The Tamil Nadu Registration of Practitioners of Integrated Medicine Act, 1956

Act 27 of 1956

Keyword(s):
Indigenous Medicine, Integrated Medicine, Modern Medicine, Practitioner

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[1][TAMIL NADU] ACT No. XXVII OF 1956[2].

[THE [1][TAMIL NADU] REGISTRATION OF PRACTITIONERS OF INTEGRATED MEDICINE ACT, 1956.]

(*Received the assent of the President on the* 20*th November* 1956; *first published in the* Fort St. George Gazette *on the* 28*th November* 1956.)

An Act to provide for the registration of practitioners of integrated medicine in the [3][State of Tamil Nadu].

WHEREAS it is expedient to provide for the registration of practitioners of integrated medicine in the [3][State of Tamil Nadu];

BE it enacted in the Seventh Year of the Republic of India as follows :—

Short title and extent.

1. (1) This Act may be called the [1][Tamil Nadu] Registration of Practitioners of Integrated Medicine Act, 1956.

(2) It extends to the whole of the [3][State of Tamil Nadu].

Definitions.

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

(*a*) "Board" means the [4][Board of Integrated Medicine, Tamil Nadu], constituted under this Act;

(*b*) "Government" means the State Government;

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[1]These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2]For Statement of Objects and Reasons, see *Fort St. George Gazette*, Part IV-A, Extraordinary, dated the 1st October 1956, page 207.

This Act was extended to the Kanyakumari district and the Shencottah taluk of the Tirunelveli district by section 3 of, and the First Schedule to, the Tamil Nadu (Transferred Territory) Extension of Laws Act, 1960 (Tamil Nadu Act 23 of 1960), repealing the corresponding law in force in that territory.

[3]This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[4]This expression was substituted for the expression "Board of Integrated Medicine, Madras" by paragraph 3(1) of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

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(*c*) " [1][indigenous medicine or Indian medicine]" means one or all of the three systems of medicine, that is, Ayurveda, Siddha and Unani systems of medicine;

(*d*) integrated medicine" means a conjoint study, training and practice in indigenous medicine and modern medicine;

(*e*) "modern medicine" means modern scientific medicine including surgery and obstetrics ;

(*f*) "practitioner" means a practitioner of integrated medicine ;

(*g*) "register" means the register of practitioners maintained under this Act ;

(*h*) "registered practitioner" means a practitioner whose name is for the time being entered in the register.

Constitution of Board.

3. (1) The Government shall, by notification, constitute a Board to be called "The [2][Board of Integrated Medicine, Tamil Nadu]".

(2) The Board shall be a body corporate, shall have perpetual succession and a common seal and shall, by the said name, sue and be sued.

(3) The Board shall consist of—

(*a*) four members elected from among themselves by the registered practitioners holding the diploma of Graduate of the College of Integrated Medicine granted by the Board of Examiners in Integrated Medicine ;

(*b*) four members elected from among themselves by the registered practitioners holding the diploma of Licentiate in Integrated Medicine granted by the Board of Examiners in Integrated Medicine ;

(*c*) one member elected from among themselves by such members of the staff of the College of Integrated Medicine as are registered practitioners ;

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[1]These words were substituted for the words "indigenous medicine" by section 2 of the Tamil Nadu Registration of Practitioners of Integrated Medicine (Amendment) Act, 1971 (Tamil Nadu Act 36 of 1971), which was deemed to have come into force on the 28th November 1956.

[2] This expression was substituted for the expression "Board of Integrated Medicine, Madras" by paragraph 3(1) of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969.

(*d*) six members nominated by the Government ;

Provided that pending the preparation of registers, the Government may nominate to the first Board members referred to in clauses (*a*) , (*b*) and (*c*) above out of persons who are eligible for registration in the respective registers, and such persons shall hold office for such period as the Government may, be notification, appoint.

(4) In the event of the requisite number of members not being elected under any of the clauses (*a*), (*b*) and (*c*) of sub-section (3), the Government may fill up the vacancies by nominating the required number of registered practitioners. Every practitioner so nominated shall be deemed to be a member duly elected.

(5) Nominations under sub-section (4), or clause (d) of sub-section (3) shall be so made as to give, as far as possible, proper representation to the different systems of integrated medicine.

(6) The President of the Board shall be elected by the members of the Board from among themselves in the prescribed manner:

Provided that for a period of four years from the date of the constitution of the Board under this Act, the President shall be a person nominated by the Government and if he is not already a member of the Board, shall be *ex-Officio* member of the Board in addition to the members specified in sub-section (3):

Provided further that the President so nominated shall not be removed from office except by or under the orders of the Government.

Privileges of Registered Medical Practitioners.

4. (1) Notwithstanding anything to the contrary contained in any enactment, rule, by-law or any other provision of law—

(*a*) A certificate required by law to be given by a medical practitioner shall be valid if it is signed by a registered practitioner; and

(*b*) The expression "legally qualified medical practitioner" or "duly qualified medical practitioner" or any word or expression importing reference to a person recognized by law as a medical practitioner or as

a member of the medical profession shall, in [1][all Tamil Nadu Acts] and in all Central Acts in their application to the [2][State of Tamil Nadu] 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, be deemed to include a registered practitioner.

(2) Except with the sanction of the Government, no one other than a registered practitioner shall be competent to hold any appointment as physician, surgeon or other medical officer in any hospital, dispensary, asylum, infirmary or lying-in-hospital of indigenous or integrated medicine, maintained or aided by the Government or a local authority or both and not supported entirely by voluntary contributions.

(3) Notwithstanding anything contained in sub-section (2) of section 4 of the [3][Tamil Nadu] Medical Registration Act, 1914 ([3][Tamil Nadu] Act IV of 1914), all registered practitioners shall be competent to hold any appointment as physician, surgeon or other medical officer in institutions of modern medicine or as Medical Officer of Health, which are open to registered practitioners as defined in the Tamil Nadu Medical Registration Act, 1914 ([3][Tamil Nadu] Act IV of 1914), and subject to such conditiones as may be prescribed.

Acts of Board, etc., not invalid by reason of defect in constitution, etc.

5. (1) No act of the Board or of any person acting as President or member of the Board shall be deemed to be invalid by reason only of any defect in the constitution of the Board or on the ground that the President or member

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[1]These words were substituted for the words "all Acts of the Legislature of the State of Tamil Nadu" by paragraph 3(1) of, and the Schedule to, the Tamil Nadu Adaptation of Laws Order, 1970, which was deemed to have come into force on the 14th January 1969. The expression "State of Tamil Nadu" having been earlier substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[2]This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

[3]These words were substituted for the word "Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

of the Board was not entitled to hold or continue in such office by reason of any disqualification or by reason of any irregularity or illegality in his nomination or election, or by reason of such act having been done during the period of any vacancy in the office of President or member of the Board.

(2) Every meeting of the Board the minutes of the proceedings at which have been signed as laid down in the rules and by-laws made under section 15 shall be deemed to have been duly convened and to be free from all defects and irregularity.

Registrar and other officers.

6. (1) The Board shall appoint a Registrar who shall act as Secretary of the Board and who shall also act as treasurer unless the Board appoints another person as treasurer.

(2) The Board may also appoint such other officers and servants as it may deem necessary for the purposes of this Act.

(3) 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 (Central Act XLV of 1860).

Register.

7. (1) It shall be the duty of the Registrar to keep a register of registered practitioners and, from time to time, to revise the register and publish it in the prescribed manner.

(2) The register shall be deemed to be a public document within the meaning of the Indian Evidence Act, 1872 (Central Act I of 1872).

(3) The name of any registered practitioner who is dead or whose name is directed to be removed from the register under section 10 shall be removed from the register. For this purpose, information regarding the death of registered practitioners shall be furnished to the Registrar by such officers, in such form and in such manner, as may be prescribed.

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Registration.

8. Every person who possesses the diploma of Licentiate in Integrated Medicine, or the diploma of Graduate of the College of Integrated Medicine, granted by the Board of Examiners in Integrated Medicine, shall, on payment of a fee of fifteen rupees and on furnishing to the Registrar proof of his qualification for registration, be entitled to have his name registered in the register:

Provided that the Board may refuse to permit the registration of any person who has been convicted of any offence which, in the opinion of the Board, implies a defect of character disentitling him to be registered or who, after an inquiry at which opportunity has been given to the candidate to be heard in person or by pleader, has been held by the Board to have been guilty of professional misconduct.

Entry of additional qualifications in the register.

9. A registered practitioner shall, on payment of a fee of rupees five, be entitled to have entered in the register any further diplomas or degrees in integrated medicine which he may obtain.

Alteration of register by Board.

10. (1) The Board may, if it sees fit and after giving due notice to the person concerned and inquiring into his objections, if any, order that any entry in the register, which shall be proved to the satisfaction of the Board to have been fraudulently or incorrectly made or brought about, be cancelled or amended.

(2) (i) The Board may direct the removal altogether or for a specified period from the register of the name of any registered practitioner for the same reasons for which registration may be refused by the Board under section 8 and the proviso thereto shall apply to any inquiry under this section:

Provided that the name of a registered practitioner shall not be removed from the register on the ground of his association in any professional respect with a qualified practitioner of any other system of medicine or with an unregistered practitioner if such unregistered practitioner—

(*a*) possesses the qualifications necessary for being registered as a registered practitioner; and

(*b*) is not a person whose name the Board has refused to register under the proviso to section 8 or whose name the Board has removed from the register under this sub-section.

Explanation.—The expression "qualified practitioner" shall, for the purpose of this proviso, mean a practitioner qualified under rules made by the Government in this behalf.

(ii) The Board may also direct that any name so removed shall be restored.

(3) Nothing in sub-section (2) shall relieve a registered practitioner of any obligations or code of ethics which may be imposed upon registered practitioners generally by the Board.

(4) Any registered practitioner may make an application to the Board for the deletion of his name from the register and the Board may, on such application and subject to such rules as may be made by the Government, direct such deletion. Any such practitioner may apply for fresh registration under section 8.

Special provision for amending the register.

[1][10-A (1) Notwithstanding anything contained in this Act, the Board may, by order in writing amend the register by deleting therefrom the name of any person who by reason of the alteration of boundaries under the Andhra Pradesh and Madras (Alteration of Boundaries) Act, 1959 (Central Act 56 of 1959), has ceased to reside or practise in the [2][State of Tamil Nadu]:

Provided that the Board may, before passing an order, make such inquiry as it deems necessary.

(2) Any person aggrieved by an order under sub-section (1) may appeal to such authority and within such time, as may be specified in this behalf by the Government and such authority shall pass such order on the appeal as it thinks fit.

(3) An order of the Board under sub-section (1), or where an appeal has been preferred against it under sub-section (2), the order of the appellate authority, shall be final.

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[1]This section was inserted by paragraph 3 of , and the Schedule to, the Madras Adaptation of Laws Order, 1961, which was deemed to have come into force on the 1st April 1960.

[2]This expression was substituted for the expression "State of Madras" by the Tamil Nadu Adaptation of Laws Order, 1969, as amended by the Tamil Nadu Adaptation of Laws (Second Amendment) Order, 1969.

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(4) The provisions of this section shall cease to be in force from such date as the Government may, by notification, appoint].

11. Any person who possesses the diploma of Licentiate in Indigenous Medicine, or a diploma of Graduate of the College of Indigenous Medicine, granted by the Board of Examiners in Indigenous Medicine [2][or a diploma of Licentiate in Indian Medicine, or a diploma of Graduate of the College of Indian Medicine granted by the Board of Examiners in Indian Medicine] shall be deemed to possess the diploma of Licentiate in Integrated Medicine or, as the case may be, the diploma of Graduate of the College of Integrated Medicine granted by the Board of Examiners in Integrated Medicine for all the purposes of this Act.

[1][Diploma of indigenous Medicine and Indian Medicine deemed to be equivalent to Diploma of Integrated Medicine].

12. No act done in the exercise of any power conferred by or under this Act on the Government or the Board or the Registrar shall be questioned in any Civil Court.

Jurisdiction of Civil Courts.

13. If at any time it shall appear to the Government that the Board has neglected to exercise or has exceeded or abused any power conferred upon it under this Act, or has neglected to perform any duty imposed upon it by this Act, the Government may notify the particulars of such neglect, excess or abuse to the Board and, if the Board fails to remedy such neglect, excess or abuse, within such time as may be fixed by the Government in this behalf, the Government may, for the purpose of remedying such neglect, excess or abuse, cause any or all of the powers and duties of the Board to be exercised and performed by such agency and for such period as the Government may think fit.

Control by Government.

14. Every person who falsely pretends to be a registered practitioner, whether any person is actually deceived by such pretence or not, shall, on conviction, be liable to be punished with fine which may extend to three hundred rupees.

Penalty for falsely pretending to be a registered practitioner.

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1 This marginal heading was substituted for the original marginal heading by section 3(1) of the Tamil Nadu Registration of Practitioners of Integrated Medicine (Amendment) Act, 1971 (Tamil Nadu Act 36 of 1971), which was deemed to have come into force on the 28th November 1956.

2 These words were inserted by section 3(2) of the Tamil Nadu Registration of Practitioners of Integrated Medicine (Amendment) Act, 1971 (Tamil Nadu Act 36 of 1971), which was deemed to have come into force on the 28th November 1956.

Power to make rules or by-laws.

15. (1) The Government may make rules for the purpose of carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing provision such rules may provide—

(*a*) for the qualifications of the members of the Board ;

(*b*) for the election of members to the Board ;

(*c*) for the term of office of the elected and nominated members of the Board ;

(*d*) for the circumstances in which a member of the Board shall be deemed to have vacated his seat;

(*e*) for the procedure to be followed for filling up a vacancy when the seat of any member of the Board becomes vacant ;

(*f*) for the election of the President of the Board or of any other person presiding over the Board and the term of office of the President ;

(*g*) for the procedure at meetings of the Board ;

(*h*) for the institution, hearing and disposal of appeals, for the authorities competent to hold enquiries and hear appeals and the procedure to be followed in such inquiries ;

(*i*) for the compilation and publication of the register ;

(*j*) for the disposal of the fees received under this Act ;

(*k*) for all matters expressly required or allowed by this Act to be prescribed.

(3) The Board may, with the previous sanction of the Government, make by-laws—

(*a*) for the convening of meeting of the Board ;

(*b*) for the conduct of business at such meetings ;

(*c*) for the appointment and control and the fixation of pay and allowances of the officers and servants referred to in section 6.

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(4) The power to make rules under this Act shall be subject to the condition of previous publication.

(5) All rules made under this Act shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications whether by way of repeal or amendment as the Legislative Assembly may make within fourteen days on which the Legislative Assembly actually sits either in the same session or in more than one session.

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