



# महाराष्ट्र शासन राजपत्र असाधारण भाग आठ

वर्ष ६, अंक १६(२)]

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असाधारण क्रमांक ५५

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधी व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra Medical Practitioners (Amendment) Bill, 2014 (L. A. Bill No. XXI of 2014), introduced in the Maharashtra Legislative Assembly on the 12th June 2014, is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

H. B. PATEL,  
Principal Secretary to Government,  
Law and Judiciary Department.

## L. A. BILL No. XXI OF 2014.

### A BILL

*further to amend the Maharashtra Medical Practitioners Act, 1961.*

Mah. XXVIII of 1961. WHEREAS it is expedient further to amend the Maharashtra Medical Practitioners Act, 1961, for the purposes hereinafter appearing ; it is hereby enacted in the Sixty-fifth Year of the Republic of India as follows :—

1. (1) This Act may be called the Maharashtra Medical Practitioners (Amendment) Act, 2014.

Short title and commencement.

(2) It shall come into force on such date as the State Government may, by notification in the *Official Gazette*, appoint.

Mah. XXVIII of 1961. 2. In section 25 of the Maharashtra Medical Practitioners Act, 1961, after clause (iii), the following clauses shall be added, namely :—

Amendment of section 25 of Mah. XXVIII of 1961.

“(iv) the registered practitioners of the Indian Medicine and holding the qualifications mentioned in the PART A, A-1, B or D of the Schedule, shall have privilege to practice the modern scientific medicine known

as allopathic medicine to the extent of the training they received in that system, alongwith the system of Indian Medicine for which they are registered;

(v) the registered practitioners of the Indian Medicine holding the qualifications mentioned in the PART A, A-1, B or D of the Schedule and holding post-graduate qualification which is entered as additional qualification in the register prepared under section 17 shall be eligible to pursue and practice the latest knowledge, skill and technological advances to the extent of the training they received in that system during the post-graduation.”.

STATEMENT OF OBJECTS AND REASONS.

The Indian Medicine Central Council Act, 1970 (48 of 1970) has been enacted by the Parliament to provide for the constitution of the Central Council of Indian Medicine and the maintenance of a Central Register of Indian Medicine and for the matters connected therewith. The Central Council of Indian Medicine regulates standards of education and examinations, qualifications and practice in Ayurved, Siddha and Unani Tibb Systems of Medicine at Graduate and Post-Graduate levels. In the State of Maharashtra, the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961) regulates the qualifications and provides for the registration of practitioners of the Ayurvedic, Siddha and Unani Systems of Medicines. In the case of Dr. Mukhtiar Chand Vs. State of Punjab and Others (reported in (1998) 7 SCC 579), the Hon'ble Supreme Court has explained the rights of medical practitioners of Allopathic Medicine as well as the Indian Medicine. In the Maharashtra State, the Government of Maharashtra has, *vide* the Government Notification, Medical Education and Drugs Department, No. CIM.1091/CR-179/91(Part V) ACT, dated the 25th November 1992, issued in exercise of the powers conferred by the proviso to section 33, read with clause (fa) of section 2 of the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961), directed that the Ayurvedic Practitioners enrolled on the State Register of Practitioners of Indian Medicine holding qualifications specified in Parts A, B and A-1 of the Schedule appended to the said Act, shall be eligible to practice the modern system of medicine which is known as allopathic system of medicine, to the extent of the training they received in that system. The Government of Maharashtra has, *vide* the Government Order, Medical Education and Drugs Department, No. CIM. 1099/CR-25/99/Act, dated the 23rd February 1999, issued in pursuance of the provisions of sub-clause (iii) of clause (ee) of rule 2 of the Drugs and Cosmetics Rules, 1945 and in supersession of the Government Order, Urban Development and Public Health Department, No. DRG.1160/69919-B, dated the 5th June 1965, declared that the persons holding the qualifications for the time being mentioned in Parts A, A-1, B and D of the Schedule appended to the Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961), and registered in the register mentioned under that Act, although being persons not falling within sub-clause (i) or sub-clause (ii) of clause (ee) of the said rule 2, to be persons practicing the modern scientific system of medicines for the purpose of the Drugs and Cosmetics Act, 1940 (23 of 1940). With a view to incorporate such provisions for the practitioners of Ayurveda, Siddha and Unani, explicitly, in the Maharashtra Medical Practitioners Act, 1961, the Government considers it expedient to amend section 25 of the said Act, suitably.

2. Hence this Bill.

Mumbai,  
Dated the 11th June 2014.

JITENDRA AVHAD,  
Minister for Medical Education.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

The Bill involves the following proposal for delegation of legislative power, namely :—

*Clause 1(2).*—Under this clause, power is taken to the State Government to appoint, by notification in the *Official Gazette*, the date on which the Act shall come into force.

2. The above-mentioned proposal for delegation of legislative power is of a normal character.