



**The Punjab State Faculty of Ayurvedic and Unani Systems of Medicines Act,
1963**

Act 38 of 1963

Keyword(s):

Director of Ayurveda, Faculty, Inspector, Qualifying Examination, Recognised Institution, Secretary

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THE PUNJAB STATE FACULTY OF AYURVEDIC AND UNANI
SYSTEMS OF MEDICINES ACT, 1963

(ACT No. 38 OF 1963)¹

[Received the assent of the Governor of Punjab on October 12, 1963 and was published in the Punjab Gazette (Extra.), Legislative Supplement, Part I, dated October 28, 1963.]

Amended, repealed or otherwise affected by,—

- (i) Punjab Order No. 3 of 1964 (replaced by Punjab Act No. 9 of 1966).
- (ii) Punjab Act No. 9 of 1966, published in Punjab Gazette, Extra, Legislative Supplement, Part I, dated the 26th October, 1966.
- (iii) A.O. 1968, published in R.H.P., dated the 1st February, 1969, p. 158—161.
- (iv) A.O., 1973, published in R.H.P., Extra., dated the 20th January, 1973, p. 91—112.

An Act to establish a Faculty in the State of Punjab in order to impart instruction, regulate the conduct of examinations, and confer degrees, diplomas and certificates, in the Ayurvedic System and Unani System of Medicine.

Be it enacted by the Legislature of the State of Punjab in the Fourteenth year of the Republic of India as follows :—

1. Short title and commencement.—(1) This Act may be called the Punjab State Faculty of Ayurvedic and Unani Systems of Medicines Act, 1963.

(2) It shall come into force on such date² as the ³[State Government] may by notification appoint.

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

- (a) “Director of Ayurveda” means the Director of Ayurveda, Punjab⁴ and includes the Deputy Director of Ayurveda, Punjab,⁴ the Assistant Director of Ayurveda, Punjab⁴ and such other officer as the ³[State Government] may appoint for exercising the powers and performing the functions of the Director Ayurveda under this Act and the rules made thereunder ;

1. This Act is applicable only in merged areas by virtue of sec 88 of the Punjab Reorganisation Act, 1966.

2. w.e.f. 26th January, 1964, vide Punjab Government No. S.O. 27/PA.S. 1/64, dated the 23rd January, 1964, published in Punjab Gazette, Extra, Legislative Supplement, Part III, dated the 23rd January, 1964.

3. Subs. for the expression “Central Government” (which was subs. for “State Government” by A.O. 1968) by A.O. 1973.

4. Now Himachal Pradesh.

- (b) "Faculty" means the ¹Punjab State Faculty of Ayurvedic and Unani Systems of Medicines established under section 3, and includes the Faculty of Indian Medicine, Punjab, referred to in clause (1) of section 21 ;
- (c) "Inspector" means an Inspector appointed by the Faculty under clause (j) of section 12 ;
- (d) "qualifying examination" means an examination specified in sub-section (2) of section 15 ;
- (e) "recognised institution" means a teaching institution recognised by the Faculty of Indian Medicine, Punjab, as notified and constituted with Punjab Government, Health Department, Notification No. HB-II-24(15)-1961/3607, dated the 27th January, 1961, or a teaching institution recognised under section 14 ;
- (f) "Secretary" means the Secretary of the Faculty appointed under sub-section (1) of section 13 ;
- (g) all other words and expressions used but not defined in this Act shall have the meaning assigned to them in the Law relating to the registration of Ayurvedic and Unani Practitioners for the time being in force in ²[the territories specified in sub-section (1) of section 5 of the Punjab Reorganisation Act, 1966.]

3. Establishment of the Faculty.—(1) With effect from such date as the ³[State Government] may, by notification, appoint, there shall be established for the purpose of this Act a Faculty to be known as "the ¹Punjab State Faculty of Ayurvedic and Unani Systems of Medicines."

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

⁴(3) The Faculty shall consist of a Chairman, a Vice-Chairman and the following other members to be appointed by notification by the ³[State Government] namely :—

- (i) three principals from the recognised institutions in Ayurvedic System and Unani System ;

1. Now Himachal Pradesh.

2. Subs. by A.O. 1968 for the word "Punjab",

3. Subs. for the expression "Central Government" which was subs. for "State Government" by A.O. 1968) by A.O. 1973.

4. Subs. and deemed always to have been subs. by H. P. Act No. 9 of 1966, Sec. 2.

(ii) two members of the Board recommended by it ; and

(iii) three registered practitioners whose names are entered or deemed to be entered in Part I of the Register, of whom one shall be a person practising the Unani System.

(4) The Director, Research and Medical Education, Punjab¹ or if the post of the said Director is vacant such other officer as the State Government may by notification appoint shall be the Chairman of the Faculty and the Director of Ayurvedic shall be the , Vice-Chairman thereof.]

4. Power of ²[State Government] to remove members of Faculty from office in certain cases.—The ²[State Government] may remove from office any member of the Faculty who—

(a) has been adjudged as an insolvent,

(b) has been convicted of such offence involving moral turpitude as the ²[State Government] may, be notification, specify,

(c) has become physically or mentally incapable of acting as such member,

(d) absents himself without sufficient cause from three consecutive ordinary meetings of the Faculty,

(e) ceases to be principal of the institution, or member of the Board or ceases to be a registered practitioner, or

(f) so abuses his position as to render his continuance in office detrimental to public interest.

5. Employees of the Faculty .—Subject to the provisions of section 13 and the rules made by the ²[State Government] in this behalf, the Faculty may, for the purpose of enabling it to efficiently perform its functions under this Act, appoint such number of persons as its employees as it may think fit and determine their remuneration and other conditions of service.

6. Vacancies etc. not to invalidate proceedings of the Faculty.—No act done, or proceeding taken, under this Act by the Faculty shall be invalid merely on the grounds :—

(a) of any vacancy or defect in the constitution of the Faculty ; or

(b) by any defect or irregularity in the appointment of a person acting as a member thereof ; or

1. Now Himachal Pradesh.

2. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973.

(c) of any defect or irregularity in such act or proceeding not affecting the merits of the case.

7. Term of Office.—(1) The term of office of the members of the Faculty referred to in clauses (i), (ii) and (iii) of sub-section (3) of section 3 shall be five years to be computed from the date of publication of the notification:

Provided that a person appointed to fill a casual vacancy shall hold office only so long as the member in whose place he is appointed would have held office if the vacancy had not occurred.

(2) An outgoing member shall continue in office until the appointment of his successor has been notified and shall be eligible for re-appointment.

8. Resignation.—Any member of the Faculty may at any time resign his office by letter addressed to the Chairman and the resignation shall take effect from the date it is accepted by the ¹[State Government].

9. Vacancies.—When the office of a member of the Faculty becomes vacant by his death, resignation, removal or otherwise the vacancy shall be filled in the same manner as is provided in section 3.

10. Time and place of meeting of Faculty.—The Faculty shall meet at such time and place and every meeting of the Faculty shall be convened and held in such manner as may be prescribed by regulations or rules, as the case may be, made under this Act :

Provided that until such regulations or rules are made, the Chairman shall be competent to convene and hold a meeting of the Faculty at such time and place and in such manner as he may deem expedient by letter addressed to each member.

11. Procedure at meetings of Faculty.—(1) The Chairman or, in his absence, the Vice-Chairman shall preside at every meeting of the Faculty and in the absence of both, the members present shall elect one of themselves to preside at the meeting.

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

(3) Three members of the Faculty shall form the quorum.

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

1. Subs. for the expression 'Central Government' (which was subs. for "State Government" by A. O, 1968) by AO. 1973.

12. Powers and functions of the Faculty.—Subject to the provisions of this Act, the powers and functions of the Faculty shall be —

- (a) to prescribe the course of training and the standard and subjects of qualifying examinations including the examinations prior to such qualifying examinations ;
- (b) ¹[to hold qualifying examinations and other examinations, to levy fees in relation thereto, to appoint examiners, to fix their fees and allowances and to declare the results of examinations] ;
- (c) to grant degrees, diplomas or certificates ;
- (d) to award stipends, scholarships, medals, prizes and other rewards ;
- (e) to recommend recognition to teaching institutions for the purpose of giving instruction in the Ayurvedic System or Unani System, to recommend the cancellation of their recognition ;
- (f) to prepare, publish and prescribe text-books and to publish statement of prescribed courses of study ;
- (g) to found and maintain a library ;
- (h) to recommend schemes for post-graduate training and research in the Ayurvedic System or Unani System ;
- (i) to provide for the inspection of institutions giving instruction in Ayurvedic System or Unani System and to require such institutions to furnish such information as the Faculty may direct ;
- (j) to appoint such Inspectors from amongst the practitioners entered in Part I of the Register as may be necessary for carrying out the provisions of this Act or the rules, regulations or by-laws made thereunder ;
- (k) to appoint any committee or board of studies as may be necessary and to lay down their constitution , duties and functions ;
- (l) to exercise such other powers and perform such other functions as may be specified in this Act, or in the rules, regulations or by-laws made thereunder, or as the ²[State Government] may by notification direct for carrying out the purposes of this Act.

1. Subs. and deemed always to have been subs. by H.P. Act No. 9 of 1960 sec. 3.

2. Subs. for the expression "Central Government", (which was subs. for "State Government" by A.O. 1968) by A.O. 1973.

Explanation.—The Committees of boards of studies referred to in clause (k) may have such persons as their members as are not, members of the Faculty.

13. Secretary of the Faculty.—(1) The Faculty shall, with the previous approval of the ¹[State Government], appoint a Secretary who shall receive such salary and allowances and be subject to such conditions of service as may be prescribed by the rules made under this Act.

(2) Subject to the provisions of this Act and any general or special order of the Faculty, it shall be the duty of the Secretary to arrange for, and to maintain, and to be responsible to the Faculty for the efficient running of its office.

14. Recognition of institutions.—(1) Any teaching institution seeking recognition under this Act shall send an application to the Secretary and shall give 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 ;
- (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 done by them ;
- (e) fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(2) The Secretary shall place the application before the Faculty and the Faculty may direct the Secretary to call for any further information which it may deem necessary and may also direct an inquiry to be made by a competent person or persons authorised by it in this behalf.

(3) After recording the report of such inquiry and after making such further inquiry as may be necessary, the Faculty shall forward the application together with its report to the ¹[State Government] stating its opinion whether the recognition asked for should or should not be granted.

(4) The ¹[State Government] may thereupon grant or refuse the recognition or may grant it subject to such conditions as it deems fit and the decision of the ¹[State Government] shall be final.

1. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973.

15. Qualifying Examination.—(1) The Faculty shall by bye-laws prescribe the course of training and qualifying examinations including the examination prior to qualifying examinations and may also provide by such bye-laws that instruction and examinations shall, as far as possible, be given or held in such languages as may be specified therein.

(2) A qualifying examination shall be an examination in the Ayurvedic System or Unani System held by the Faculty for the purpose of granting a degree, diploma, or certificate in the Ayurvedic System or Unani System and such other examination for that purpose as the [State Government] may by notification direct :

Provided that the students of the recognised institutions only shall be competent to appear in the examination.

16. Conferring, granting or issuing degrees, diplomas or certificates by unauthorised institutions.—(1) No person or institution, other than the Faculty, shall confer, grant or issue or hold himself or itself out as entitled to confer, grant or issue any degree, diploma or certificate referred to in sub-section (2) of section 15 or which is identical with or is a colourable imitation of any such degree, diploma or certificate.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to one thousand rupees.

(3) Where an offence under this section has been committed by a company, the company as well as every person incharge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly :

Provided that, nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(4) Notwithstanding anything contained in sub-section (3), where an offence under this section has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

1. Subs. for the expression 'Central Government' (which was subs. for "State Government" by A. O. 196g) by A. O. 1973,

Explanation.—For the purposes of this section,—

- (a) “company” means any body corporate and includes a firm or other association of individuals, and
- (b) “director” in relation to firm is a partner in the firm.

17. Bye-laws.—(1) The Faculty may, with the previous approval of the ¹[State Government], make bye-laws not inconsistent with this Act or the rules made thereunder for the following matters, namely :—

- (a) the course of study for training and qualifying and other examinations ;
- (b) the language in which the examinations shall be conducted and instruction given ;
- (c) the admission of students to recognised institutions ;
- (d) the conditions under which students shall be admitted to degree, diploma, or certificate's course and to the qualifying examinations ;
- (e) the conditions of appointment of examiners and the conduct of examinations ;
- (f) the conditions for the recognition of teachers in recognised institutions ;
- (g) the requirements for the recognition of teaching institution ;
- (h) such other matters as may be necessary for the exercise of the powers and performance of functions to be exercised or performed by the Faculty under this Act.

(2) All bye-laws shall be published in the Official Gazette.

(3) In submitting bye-laws for the approval of the ¹[State Government] under this section the Faculty shall send a copy of its proceedings relating to the passing of such bye-laws and shall state the number of its members representing the Ayurvedic System and Unani System, who voted for or against such bye-laws or did not vote in respect of such bye-laws.

(4) In approving the said bye-laws, the ¹[State Government] shall give due consideration to the opinion of the members of Ayurvedic System and Unani System as expressed in the proceedings.

1. Subs. for the expression “Central Government” (which was subs. for “State Government” by A.O. 1968) by A.O. 1973.

(5) The ¹[State Government] may by notification and in consultation with the Faculty cancel any bye-law made under this section.

18. Rules.—(1) The ¹[State Government] may, by notification and after 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 :—

- (a) the manner in which the meetings of the Faculty shall be convened and held ;
- (b) the salary, allowances and other conditions of service of the Secretary ;
- (c) the application of fees levied by the Faculty ;
- (d) travelling and other allowances payable to members of the Faculty and their conditions of service ;
- (e) the execution of instruments and mode of entering into contracts by or on behalf of the Faculty and the proof of documents purporting to be executed, issued or signed by or on behalf of the Faculty ;
- (f) 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 ten days which may be comprised in one session or in two successive sessions, and if before the expiry of the session in which it is laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

19. Regulations.—(1) The Faculty may, with the previous approval of the ¹[State Government] make regulations not inconsistent with this Act or the rules made thereunder for any of the following matters, namely:—

- (a) the time and place at which the Faculty shall hold its meetings;
- (b) the salary, allowances and other conditions of service of officers and servants of the Faculty other than the Secretary ;

1. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973 ,

(c) all other matters which may be necessary for the purpose of carrying out the objects of this Act.

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

20. Control of ¹[State Government].—If at any time it appears to the ¹[State Government] that the Faculty has neglected to exercise, or has exceeded or abused, any powers conferred upon it under this Act, the ¹[State Government] may, communicate the particulars of such neglect, excess or abuse to the Faculty ; and if the Faculty fails to remedy such neglect, excess or abuse within such time as may be fixed by the ¹[State Government] in this behalf, the ¹[State Government] may for the purpose of remedying such neglect, excess or abuse, cause any of the powers and duties of the Faculty to be exercised and performed by such agency and for such period as the ¹[State Government] may think fit.

21. Transitional provisions.—(1) The Faculty of Indian Medicine, Punjab, notified and constituted under Punjab Government, Health Department, Notification No. HBII-24(15)1961/3607, dated the 27th January, 1961, shall, until the Faculty is established and constituted under and in accordance with the provisions of this Act, be deemed to be the Faculty established and constituted under this Act, for the purpose of carrying out the provisions of this Act.

(2) Anything done or any action taken by the Faculty of Indian Medicine Punjab so notified and constituted (including any appointment made, notification, order, instruction or direction issued, bye-law or form framed, qualifying or other examinations held, training or courses of studies prescribed, degrees, diplomas or certificates conferred, granted or issued, institutions recognised or affiliated, fees fixed or levied or stipends, scholarships, medals, prizes or rewards awarded), shall be deemed to have been done or taken under the provisions of this Act and shall continue to be in force accordingly unless and until superseded or amended by anything done or any action taken under this Act.

1. Subs. for the expression "Central Government" (which was subs. for "State Government" by A.O. 1968) by A.O. 1973.