

**The Goa Ayurvedic and other Allied Indian Systems of
Medicine Council Bill 2019
(BILL No. 20 of 2019)**

**A
BILL**

to provide for the constitution of the Goa Council of Ayurvedic and other Allied Indian Systems of Medicine, registration of practitioners in said medicines, maintenance of register of practitioners, qualification of practitioners, the practice of such medicines and with a view to encourage the study, spread of such system of medicines and to make certain other provisions, relating to the practitioners generally in the State of Goa.

BE it enacted by the Legislative Assembly of Goa in the Seventieth Year of the Republic of India as follows:-

CHAPTER I

Preliminary

1. **Short title, extent and commencement.**-(1) This Act may be called the Goa Ayurvedic and Other Allied Indian Systems of Medicine Council Act, 2019.
- (2) It shall extend to the whole of the State of Goa.
- (3) It shall come into force on such date as the Government may, by notification in the Official Gazette, appoint.

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

- (a) "Ayurvedic System of Medicine" means the Ayurvedic System of medicine whether supplemented or not by such modern advances as may be declared by the Central Council, from time to time;
- (b) "Central Council" means the Central council as defined under clause (c) of sub-section (1) of section 2 of the Indian Medicine Central Council Act, 1970 (48 of 1970);
- (c) "Council" means the Goa Council of Ayurvedic and Other Allied Indian Systems of Medicine established under section 3 of this Act,
- (d) "Director of Health Services" means the Director of Directorate of Health Services, Government of Goa;
- (e) "Government" means Government of Goa;

- (f) "Inspector" means the inspector appointed by the Council, under section 30;
- (g) "member" means member of the Council;
- (h) "Naturopathy System of Medicine" means the Naturopathy System of Medicine whether supplemented or not by such modern advances, as the Central Council may from time to time determine.
- (i) "Notification" means a notification published in the Official Gazette.
- (j) "Official Gazette" means the official Gazette of the Government;
- (k) "Other Allied Indian Systems of Medicine" means systems of medicines commonly known as Unani System of Medicine, Siddha System of Medicine, yoga System of Medicine, Naturopathy System of Medicine and Sowa-Rigpa System of Medicine;
- (l) "practitioner" means a person who practices Ayurvedic System of medicine or other Allied Indian system of Medicines in the State of Goa as his principal occupation.
- (m) "prescribed" means prescribed by the rules made under this Act;
- (n) "President" means President of the Council;
- (o) "register" means a register of practitioners prepared and maintained under section 22 of this Act;
- (p) "registered practitioner" means a Practitioner whose name is for time being entered in the register;
- (q) "Registrar" means the Registrar appointed under section 21 of this Act;
- (r) "regulations" means regulations made under section 47 of this Act;
- (s) "rules" means rules made under section 48 of this Act;
- (t) "Schedule" means the Schedule appended to this Act;

- (u) "Siddha System of Medicine" means the Siddha System of Medicine whether supplemented or not by such modern advances, as the Central Council may from time to time determine.
- (v) "Sowa-Rigpa System" means Sowa-Rigpa system of medicine whether supplemented or not by such modern advances, as the Central Council may from time to time determine;
- (w) "Unani System of Medicine" means the Unani System of Medicine whether supplemented or not by such modern advances, as the Central Council may from time to time determine;
- (x) "Vice-President" means the Vice-President of the Council;
- (y) "Yoga System of Medicine" means the Yoga System of Medicine whether supplemented or not by such modern advances, as the Central Council may from time to time determine.

CHAPTER II

3. Establishment of the Council.- (1) The Government may, as soon as may be, by notification in the Official Gazette, establish a Council to be called the Goa Council of Ayurvedic and Other Allied Indian Systems of Medicine. The Council shall be a body corporate with perpetual succession and a common seal, and may sue and be sued in the said name.

(2) The Council shall consist of eleven members and shall be constituted in the following manner, namely:-

- (a) four members who have put in at least five years practice in Ayurvedic System of medicine, elected by the registered practitioners from amongst themselves;
- (b) One member each from the allied Indian System of Medicines to be nominated by the Government;
- (c) The Director of Health Services, Directorate of Health Services, Government of Goa;

(d) Principal of Ayurveda College in the State of Goa to be nominated by the Government;

(3) The election of members referred to in clause (a) of sub-section (2) shall be held at such time and at such place and in such manner as may be prescribed.

4. President and Vice President.- The Government shall nominate any member of the Council as President of the Council, and the Vice President shall be elected by the members from amongst themselves.

5. Term of office. - (1) The term of office of a member shall be two years from the date of election or nomination as a member. The Government may, however, from time to time, by notification in the Official Gazette, extend this term by such period not exceeding two years in the aggregate, as may be specified in the notification.

(2) Where the term of office of the members has expired and a new Council has not for any reason been constituted, the Government may, by order, appoint an Administrator for such period as may be specified in the order, who shall exercise all the powers and discharge all the duties conferred and imposed on the Council by or under this Act or any other law.

(3) An outgoing member, the President and the Vice-President, shall be eligible for re-nomination or re-election for one more term.

6. All members of the first Council to be constituted shall be nominated by the Government.- Notwithstanding anything contained in this Chapter, all members of the first Council to be constituted shall be nominated by the Government and shall hold office for the period of three years from its constitution. The nominated Council shall ensure to hold elections for constitution of a regular Council before the expiry of its term.

7. Resignation.- The President, Vice-President or any member of the Council may at any time resign his office by addressing a letter to the Government.

8. Filling of casual vacancies of President, Vice-President or a member.- If the President or Vice President or a member of the Council dies or resigns or due to any cause, whatsoever, ceases to be the President or Vice-President or a member, the vacancy so created shall be filled by fresh nomination or election as the case may be, within such period as may be prescribed and the person so nominated or elected shall hold office for the remainder of the term of the office of the President, Vice President or member, as the case may be, in whatsoever place he has been so nominated or elected .

9. Removal of a member.- (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 Council; or
- (b) becomes subject to any of the disqualification mentioned in section 10 of this Act; or
- (c) being a legal practitioner, appears in any suit or proceedings, civil or criminal, against the Council; or
- (d) obtains any employment under the Council or has without the previous sanction of the Government, acquired, directly or indirectly, by himself or by partner, any share or interest in any contract with, by or on behalf of the Council; or
- (e) has so frequently abused in any manner his position as such member as to render his continuance detrimental to the interest of the Council, the Government may remove him from membership:

Provided that when the Government proposes to take action under the forgoing provisions of these sections, an opportunity of being heard shall be given to the member concerned, and when such action is taken, the reason therefore shall be placed on record.

(2) The decision of the Government shall not be questioned in any court of law.

10. Disqualification of membership,- Any person,-

(a) who is an undischarged insolvent; or

(b) who has been adjudged to be of unsound mind by a competent authority;
or

(c) who has been convicted of an offence involving moral turpitude which, in the opinion of the Government, renders him unfit to be member of the Council ;or

(d) whose name has been removed from the register under section 26 of this Act; shall not be eligible for being elected or nominated or for continuing to be a member of the Council.

11. Duties of President.- Unless provided otherwise by the Act or prevented by reasonable cause, it shall be the duty of the President,-

(a) to convene and preside over all meetings of the Council;

(b) otherwise to control in accordance with any regulations to be made in this behalf ,the transaction of business ,at all meetings of the Council;

(c) to perform such other duties as are required or imposed on him by or under this Act or rules framed thereunder.

12. Delegation by President of his powers and duties to the Vice-President.-

(1) The President may empower, by general or special order, the Vice-President to exercise under his control any one or more of his powers, duties or functions.

(2) An order by the President under sub-section (1) may specify any condition and impose any restriction in respect of the exercise of such power or performance of any duty or the discharge of any function.

(3) In particular, such order may specify the condition that any order by Vice President in exercise of a power conferred on him by sub-section (1) shall be liable to rescission or revision by the President upon appeal to the President within a specified time.

13. Duties of Vice-President.-The Vice-President shall,-

(a) in the absence of the President from a meeting of the Council and unless prevented by a reasonable cause, preside, regulate the conduct of business of meeting of the Council and maintain and enforce order at the meeting.

(b) during the vacancy in the office of President or the incapacity or temporary absence of the President, perform any other duty or power of the President.

(c) at any time perform any duty and exercise when occasion arises, any power delegated to him by President under section 12 of this Act.

14. Nomination of members in default of election.- If the registered practitioners fail by such date as may be prescribed, to elect the requisite number of members of the Council or to fill up any vacancy on the Council, the Government may fill up such vacancies or vacancy by nomination of persons or person qualified to be elected .

15. Notification of election, nominations of vacancies.- Every nomination or election to any vacancy in the office of the President, the Vice-President, or a member of the Council shall be notified in the Official Gazette.

16. Payment of allowance to members.- Members of the Council shall be paid out of the funds of the Council such travelling and daily allowances, not exceeding those payable to grade I Government officer, as may be prescribed.

CHAPTER -III

Conduct of business

17. Meeting of the Council.- The Council shall meet at such time and place and every meeting of the Council shall be summoned in such manner as may be provided by regulations:

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

18. Procedure at meetings of Council.- (1) Every meeting shall be presided over by the President or in his absence by the Vice-President.

(2) If, at a meeting, neither the President nor the Vice-President is present, the members present shall elect one of the members present to be the President of the meeting and such President shall perform all the duties and may exercise all the powers of the President of the Council when presiding at such meeting.

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

(4) In case of an equality of votes, the President of the meeting shall have a second or casting vote.

(5) In order to constitute a meeting of the Council, four members present shall form its quorum.

19. The minute book and resolutions.- (1) The names of the members present, the proceedings held and resolutions passed at a meeting of the Council shall be entered in a book to be called the minute book.

(2) The minutes shall be read out at the meeting, or the next ensuing meeting and after being passed as correct by the members (or a majority of them) present at the meeting, shall be certified as passed under the signature of the President of the meeting at which it is passed.

(3) A copy of the proceedings of every meeting of the Council shall, within fifteen days from the date of meeting, be forwarded to the Government or any other authority appointed by it in this behalf.

20. Validity of proceedings.- (1) Vacancy in the Council shall not vitiate any act or proceedings of the Council.

(2) Disqualification of member or defect in the election or nomination of member of the Council and /or of the President or Vice -President shall not vitiate any act or proceeding of the Council in which such person has taken part.

CHAPTER IV

Staff and Registration

21. Registrar, other Officers and servants of the Council.- (1)The Council shall with the previous approval of the Government appoint a Registrar who shall be the secretary of the Council. The Registrar shall receive such salary and allowances and shall be governed by such conditions of service as may be prescribed. The President may, from time to time, grant him leave and may temporarily appoint a person to take his place. Any person duly appointed to act as Registrar shall be deemed to be the Registrar for all purposes of this Act.

(2) Any order of the Council appointing, punishing or removing the Registrar from his office shall be subject to the approval of the Government.

(3)The Council may appoint such other officers and servants as may be necessary for carrying out the purposes of this Act:

Provided that the number, designation, pay and allowances of such officers and servants shall be fixed under the regulations framed by the Council:

Provided further that the powers of the Council to punish, dismiss, discharge and remove any officer or servant of the Council, shall be subject to rules framed by the Government and regulations framed by the Council.

(4) All questions of recruitment, promotion, leave, and other conditions of service relating to staff of the Council shall be governed by rules, framed by the Government.

(5) The Registrar or any other officer or servant appointed shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code 1860 (45 of 1860).

22. Order by Council for maintenance of register.- (1) The Council shall, as soon as may be after the commencement of this Act and from time to time as occasion may require, make orders regulating the maintenance of a register.

(2)The register shall be kept in such form as may be prescribed.

23. Duties of Registrar.- (1) Subject to the provisions of this Act or subject to any general or special orders of the Council, 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 the rules made thereunder.

(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 practitioner who die or who under the provisions of this Act, cease to be entitled to remain on the register.

(3) No alterations 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 Council may, if it thinks fit, direct that the name of the practitioner be re-entered in the register.

24. Persons entitled to registration.- (1) Every person possessing the qualification mentioned in the Schedule shall subject to the provisions contained in this Act and on payment of such fees as may be prescribed in this behalf, be entitled to have his name entered in the register subject to such conditions as the Council may specify:

Provided that an application for entry in the register made by a person, whose case is not clearly governed by the provisions of this Act or by the rules and regulations made thereunder, shall be referred to Council for such decision as it may deem fit.

(2) Any person aggrieved by the decision of the Registrar regarding the registration of any person or the making or removal of any entry in the register may, within ninety days of such registration or entry, appeal to the Council.

(3) Such appeal shall be heard and decided by the Council in the prescribed manner.

(4) The Council may on its own motion or on the application of any person and after calling for an explanation from the person concerned and considering the same, cancel or alter any entry in the register, if, in the opinion of the Council such entry was fraudulently or incorrectly made or obtained.

25. Renewal fees.- (1) On payment of such renewal fee for such period as may be prescribed the name in the register shall be maintained after the same is first entered in the register:

Provided that if the renewal fee is not paid before the due date, the Registrar shall remove the name of the defaulter from the register:

Provided further that the name so removed may be restored to the register on payment of such fees in such manner as may be prescribed.

26. Removal of names from the register.- The Council may direct that the name of any practitioner who has been convicted of a cognizable offence as stated in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), and of the practitioner who discloses such defect of moral character which, in the opinion of the Council, sufficient to make him unfit to practice his profession, shall be removed from the register after due enquiry. The Council may after sufficient cause being shown, direct that the name of the practitioner so removed shall be re-entered in the register.

27. Power of Council to call for information from medical institution.- The Council shall have power to call upon the governing body or authorities of a medical institution, examining body or other institution recognized or desirous of being recognized by the Government,-

- (a) to furnish such reports, returns or other information as the Council may require, to enable it to judge the efficiency of the instructions given therein in Ayurvedic or other allied Indian Systems of Medicine;
- (b) to provide facilities to enable a member of the Council deputed by the Council in this behalf to be present at the examination held by such medical institution, examining body or other institution.

28. Publication of names entered in the register.- (1)The Registrar shall, in every year and from time to time as occasions may require, on or before a date to be fixed in this behalf by the Council, cause to be published in the Official Gazette in such manner as the Council may specify, a full or supplementary list of names of practitioners 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, degrees, and qualifications of each such person and the date on which each such title or degree was granted or qualification acquired:

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 from register under any of the provisions of this Act.

(2) In any proceeding it shall be presumed that every person whose name is entered in the register is a registered practitioner; and that any person whose name is not so entered is not a registered practitioner.

Explanation:- In the case of person whose name has been entered in the register after the last publication of the list, a certified copy signed by Registrar, of the entry of the name of such person in the register, shall be evidence that such person is registered under this Act. Such certificate shall be issued free of cost.

29. Examinations.- (1)The Council may, by regulations, lay down the qualifications required for admission to a course or training in Ayurvedic and

other Allied Indian Systems of Medicine, the duration of such training, the qualifying examinations and may make necessary arrangements to give such training and may hold such examinations and confer diplomas.

(2) It shall be the duty of the Council to secure the maintenance of an adequate standard of proficiency for the practice of the Ayurvedic system of medicine and other Allied Indian Systems of Medicine and for the purpose of securing such a standard, the Council shall have authority to call, the governing body or the authorities of any institutions giving instructions in such system,-

(a) to furnish such particulars as the Council may require of any course of study or of any examination held by such institution with reference to the grant of any qualifications, and

(b) to permit inspectors appointed by the Council to inspect the institution.

(3) The Council may form a standing syllabus and examination committee consisting of persons from amongst its members for the purposes of sub-sections (1) and (2).

30. Appointment of Inspector.- (1) The Council may appoint such number of Inspectors as it may deem fit on such salary as the Council may with the previous sanction of the Government determine.

(2) It shall be the duty of the Council to secure the maintenance of an adequate standard proficiency for the practice of Ayurvedic System of Medicine and other Allied Indian Systems of Medicine. For the purpose of securing the maintenance of such standard the Council shall have authority to call the governing body of the recognized institution to permit Inspectors appointed by the Council in this behalf to inspect such recognized institution, dispensary and the hospitals attached to it and to attend and be present at all or any of the examinations held by the institutions. Every recognized institution shall comply with the directions issued by the Council from time to time.

(3) The Inspector shall, in accordance with any general or special directions of the Council, inspect dispensaries, hospitals, and the institutions affiliated to Council and shall report to the Council in regard to the course of study pursued

and training imparted at every such Institutions and on any other matter with regard to which the Council may require him to report.

(4) The Inspectors shall not interfere with the conduct of any examination but it shall be their duty to report to the Council their opinion as to the sufficiency or insufficiency of every examination which they attend and any other matter in regard to such institution on which the Council may require them to report.

(5) Every recognized institution and every examination held by such institution shall be inspected by the inspectors at least once in five years, and more frequently if the Council so desires.

(6) The Council shall forward a copy of every such report to the institution in respect of which the report was made, and shall also forward a copy of such report, together with any observations made thereon by the Council, to the Government.

31. Grant and withdrawal of Recognition.- The Council may grant recognition to any institution imparting instructions to students for preparing them for the qualifying examination and may, at any time, withdraw such recognition, if in the opinion of the Council, the Institution is unable to impart instructions of the required standard.

CHAPTER V

Functions and Finance of the Council

32. Powers of the Council.- The Council shall have the power,-

- (i) to recognize Ayurvedic system of medicine and other Allied System of medicines for the purpose of affiliation;
- (ii) to prescribe courses of study and curricula for general instruction or special or refresher courses in institutions affiliated to the council;
- (iii) to hold examinations and to grant and confer degrees and diplomas to and on persons who have pursued a course of study in the institutions affiliated to the Council;

- (iv) to conduct exhibitions and award medals and also to grant scholarships to those who obtain high positions at the examinations or are poor and deserving with sanction of the Government;
- (v) to grant to students scholarships for special studies in research and manufacture of Ayurvedic System of medicine and other Allied Indian Systems of Medicine, whether in India or abroad;
- (vi) to receive from students such fees as may be prescribed for admission to the examination;
- (vii) to exercise general supervision over the residential and disciplinary arrangements made by the educational institutions affiliated to the Council and to make arrangements for promoting the health, general welfare of the students;
- (viii) to appoint examiners and publish the results of the examinations held by it;
- (ix) to suspend or withdraw the recognition of any institution which is not run in accordance with the conditions specified in this Act or rules framed thereunder;
Provided that no such action shall be taken without affording the management of such an institution an opportunity of making representation as it may deem fit;
- (x) to establish or aid research institutions and to make arrangement for post-graduate study in Ayurvedic System of medicine and other Allied Indian System of Medicines;
- (xi) to publish journals of Ayurvedic System of Medicines and other Allied Indian System of Medicines;
- (xii) to do such acts, not inconsistent with the provisions of this Act, as may be necessary for the furtherance of the objects of this Act.

33. Budget.- (1)The Council shall prepare and lay before it at a meeting to be held in every year before such date, as may be prescribed a complete account of

the actual and abstracted receipts and expenditure for the year ending on 31st day of March next following such date together, with a budget estimates of the income and expenditure of the Council for the year commencing on the first of April next following.

(2) The Council shall at such meeting decide upon the appropriations and the ways and means contained in the budget estimate and submit the budget for approval to the Government, or to such authority, as the Government may , by order, direct.

(3) Subject to the like provisions, the Council may suggest variation or alteration in the budget, as circumstances may render desirable.

34. Revised budget.- As soon as may be after the first day of October, the revised budget for the year shall be framed ,and such revised budget shall, so far as may be subject to all the provisions applicable to a budget made under section 33.

35. Ayurvedic and other Allied Indian Systems of Medicine fund.- There shall be established Ayurvedic and other Allied Indian Systems of medicine fund and there shall be placed to the credit thereof,-

(a) grants and loans received from the Government;

(b) all fees received by the Council;

(c) contributions received from any local authority; and

d) all sums received by, or on behalf of the Council, from sources other than those mentioned in the forgoing clauses.

36. Custody and Investment of Ayurvedic and other Allied Indian Systems of Medicine Fund.-The Ayurvedic and other allied Indian Systems of Medicine Fund shall be kept in the State Bank of India or with the previous sanction of the Government, in any other bank.

CHAPTER VI

Privileges and Rights of Registered Practitioners

37. Privileges and Rights of Registered Practitioners.-Notwithstanding anything contained in any law for the time being in force,-

(i) The expression legally qualified registered practitioner of Ayurvedic System of Medicine or other Allied Systems of Indian Medicine or any word importing a person, recognized by law as Ayurvedic System of Medicine or Member of Ayurvedic System of Medicine or other Allied Systems of Indian Medicine shall in all Acts, extended to the State of Goa or in all Acts of Legislature in their application to the State of Goa, in so far as such Acts relate to any of the matters specified in list II or list III in the Seventh Schedule of the Constitution of India be deemed to include a registered practitioner.

(1) A Registered practitioner shall be eligible to hold any appointment as a physician or other medical officer in any dispensary, hospital supported by or receiving a grant from the Government or any other local authority and treating patients or in any other establishment, body or institution dealing with Ayurvedic System of Medicine or other Allied Indian Systems of Medicine.

(2) Unless the Council otherwise directs, 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 Ayurvedic System of Medicine or other Allied Indian Systems of Medicine practitioner;
- (b) sign or authenticate a medical or fitness certificate required by any law or rule to be signed or authenticated by duly qualified practitioner of Ayurvedic System of medicine or other Allied Indian Systems of Medicine;
- (c) give evidence at any inquest or in any court of law as an expert under section 45 of the Indian Evidence Act, 1872 (Central Act 1 of 1872) or on any matter relating to Ayurvedic System of Medicine or other Allied Indian Systems of Medicine.

38. Exemption from serving on inquest.- 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 1973 (Central Act 2 of 1974).

CHAPTER VII

Offences

39. Right to practice.- No person shall practice Ayurvedic System of Medicine or other Allied Indian Systems of Medicine unless he is duly registered under this Act or qualified and entitled to practice such medicine under any law for time being in force.

40. Conferring, granting or issuing degree, diploma, license, etc., by unauthorized person or institution.-(1) No person other than an association or institution recognized or authorized under this Act shall confer, grant or issue any degree, diploma, license, certificate or other document so as to practice the Ayurvedic System of Medicine or other Allied Indian System of Medicines or hold itself out as entitled to confer, grant or issue such documents or certificates.

(2) (a) No person, other than a registered practitioner under this Act, or whose name has been entered in the Central Register of Indian Medicine maintained by the Central Council shall practice Ayurvedic System of Medicine.

(b) The Registered practitioners of Ayurvedic System of Medicine or other Allied Indian System of Medicines whose names are entered in the register maintained by the Goa Board of Indian medicines and homoeopathy shall be considered as registered practitioners and their names shall be transferred to the register maintained by the Council.

(c) No practitioner shall practice in the State of Goa on the ground that he is registered in any other State or Union Territory.

(d) No practitioner shall be registered on the ground that he is holding registration certificate from any State or Union Territory unless he possesses a recognized medical qualification conferred by any college /university recognized by the Council.

(e) All the qualifications, degrees or diplomas conferred by Colleges/Institutions included in the II and III Schedule attached to Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970) shall be considered as recognized qualification.

(f) Any Practitioner who do not posses recognized qualification and were or are practicing Ayurvedic System of Medicine or other Allied Indian System of Medicines in any other State or Union territory and desire to establish his practice in the State of Goa shall have to obtain degree/diploma by passing such examination as held by the Council.

(3) Whoever contravenes the provisions of this section shall be punishable for first such offences ,with imprisonment which may extend to one year or with fine which may extend to Rs 1,00,000 or with both , and for such subsequent offence with double the fine and imprisonment specified for first offence.

(4) Whoever contravenes the provisions of section 39 of this Act shall on conviction be punished for first such offence with imprisonment which may extend to one year or with fine which may extend to Rs 1,00,000 or with both, and for such subsequent offence with double the fine and imprisonment specified for first offence.

41. False assumption of certificate or diploma to be an offence.- Whoever falsely assumes or uses any title or description or any addition to his name implying that he holds a degree, diploma, license or certificate conferred, granted or issued by an association or institution recognized or authorized under this Act or that he is qualified to practice the Ayurvedic System of Medicine and other Allied Indian System of Medicines under the provisions of this Act shall be punishable with imprisonment which may extend to six months or with fine which may extend to Rs 50,000 or with both for the first such offence and for such subsequent offences with double the fine and imprisonment specified for first offence.

CHAPTER VIII

Miscellaneous

42. Appeals to Government from decision of the Council.- (1)An appeal shall lie to the Government from every decision of the Council under this Act, except a decision made by the Council as an appellate authority.

(2) Every appeal under sub-section (1) shall be preferred within three months of the date of communication of such order.

43. Bar to suit and other legal proceedings.- (1)No suit or other legal proceeding shall lie against the Government in respect of an act done in exercise of the powers conferred by this Act.

(2) No suit, prosecution or other legal proceedings shall lie against the Council or any member, or any officer or servant of the Council or any person acting under the direction of the Council or of the President or the Vice-President or of any officer or servant of the Council in respect of anything which is done in good faith or intended to be done in pursuance of this Act or of any rules or regulations made thereunder.

44. Control of Council by Government.- (1)The Government may give such direction to the Council as it may deem fit and the Council shall comply with all such directions.

(2) If, at any time, it shall appear to the Government that the Council has failed to exercise or has exceeded or abused power conferred upon it by or under this Act or has failed to perform a duty imposed upon it by or under this Act, the Government may, if it considers such failure excess, or abuse to be of a serious character notify the particulars thereof to the Council; and if the Council fails to remedy such default excess or abuse within such time as may be fixed by the Government in this behalf, the Government may dissolve the Council and appoint an administrator to perform all or any of the powers and duties of the Council, for such period as it may think fit:

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

45. Court competent to try offences under this Act and take cognizance of offences.- (1) No court other than the court of a magistrate of the first Class shall take cognizance of, or try a 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.

46. Delegation of power.- The Government or the Council may delegate such of its power and to such authority as the Government or the Council, as the case may be, deem necessary.

47. Power to make regulations.- (1) the Council may, by notification, make regulations, not inconsistent with this Act and the rules made thereunder, for the purpose of giving effect to the provisions of this Act.

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

- (a) time, place of meeting of the council and manner in which the meeting of the council shall be summoned under section 17;
- (b) number, designation, pay, allowance of officers and servants of the council under section 21;
- (c) qualifications required for admission to a course or training in Ayurvedic system of medicine and other Allied System of medicine under section 29;
- (d) Any other matter which is required to be or may be laid down by regulations.

(3) The Government may, by notification in the Official Gazette, cancel or modify any regulation.

48. Power to make Rules.- (1)The Government may, from time to time, make rules for the purpose of carrying into effect the provisions of this Act.

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

- (a) the time and place at which and the manner in which election shall be held under sub-section (3) of section 3;
- (b) period to fill the vacancies under section 8;
- (c) allowance to be paid to the members of the council under the section 16.
- (d) conditions of service under section 21.
- (e) maintenance of register under section 22.
- (f) fees to be paid and conditions for registration under section 24(1);
- (g) manner in which the appeal shall be heard and decided under section 24(3);
- (h) renewal fee and manner of payment under section 25(1);
- (i) manner of publication of names under section 28(1);
- (j) fees to be paid under section 32(vi).

**SCHEDULE (See
Section 24)
Qualifications for Registration**

Part -I

Recognized Medical Qualifications in Ayurvedic System of Medicine granted by Universities, Councils or other Medical Institutions in India recognized by the Central Council of Indian Medicine under Indian Medicine Central Council Act, 1970(Central Act 48 of 1970).

Part-II

Recognized Medical Qualification in Unani and Siddha System of Medicine granted by Universities, Councils or other Medical Institutions in India recognized by the Central Council of Indian Medicine under Indian Medicine Central Council Act, 1970(Central Act 48 of 1970).

Part-III

Recognized Qualification in “Yoga and Naturopathy” granted by University, Council or other Institution in India approved by Central Government.

Part-IV

Recognized Qualification in “Sowa -Rigpa” granted by University, Council or other Institution in India approved by Central Government.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks to provide the constitution of the Goa Ayurvedic and other Allied Indian Systems of Medicine in the State of Goa.

The Bill seeks to provide registration of practitioners possessing recognized qualifications in the Ayurvedic and other Allied Indian Systems of Medicine in the State of Goa.

The Bill further seeks to provide maintenance of register of practitioners of Ayurvedic and other Allied Indian Systems of Medicine in the State of Goa.

The Bill also seeks to encourage the study and spread such system of Ayurvedic and other Allied Indian Systems of Medicine and to make certain other provisions related to the practitioners of these systems of medicine in the State of Goa.

This Bill seeks to achieve the above objects.

FINANCIAL MEMORANDUM

The Council will receive registration fees from practitioners to enroll their name in the register and renewal fees for the retention of his/her name in the register after the name is first entered in the register.

A travelling and daily allowance is proposed to be paid to member of the council.

An appointment of Registrar, who shall be the Secretary of the Council and requisitioning of the services of Data Entry Operator, will be required for the establishment of the council. The other expenses will be towards purchase of office furniture, computer and other material.

Thus approximately, the financial implication that shall be involved will be to the tune of Rs. 10.00 lakhs per annum.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 1 (3) of the Bill empowers the Government to appoint a date by Notification in the Official Gazette for bringing the Act into force.

Clause 3 (1) of the Bill empowers the Government to issue notification for constitution of the Goa Ayurvedic and other Allied Indian Systems of Medicine Council.

Clause 3 (3) of the Bill empowers the Government to frame rules to specify the time, place and the manner in which election of the members of the Council to be held.

Clause 5(1) of the Bill empowers the Government to extend the term of office of member by issuing notification.

Clause 5 (2) of the Bill empowers the Government to issue order for appointing an Administrator.

Clause 8 of the Bill empowers the Government to frame rules for specifying the period for filling up of the casual vacancy.

Clause 16 of the Bill empowers the Government to frame rules for specifying allowances payable to the members of the Council.

Clause 17 of the Bill empowers the Council to frame regulations for specifying the manner in which the meetings of the Council shall be summoned.

Clause 21 (1) of the Bill empowers the Government to frame rules for prescribing the salary and allowances and other conditions of the services of the Registrar.

Clause 21 (3) of the Bill empowers the Council to frame regulations for specifying the number, designations, pay and allowances of its officers and servants.

Clause 22 (2) of the Bill empowers the Government to frame rules for prescribing the form of a register.

Clause 23 (3) of the Bill empowers the Government to frame rules for prescribing the fees.

Clause 24 (1) of the Bill empowers the Government to frame rules for prescribing the fees to be paid for the registration.

Clause 24 (3) of the Bill empowers the Government to frame rules for prescribing the manner of hearing of appeal by the Council.

Clause 25 (1) of the Bill empowers the Government to frame rules for prescribing the fees to be paid for renewal of registration and also the manner in which such fee is to be paid.

Clause 25 (2) of the Bill empowers the Government to frame rules for prescribing fees to be paid by the defaulter in case renewal fees is not paid before the due date of renewal of registration and also the manner in which such fee is to be paid.

Clause 29 (1) of the Bill empowers the Government to frame regulations for specifying the qualifications required for admission to a course of training in Ayurvedic and other Allied Indian Systems of Medicine, the duration of such training and qualifying examination.

Clause 32 (5) of the Bill empower the Government to frame rules for prescribing the fees to be charged for the admission to the examination of the Council.

Clause 45 (2) of the Bill empowers the Government to empower an officer to make a complaint before the court.

Clause 47 of the Bill empowers the Council to make regulations for the purpose of giving effect to the provisions of the Act.

Clause 48 of the Bill empowers the Government to frame rules for carrying out the provisions of the Act.

These delegations are of normal character.

Porvorim, Goa
August 2019

Shri Vishwajit P. Rane
Minister for Health

Assembly hall
Porvorim, Goa
August, 2019

Smt. Namrata Ulman
Officiating Secretary to
the Legislative Assembly of Goa