ayurvedic or Unani Tibbi Systems of medicine to be elected in the prescribed manner by such Faculty;
- (iv) two members representing Ayurvedic Educational Institutions of Uttar Pradesh to be elected, in the prescribed manner by the teachers of such Institutions as are affiliated to a University established by law in Uttar Pradesh;

1- The words (and surgery) add. by s. 4 (b) and (c) of U. P. Act VII of 1956.

2- Omit. by s. 4 (d) of U. P. Act VII of 1956.

3- Subs. by the A. O. 1950 for [Provincial Government].

4- Subs. by the A. O. 1950 for [United Provinces].

5- Subs. by section 5 of U. P. Act no. VII of 1956.

[The (Ayurvedic and Unani Tibbi Systems of medicine)¹ Act, 1939] [Section 6-9]

- (v) one member representing Unani Educational Institutions of Uttar Pradesh to be elected in the prescribed manner by the teachers of such institutions as are affiliated to a University established by law in Uttar Pradesh ;]¹
- (vi) nine members (six Vaidas and three Hakims) to be elected in the prescribed manner by the registered Vaidas and Hakims, respectively of Uttar Pradesh;

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

(2) The Board shall elect one of its members to be the Vice President]¹

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| Nomination of member in default of election | 6. | If any electoral body referred to in sub-section (1) of section 5 fails, by such date as may be prescribed to elect the requisite number of member or members which it is entitled to elect, the [State Government] ² shall fill up the vacancy or vacancies by nomination of a person or persons qualified to be elected by the particular electoral body concerned. |
| Disqualifications for membership | 7. | No person shall be qualified to be elected or nominated as a member of the Board- <ul style="list-style-type: none"> (a) who is an undercharged insolvent; (b) who has been adjudicated by a competent court to be insane or of unsound mind ; (c) who has been convicted of an offence declared by Government to involve moral turpitude; (d) whose name has been removed from the register; or (e) who is an employee of the Board or has directly or in-directly or by himself or a partner any share of the Board, unless in the latter case Government remove the disqualification. |
| Notification of elections, nominations and vacancies
[General election | 8. | Every election or nomination of a member or President of the Board and every vacancy in the office of member or President shall be notified in the official Gazette. |
|] | 9. | There shall be general election of members of the Board before the expiry of their term or extended term, as the case may be, under section 14, on such date or dates as the State Government may, by notification in the official Gazette appoint in that behalf.] ³ |

1. Subs by section 5 of U.P. Act No. 7, 1956.

2. Subs. by the A. O. 1950 for [Provincial Government).

3. Subs by S. 2 of U. P. Act 12, 1955.

[The (Ayurvedic and Unani Tibbi Systems of medicine)¹ Act, 1939]

[Section 10-10A]

Disabilities for continuing as member

10. (1) If any member, during the period for which he has been nominated or elected-
- (a) absents himself without sufficient cause from three consecutive ordinary meetings of the Board; or
 - (b) becomes subject to any of the disqualifications mentioned in section 7; or
 - (c) being a legal practitioner, appears in any suit or proceedings civil or criminal against the Board, or
 - (d) obtains any employment under the Board or has with-out the previous sanction of Government acquired directly or indirectly by himself or by a partner any share or interest in any contract, with, by or on behalf of the Board ;

the Board may remove him from membership:

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

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

[Power of the Government to appoint controller

- 10-A (1) Where the number of members of the Board for the time being is] for any reason whatsoever, reduced to less than the quorum provided in section 18, the State Government may, by notification, supersede the Board and appoint a Controller for such period not exceeding [four years]² as may be specified in the notification or up to the date of notification under sub-section (4), whichever is earlier.
- (2) Upon the appointment of the Controller under sub-section (1), --
- (a) all members of the board including the President and the Vice-President shall, cease to be such members, President or Vice-President;
 - (b) the advisory Committee, if any, appointed under sub-section (1) of section 17 shall stand dissolved;
 - (c) all members (including the Chairman) of the Faculty, except the Director of Ayurvedic and Unani Services, Uttar Pradesh shall cease to hold office and the Controller, together with the aforesaid Director shall constitute the Faculty;
 - (d) all powers, functions and duties of the Board, the President and the Vice-President shall be vested in and be exercised, performed and discharged by the Controller and the Controller shall be deemed to be the Board, the President or the Vice-President as the occasion may require.

1. Substituted by section 5 of U.P. Act No. 7 of 1956.

2. Substituted by section 2 of U.P. Act No. 10 of 1994.

[The (Ayurvedic and Unani Tibbi Systems of medicine)¹ Act, 1939]

[Section 11-14]

- (3) As soon as may be after the appointment of the Controller the State Government shall take steps to nominate a President and other members under clauses (1) and (2) of sub-section (1) of section 5 and to hold elections of members under clauses (3), (4), (5) and (6) of that sub-section.
- (4) As soon as the elections or nominations, as the case may be of at least such number of members as is required under section 18 for the quorum (including the President) are notified, the Board is reconstituted and thereupon the Controller shall cease to function.⁴
11. Power of the State Government to remove a member and President of the Board
11. Any member removed by the Board under the provisions of section 10, may within ninety days from the date of his removal, appeal to the [State Government]¹ and the order of the [State Government]¹ on any such appeal shall be final.
12. Resignation of a member or President
12. [(1) Any elected member may at any time resign his office by a letter addressed to the President. Such resignation after due verification shall take effect from the date on which it is accepted by the Board.
(2) A President or a member nominated under sub-section (1) of section 5 wishing to resign may tender his resignation to the State Government under intimation to the Board. Such resignation when accepted shall be published in the official Gazette and shall take effect from the date notified therein.]²
13. Filling of casual vacancies in the office of member or President
13. (1) If a member or President of the Board dies or resigns or from any cause whatsoever ceases to be a member or President as the case may be, the vacancy so created shall be filled by a fresh election as the case may be, within such period as may be prescribed.
(2) The term of a member or President elected or nominated to fill up the vacancy mentioned in sub-section (1) shall be the remainder of term of office of the member or President in whose place he has been so elected or appointed :
Provided that in the case of an elected member, if the vacancy is for a period of six months or less, the Board may direct that the vacancy be left unfilled until the next general election.
14. Term of office of a member
14. Save as otherwise provided in this part, the term of office of the President or a member of the Board shall be three years :
[Provided that the State Government may, by notification in the official Gazette extend, from time to time, the term of the President, and all members of the Board so, however, that the total extension does not in the aggregate exceed two years.]³

1. Subs by section 6 of U.P. Act No. 7, 1956
2. Subs. by the A. O. 1950 for [Provincial Government).
3. Subs by S. 7 of U. P. Act 7 1955.
4. Subs by S. 2 of U. P. Act 22, 1991.

[The (Ayurvedic and Unani Tibbi Systems of medicine)¹ Act, 1939]

[Section 15-18]

[***]¹[***]²

eligible for
renomination
or re-election
पदावरोही सदस्यों
को पुनः निर्वाचन
के लिए पात्रता

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

[***]³

16. No disqualification of, or defect in the election or nomination of any person acting as a member of the Board or as the President or presiding authority of a meeting shall be deemed to vitiate any act or proceedings of the Board in which such person has taken part, if the majority of persons who took part in such act or proceedings were duly qualified members of the Board.

Establishment
of Advisory
Committees

17. (1) The Board may, subject to the rules made by [State Government]⁴ for this purpose, by a resolution in that behalf, appoint an advisory committee which may consist of as many of its own members or outsiders co-opted for that purpose, or both, as It may decide, for any purpose it deems fit and may appoint a convener who shall preside over the meetings of such committee, In the absence of the convener, the committee may elect any of its members for this purpose.
- (2) All questions at a meeting of the Board shall be decided by the voice of the majority of the members present and voting at the meeting. In case of equality of votes, the member presiding, shall have in addition to his vote as a member of the Board a second or casting vote,
- (3) No business shall be transacted at any meeting of a committee when either less than two members or less than one fourth of the members constituting the committee, whichever is more, are present.

[Quorum for a
meeting of the
Board

18. The quorum of the Board shall be eight members but subject thereto the Board may act notwithstanding any vacancy in their number:

Provided that at an adjournment meeting all business postponed at the original meeting for want of quorum may be transacted if not less than five members are present.]⁵

1. Omit by S, 8 of U. P, Act XII of 1956.

2. Delete by item 3 (2) of the Second Schedule to U. P. Act XLII of 1956.

3. Delete by section 9 of U. P. Act of 1956.

4. Subs. by Section 3 (b) *ibid*.

5. Subs. by Section 10 of U. P. Act VII of 1956.

[The (Ayurvedic and Unani Tibbi Systems of medicine)¹ Act, 1939]

[Section 19-24]

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| Procedure at meetings of Board | 19. | <p>(1) The President or in his absence the Vice-President shall preside at every meeting of the Board. In the absence of both, the members present shall elect one among themselves for this purpose.</p> <p>(2) All questions at a meeting of the Board shall be decided by the voice of the majority of the members present and voting at the meeting. In case of equality of votes the member presiding, shall have in addition to his vote as a member of the Board a second or casting vote.</p> |
| Time and place of meeting of Board | 20. | <p>The Board shall meet at such time and place and every meeting of the Board shall be summoned in such manner as may be provided by the regulations :</p> <p style="padding-left: 40px;">Provided that until regulations are made, it shall be lawful for the President to summon a meeting of the Board at such time and place as he may deem expedient by a letter addressed to each member on a clear notice of fifteen days.</p> |
| Payment of expenses | 21. | [***] ¹ |
| | 22. | <p>(1) There shall be paid to the members of the Board such traveling and other expenses [***]² as may be prescribed.</p> <p>(2) No member shall receive any pay or special pay :</p> <p style="padding-left: 40px;">Provided that the President may receive pay, allowance or emoluments, sanctioned by Government according to prescribed rules.</p> |
| President's power of control | 23. | All officers and servants of the Board shall be under the direct control and supervision of the President and shall abide by his orders. |
| Registrar and other officers and servant of the Board | 24. | <p>(1) The Board shall, with the previous approval of Government, appoint a Registrar who shall be the Secretary to the Board.</p> <p style="padding-left: 40px;">The Registrar shall receive such salary and allowances as may be prescribed by rules. The President may from time to time grant him leave and may temporarily appoint a person to act in his place.</p> <p style="padding-left: 40px;">Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all purposes of this Act.</p> <p>(2) Any order of the Board, appointing, punishing or removing the Registrar from his office, shall be subject to the approval of the [State Government.]³</p> <p>(3) The Board may appoint such other officers and servants as may be necessary for carrying out the purposes of this Act :</p> |

1- Sub. by section 11 of U. P. Act VII of 1956.

2- Omit by section 12 *ibid*.

3- Subs. by adaption of laws order by 1950.

[The (Ayurvedic and Unani Tibbi Systems of medicine)¹ Act, 1939] [Section 25-26]

Provided that the number and designations of such officers and servants, their salaries and allowances, shall be subject to the previous approval of the [State Government :]¹

Provided also that the powers of the Board to punish, dismiss, discharge and remove any officer or servant of the Board, shall be subject any rules framed by the [State Government]¹ in this behalf.

- (4) All questions of pay, allowances, promotions, leave pension and provident fund relating to the staff, shall be governed by rule generally applicable to servant of the [State Government]² of similar status.
- (5) The registrar or 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.

Maintenance of register 25. The [Registrar]³ shall maintain a register or registers of Vaidyas [and]³, Hakim, Practicing in [Uttar Pradesh]⁴ in the prescribed form.

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

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

(3) The [State Government]¹ may that no. alteration in the entries in respect of additional qualifications shall be made unless such fee as may be prescribed is paid.

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

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

1 - Subs. by A. O. 1950 for [Provincial Government]

2- Subs. by section 3(b) of U. P. Act no. VII of 1956.

3- Subs. by section 13 of U. P. Act VII of 1956.

4- Subs. by A. O. 1950 for [The United Provinces].

[The (Ayurvedic and Unani Tibbi Systems of medicine)¹ Act, 1939]

[Section 27-29]

[Persons
entitled to be
registered

27. (1) Every person possessing the qualifications mentioned in the Schedule shall, subject to the provisions contained in or made under this Act and upon payment of such fees, whether in a lump sum or periodically, as may be prescribed, be entitled an application made to the Registrar, to have his name entered the Register. When the name of a person has been registered in accordance with the provision aforesaid he shall be granted a certificate in the prescribed form.
- (2) Any person aggrieved by the order of the Registrar refusing to enter his name in the register or to make any entry therein may, within ninety days of such refusal, appeal to the Board.
- (3) The appeal shall be heard and decided by the Board in the prescribed manner.
- (4) The Board may, on its own motion or on the application of any person, cancel or alter any entry in, the Register or order any entry in the register If in the opinion of the Board such an entry was fraudulently or incorrectly made or obtained, or an application was wrongly refused.]¹

Amendment of
Schedule

28. If the Board is satisfied- -----
- (a) that a title or degree granted or qualification certified by a University, Medical Corporation, Examining Body or the institutions in India is a sufficient guarantee that persons holding such a title or degree or qualification possess the knowledge or skill requisite for the efficient practice of [Ayurvedic or Unani Tibbi System of Medicine]², or
- (b) that such a title, degree or qualification is not sufficient guarantee as aforesaid, it may direct-
- (i) in the "case mentioned in clause (a), that the possession of such title, degree or qualification shall, subject to the provisions contained in. this Act, and on payment of such fee as may be prescribed . in this behalf, entitle,
- a person to have his name entered in the register of Vaidyas, Hakims as the case may be, or .
- (ii) in the-case mentioned in clause (b) that the possession of such title, degree or qualification shall not en title a person to have his name entered in such register; and the Schedule annexed hereto shall thereupon be deemed to have been altered accordingly.

Power of Board
to call for
information
from medical
institution

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

1. Subs. by section 14 of U. P. Act 7 of 1956.

2. Subs by section 15 ibid.

[The (Ayurvedic and Unani Tibbi Systems of medicine) Act, 1939]

[Section 30-32]

- (a) to furnish such reports, returns or other information as the Board may require to enable it to judge of the efficiency of the instruction given therein in medicine, surgery or midwifery; and
- (b) to provide facilities to enable a member of the Board, deputed by the Board in this behalf to be present at the examinations held by such Medical Corporation, examining body or other Institutions.
- Information required of applicants for registration
30. Every person who applies to have his name entered In the register of Vaidyas or Hakims, must satisfy the Registrar that he is possessed of some degree, title or qualification specified in the Schedule; and he must inform the Registrar of the date on which he obtained the degree, title or qualification which entitles to claim registration under this Act, and shall furnish any other information required by the Registrar in order to enable him to discharge his duties under this Act.
- Powers of Board to prohibit entry in or to direct removal from the register etc.
31. (1) The Board may prohibit the entry, in, or order the removal from, the register of the name of any Vaidya or Hakim-
- (a) who has been sentenced by a Criminal Court [* * *]¹ to imprisonment for an offence declared by [State Government]² to involve such moral turpitude as would render the entry or continuance of his name in the register undesirable, or
- (b) whom the Board or a Committee specially authorized for the purpose after inquiry at which opportunity has been given to him to be heard in his defence and to appear either in person or by counsel, vakil, pleader or attorney, and which any in the direction of the Board, be held in camera has found guilty of professional misconduct or other infamous Conduct by a majority of at least two thirds of the members present and voting at the meeting.
- (2) The Board may direct that the name of any person against whom an order has been made under sub-section (1) shall be entered or re-entered, as the case may be, after having satisfied itself that due to lapse of time or otherwise the disability mentioned in sub-section (1) above has ceased to have any force.
- Notice of deaths and erasure of names from register
32. (1) Every Registrar of deaths who receives notice of death of person whose name he knows to be entered in the register of Vaidyas and Hakims, shall forthwith transmit by post or otherwise, to the Registrar of the Board, a certificate of such death, signed by him and stating particulars of the time and place of death.
- (2) On receipt of such certificate, or other reliable information regarding such death, the Registrar shall remove the name of the deceased person from the register.

1. The words [in British India] omit, by the A. O. 1950.

2. Substituted by section 3 (b) of U. P. Act no. VII of 1956.

[The (Ayurvedic and Unani Tibbi Systems of medicine) Act, 1939]

[Section 33-36]

- Penalty on unregistered person representing that he is registered
33. If a person whose name is not entered in the register of Vaidays and Hakims falsely pretends that it is so entered or uses in connexion-with his name or title, any words or letters representing that his name is so entered, he shall whether any person is actually deceived by such representation or not, be punishable on conviction by a magistrate of the first class, with imprisonment [which may extend to six months or with fine which may extend to two hundred rupees or with both.]¹
- Procedure inquiries and appeals
34. For the purpose of any inquiry held under clause (b) of sub- section (1) of section 31, the Board or the committee, as the case may be, shall exercise the powers of a commissioner appointed under the Public Servants (Inquiries) Act, 1950 and the provisions of sections 5, 8 to 10, 14 to 16, 19 and 20 of the said Act shall, so far as may be, apply to every such inquiry and appeal.
- Publication of names entered in the register of Vaidyas and Hakims
35. (1) The Registrar shall, hi every year from time to time as occasion may require, on or before a date to be fixed in this behalf by the Board, cause to be published in the official Gazette and in such other manner as the Board may prescribe, a full or supplementary list of the names for the time being entered in the register and setting forth-
- (a) all names entered in the register arranged in alphabetical order;
- (b) the registered address and appointment held by, or actual employment of, each person whose name is entered in the register and
- (c) the registered titles and qualifications of each such person Provided that the Registrar shall from time to time get published in the official Gazette, the names of such practitioners whose names have been duly removed under any of the provisions of this Act.
- (2) In any proceeding it shall be presumed that every person entered in such list is a registered practitioner and that any person not so entered is not a registered practitioner:
- [* * *]²
- [Powers and duties of the Board
36. The Board shall have the following powers and duties, namely-
- (1) to advise the State Government in matters relating to Ayurvedic and Unani Tibbi systems of medicine including research and post-graduate education;]³
- [(2) to accord, suspend or withdraw, on the recommendations of the Faculty, recognition to training centers imparting instruction in paramedical courses;]⁴

1- Subs. by s, 17 of U.P. Act VII of 1956.

2- Proviso omit. by s. 18 ibid.

3- Subs. by S. 19 of U. P. Act VII of 1956.

4- Subs. by S. 4 (a) of U. P. Act 35 of 1975.

[The (Ayurvedic and Unani Tibbi Systems of medicine) Act, 1939]

[Section 36A-36B]

- (3) to publish the results of the examinations conducted by the Faculty ;
- [(4) to grant diplomas or certificates to candidates who are successful at the Board's examination.]¹
- (5) to levy fees laid down in regulations for admission to Board's examinations ;
- (6) to allot adequate funds to the Faculty for carrying out its duties];
- [(7) to perform such other functions for the development of Ayurvedic and Unani Systems of medicine and surgery as may be consistent with the provisions of the Act ;]²
- (8) to exercise such other powers as may be specified by or under this Act ; and
- (9) [* * *]³

Faculty of
Ayurvedic and
Unani Tibbi
systems of
medicine

- 36-A (1) For the proper discharge of its duties and functions as a teaching and examining body in the Ayurvedic and Unani Tibbi systems of medicine the Board shall appoint a Faculty of Ayurvedic and Unani Tibbi systems of medicine which shall consist of the following-----
- (i) the President of the Board who shall be ex-officio Chairman of the Faculty ;
 - (ii) members of the Board elected under clauses (iii), (iv) and (v) of sub-section (1) of section 5, who shall be ex officio members of the Faculty;
 - (iii) one member to be elected by the members of the Board from amongst themselves; and
 - [(iv) the Director of Ayurvedic and Unani Services, Uttar Pradesh.]⁴
- (2) The Faculty may, with the previous approval of or at the requisition of the State Government, co-opt not more than two members for a specified duration and a specific purpose.
- (3) The Faculty shall elect a Vice-President from amongst its members.
- [(4) A member referred to in clause (3) of sub-section (1) shall cease to be a member of the Faculty upon his ceasing to be a member of the Board.]⁵

Powers and
duties of the
Faculty

- 36-B [(1)]⁶ The Faculty shall have the following powers and duties:-

-
- 1- Subs. by section 4 (b) of U. P. Act No. 35 of 1975,
 - 2- Subs. by section 4© ibid.
 - 3- Omit - by section 5 (d) ibid.
 - 4- Subs. by section 5 (a) ibid.
 - 5- Subs, by section 5 (b) ibid.
 - 6- Section 36 (b) renumbered as sub-section (1) thereof by section 6 of U. P. Act 35 of 1975.

[The (Ayurvedic and Unani Tibbi Systems of medicine) Act, 1939]

[Section 36 C -37]

- (a) to prescribe courses of study in Ayurvedic and Unani Tibbi systems of medicine for imparting instructions in training centers recognized by the Board;
- (b) to hold examinations of persons who shall have pursued a course of study in a training centre recognized by the Board;
- (c) to exercise general supervision over the residential and disciplinary arrangements made by the training centers recognized by the Board and to make arrangement for promoting the health and general welfare of their students.]¹
- (d) to appoint examiners;
- [(e) to cause inspection of training enters recognized by the Board; and
- (f) to make recommendations to the Board for the accord of recognition to or the suspension or withdrawal of recognition of training centers.]¹
- (g) [* * *]²

[(2) The Registrar shall function as the Secretary of the Faculty.]³

[Disagreement between the Faculty and the Board 36-C

In the event of disagreement between the Faculty and on any matter referred to in section 36-B a reference shall Board be made by the Board to the State Government and the decision of the State Government shall be final.]⁴

Making of regulations 37.

Subject to the provisions of this Act and to the rules framed by the [State Government]⁵ thereunder, the Board may [after previous publication]⁶ frame regulations for regulating the following matters, namely-

- [(1) (a) conditions on which institutions may be recognized for the purposes of registration under section 28 ;
- (b) the admission of trainees to the training centre recognized by the Board;
- (c) the conditions under which trainees shall be admitted to the diploma and certificate courses and to the examinations of the Board, and shall be eligible for the grant of such diploma and certificate ;
- (d) the conditions of residence of the trainees in the training centers recognized by the Board and the levying of fees for suck residence;

1. Subs by section 6 (a) (1) of U. P. Act No. 35 of 1975.
2. Subs. by section 6(a) (2) ibid.
3. Omit, by section 6(a) (3) ibid.
4. Ins. by Section 6 (b) ibid.
5. Subs. by section 7 ibid.
6. Subs by A. O. 1950 for (Provincial Government).
7. Ins by section 21 (1) of U. P. Act 7, 1956.

- (e) the number, qualifications and emoluments of teachers of the training centers recognized by the Board ;
- (f) the fees to be charged for courses of study in such training centers and for admission to the examinations, diplomas and certificates of the Board ;
- (g) the conditions and mode of appointment and duties of examiners and the conduct of examinations :

Provided that in framing regulations, the Board shall take in to consideration the financial and other existing conditions of the training centers generally :

Provided further that no regulation shall be framed under any of the sub-clauses (a) to (g) except upon the recommendations to be made in such manner as may be prescribed by the Faculty.]¹

- (2) (a) the time and place at which the meetings shall be held;
- (b) the issue of notices convening such meetings;
- (c) the conduct of business thereat;
- (d) the salary, allowances and other conditions of service of officers and servants of the Board other than the Registrar ;
- (e) all other matters which maybe necessary for the purposes of carrying out the objects of this Act;
- (3) All such regulations shall be published in the official Gazette [and shall not take effect until they have been confirmed by the State Government.]²
- (4) The [State Government]³ may by notification in the official Gazette [cancel or modify]⁴ any regulation.

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

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

1. Subs. by section 8 of U. P. Act No. 35 of 1975.
 2. Insertion by section 21(3) of U.P. Act No. 7, 1956.
 3. Subs. by A. O. 1950 for [Provincial Government].
 4. Subs. by section 21(4) of U. P. Act No. 7 of 1956.
 5. Subs. by section 22 of U. P. Act No. 7 of 1956.

[The (Ayurvedic and Unani Tibbi Systems of medicine) Act, 1939]

[Section 40]

- (1) The expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word importing that person is recognized by law as medical practitioner or member of medical profession shall, in all Acts in force in [Uttar Pradesh]¹ and in all [Central Act]² in their application to [Uttar Pradesh]¹ in so far as such Acts relate to any of the matters specified in List II or List III in the Seventh Schedule to [the Constitution]³ be deemed to include a registered practitioner.
- (2) A certificate required under any law or rule having the force of law from any medical practitioner or medical officer shall be valid, if such certificate has been granted by a registered practitioner.
- (3) A registered practitioner shall be eligible to hold any appointment as a physician or other medical officer in any Ayurvedic or Unani dispensary, hospital, infirmary or lying-in-hospitals supported by or receiving a grant from the [State Government]⁴ or in any public establishment, body or institution dealing with such systems of medicine.
- (4) A registered practitioner shall be entitled to--
 - (a) sign or authenticate a birth or death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner ;
 - (b) sign or authenticate a medical or physical fitness certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner;
 - (c) give evidence at any inquest or in any Court of Law as an expert under section 45 of the Indian Evidence Act, 1872 on any matter relating to medicine, surgery or midwifery.

[Reservation of certain appointments to Vaidayas and hakims, who have qualified themselves from educational institutions affiliated to the Board

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

1- Subs. by A. O. 1950 for [United Provinces.]

2- Subs. by A. O. 1900 for [Acts of the Central Legislature.]

3- Subs. by ibid for the [Government of India Act, 1932.]

4- Subs. by for A. O. 1950 [provincial Legislature.]

[The (Ayurvedic and Unani Tibbi Systems of medicine) Act, 1939]

[Section 41-42]

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

Exe
mption from
serving on
inquest

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

Act V of 1898

(2) The registered practitioners shall have the same privileges as the medical practitioners registered under the United Provinces Medical Act, 1917, have under the United Provinces Excise Act, 1910 or any other Act for the time being in force.

U.P. Act III of
1917

U.P. Act IV of
1910

Rules

42. (1) The [State Government]² may, after previous publication, from time to time make rules consistent with this Act, to carry out the purposes of this Act.

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

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

(b) regulation of elections under this Act;

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

(d) the manner, in which vacancies shall be filled under section 13 ;

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

(f) the form of the register of Vaidyas and Hakims, to be maintained under this Act and the classifications of practitioners in two or more classes according to their qualifications;

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

(h) the manner in which appeals against the decision of the Registrar shall be heard by the Board under section 27 ;

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

(j) remuneration to be paid to the President

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

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

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

1. Subs. by section 9 of U. P. Act No. 35 of 1975

2. Subs. by A. O. 1950 for (Provincial Government).

[The (Ayurvedic and Unani Tibbi Systems of medicine) Act, 1939]

[Section 43-47]

- Appeals to State Government from decision of Board
43. (1) All appeal shall lie to the [State Government]¹ from every decision of the Board under this Act, except a decision made by the Board as an appellate authority.
- (2) Every appeal under sub-section (1) shall be preferred with, in three months of the date of such decision.
- Bar to suit and other legal proceedings
44. (1) No suit or other legal proceeding shall lie against the [State Government]¹, in respect of an act done in the exercise of the powers conferred by this Act.
- (2) No suit or other legal proceeding shall be maintainable against the Board or any member or any officer or servant of the Board or any person acting under the direction of the Board or of the President or of any officer or servant of the Board in respect of anything done under this Act, lawfully and in good faith and With reasonable care and attention.
- Mode of proof of Board's records
45. A copy of any proceeding, receipt, application, plaint, notice, order, entry in a register, or other document in the possession of the Board shall, if duly certified by the Registrar or other person authorized by the Board in this behalf, be received as prima facie evidence of the existence of the entry or document and shall be admitted as evidence of the entry or document and of the matters therein recorded in every case where, and to the same extent as, the original entry or document would, if produced, have been admissible to prove such matters.
- Restriction on the summoning of Board's servants to produce documents
46. No member or office or servant of the Board shall, in any legal proceeding to which the Board is not a party, be required to produce any register or document or to appear as a witness to prove the matters recorded therein, unless by order of the Court made for special reasons.
- Control of Board by State Government
47. If at any time it shall appear to the [State Government]¹ that the Board has failed to exercise or has exceeded or abused a power conferred upon it under this Act or has failed to perform a duty imposed upon it by this Act, the [State Government]¹ may, if it considers such failure, excess, or abuse to be of a serious character, notify the particulars thereof to the Board; and if the Board fails to remedy such default, excess or abuse within such time as may be fixed by the [State Government]¹ in this behalf, the [State Government]¹ may dissolve the Board and cause all or any of the powers and duties of the Board to be exercised and performed by such agency and for such period as it may think fit :

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

1. Subs. by A. O. 1950 for (Provincial Government).

[The (Ayurvedic and Unani Tibbi Systems of medicine) Act, 1939]

[Section 48-53]

- Court competent to try offences under this act and cognizance of offences
48. (1) No court other than the court of a Magistrate of the first class shall take cognizance of, or try an offence under this Act.
- (2) No court shall take cognizance of any offence under this Act except on a complaint in writing of an officer empowered by rules made in this behalf.

PART III

- Power of the State Government to enforce the provisions of part III
49. The [State Government]¹ may at any time after the expiry of one year from the date on which Parts I and II come into force, by notification published in the official Gazette, apply the provisions of this Part or any portion thereof to the whole or any part of the [State]² from such date as is notified therein :
- Provided that the [State Government]¹ shall give wide publicity to the notification in such other manner also as it deems proper.
- List of practitioners
50. (1) After the publication of the notification mentioned in section 49 the Registrar shall prepare and keep a list called a "list of persons in practice belonging to the indigenous system" on such date as is mentioned in said notification.
- (2) Every person, not being a person qualified for registration under this Act, who within a period of one year from the date from which this Part comes into force proves to the satisfaction of the Registrar that he has been in regular practice of the Indian system of medicine or surgery or midwifery or any of their branches in this [State]² on the date mentioned in the notification under sub-section (1) shall be entitled to have his name entered in the aforesaid list on payment of five rupees.
- (3) The provisions of sub-sections (2) and (4) of section 26, sub-sections (2), (3), (4) of section 27, and sub-section (I) of section 31, shall, so far as may be, apply to this list .
- Prohibition of practice
51. No person other than a practitioner registered under Part II of the Act or person whose name is entered in the list mentioned in section 50 shall practice or hold himself out, whether directly or by implication as practising or as being prepared to practice the [Ayurvedic and Unani Tibbi system of medicine]³ surgery or midwifery :
- Provided that the State Government may, by notification in the official Gazette, direct that the provisions of this section shall not apply to any class of persons or in a specified area.
- Penalty
52. Any person, who acts in contravention of the provisions of section 5 I shall on conviction for each offence be punishable with fine, which may extend to two hundred rupees.
53. [* * *]⁴

1. Subs. by A. 0.1950 for [Provincial Government]
 2. Subs. by ibid for (Province)
 3. Subs. by Section 3(a) of U.P. Act No. 7, 1976.
 4. Section 54 omit by section 24 ibid.

[The (Ayurvedic and Unani Tibbi Systems of medicine) Act, 1939]

[Section 54-56]

54. [* * *]¹
- Conferring, granting or issuing diploma, licence etc., by unauthorized institution
55. (1) No person other than an association or institution recognized or authorized by the Board under this Act shall confer, grant or issue or hold itself out as entitled to confer, grant or issue any degree, diploma, licence, certificate or other document stating or implying that the holder, grantee, or recipient is qualified [in or otherwise entitled to practice]³ the [Ayurvedic and Unani Tibbi systems of medicine.]²
- (2) Whoever contravenes the provisions of this section shall on conviction be punishable with fine [with imprisonment not exceeding six months or with fine which may extend to five hundred rupees or with both]⁴ and if the person so contravening is an association, every member of such association who knowingly and willfully authorizes or permits the contravention shall on conviction be punishable with fine, [with imprisonment not exceeding three months or with fine which may extend to two hundred rupees or with both.]⁴
- False assumption of degree, diploma or certificates to be an offence
56. Whoever voluntarily and falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, licence or certificate conferred, granted, or issued by any association or institution recognized or authorized by the Board under this Act or that he is qualified to practice the Indian system of medicine under the provisions of this Act, shall on conviction be punishable with fine which may extend to fifty rupees for the offence under the first offence under this section and to fine which may extend to two hundred rupees for every subsequent offence.

THE SCHEDULE

[See sections 27, 28, 29 and 30]

Persons who are entitled to have their names entered in the register of Vaidyas, Hakims-

1. Vaidyas or Hakim who hold a degree or certificate of any Government Ayurvedic or Unani College or school within [Uttar Pradesh]⁵ or outside it, or degree in Indian medicine or surgery or midwifery of any University established by law in India.

2. [Vaidas and Hakims who hold a degree or diploma granted by the Board.]⁶

3. Vaidyas or Hakims who have passed an examination from any Ayurved or Unani Institution in the [Uttar Pradesh]⁵ or outside it recognized by the Board for purposes of registering. [* * *]⁷

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1. Section 54 omit by section 24 of U.P. Act VII of 1956.
 2. Subs. by section 3(a) ibid.
 3. Subs. by section 25 (1) ibid.
 4. Subs. by section 25 (2) ibid.
 5. Subs. by the A. O. 1950 for the [United Provinces].
 6. Subs. by s. 26(a) of U.P. Act 7 of 1956.
 7. Omit by section 26(b) ibid.