



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

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असाधारण क्रमांक १०६

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, 2018 (L. A. Bill No. LI of 2018), introduced in the Maharashtra Legislative Assembly on the 13th July 2018, is hereby published under the authority of the Governor.

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

RAJENDRA G. BHAGWAT,
I/c. Secretary (Legislation)
to Government,
Law and Judiciary Department.

L. A. BILL No. LI OF 2018.

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-ninth Year of the Republic of India, as follows :—

1. This Act may be called the Maharashtra Medical Practitioners (Amendment) Act, 2018. Short title.

Mah. XXVIII of 1961. 2. In section 17 of the Maharashtra Medical Practitioners Act, 1961 (hereinafter referred to as "the principal Act"), in sub-section (3), for the words "a fee of five hundred rupees" the words "such fees as the State Government may, by notification in the *Official Gazette*, specify", shall be substituted. Amendment of section 17 of Mah. XXVIII of 1961.

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(१)

Amendment of section 18A of Mah. XXVIII of 1961.

3. In section 18A of the principal Act, in sub-section (1), for the words “a fee of seventy-five rupees” the words “such fees as the State Government may, by notification in the *Official Gazette*, specify” shall be substituted.

Amendment of section 23A of Mah. XXVIII of 1961.

4. In section 23A of the principal Act, for sub-section (1), the following sub-section shall be substituted, namely :—

“(1) Notwithstanding anything contained in sections 17 and 23,—

(a) every registered practitioner who is holding a certificate of registration prior to such date, as the Council, by order published in the *Official Gazette*, specifies, shall within a period of three months from the specified date, apply in the prescribed form, with such renewal fee as the State Government may, by notification in the *Official Gazette*, specify, to the Registrar for the renewal of the registration. There shall be accompanied with such form a self-attested copy of the AADHAR card issued to him by the Unique Identification Authority of India ;

(b) the registered practitioner who fails to apply for the renewal of his registration within the specified period may apply in the prescribed form along with such late fee as the State Government may, by notification in the *Official Gazette*, specify, for renewal of the registration ;

(c) every registered practitioner who has obtained the renewed certificate of registration under clause (a) or (b), shall be required to get the same renewed every five years thereafter, on payment of such renewal fees or late fees as the State Government may, by notification in the *Official Gazette*, specify :

Provided that, such person shall, not less than two months prior to the date on which the registration period of five years from the renewal of the registration under clause (a) or (b) expires, make an application in the prescribed form with the requisite fees as specified under this clause, for the renewal of his certificate of registration ;

(d) the Registrar shall on registration or renewal of the registration certificate also issue to such practitioner an identity card in such form containing such particulars, as may be prescribed.

Explanation.—Nothing in clause (b) of this sub-section shall affect the liability of a practitioner, whether civil or criminal, incurred during the period commencing on the date of expiry of his registration and ending on the date of renewal of such registration.”.

STATEMENT OF OBJECTS AND REASONS

The Maharashtra Medical Practitioners Act, 1961 (Mah. XXVIII of 1961) is enacted to regulate the qualifications and to provide for the registration of practitioners of the Ayurvedic, Siddha and Unani Systems of Medicine, with a view to encourage the study and spread of such systems, and to make certain provisions relating to medical practitioners generally, in the State of Maharashtra and for that purpose to consolidate and amend the law related thereto.

2. Section 23A provides for renewal of registration of the practitioners after paying fees therefor to the Council. It has been brought to the notice of the State Government that the present procedure for renewal of registration certificate is time consuming, cumbersome and to a certain extent impracticable and needs simplification. It has also been brought to the notice of the State Government that fees for registration and its renewal, received by the Council, are its main source of income. Such fees due to passage of time needs revision. Accordingly, it is proposed to amend the said Act, suitably.

3. The salient features of the proposed amendments are as under :—

(i) *Amendment of sections 17 and 18A :—*

It is proposed to provide that the fees for registration and for provisional registration certificate for practice shall be such as may be specified by the Government by notification in the *Official Gazette*.

(ii) *Amendment of section 23A :—*

(a) It is proposed to provide for obligation on the registered practitioner to apply the renewal of registration of the certificate within the date as specified by the Council for the purpose ;

(b) Any practitioner who fails to apply for renewal before the date so stipulated may get certificate renewed on payment of late fees as may be specified for renewal ;

(c) The registration or renewal of registration shall be valid for a period of five years from the date of its issuance ;

(d) It is explicitly provided that the late registration by medical practitioner shall not affect his liability whether civil or criminal incurred during the period commencing on the date of expiry of his registration and ending on the date of renewal of such registration.

4. The Bill seeks to achieve above objectives.

Nagpur,

Dated the 10th July 2018.

GIRISH MAHAJAN,

Minister for Medical Education.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

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

Clause 2.—Under this clause, which seeks to amend section 17 of the Maharashtra Medical Practitioners Act, 1961, power is taken to the State Government to specify, by notification in the *Official Gazette*, the fees to be paid for registration in the Register of practitioners of Indian Medicine.

Clause 3.—Under this clause, which seeks to amend section 18A of the said Act, power is taken to the State Government to specify, by notification in the *Official Gazette*, the fees to be paid for provisional registration.

Clause 4.—Under this clause, which seeks to amend section 23A of the said Act,—

(i) under proposed clause (a),—

(a) power is taken to the State Council to specify by order in the *Official Gazette*, the date prior to which every registered practitioner holding a certificate of registration, shall apply for renewal of registration in the prescribed form ;

(b) power is taken to the State Government to prescribe by rules the form for renewal of the registration and fees for renewal, in the *Official Gazette* ;

(ii) under proposed clause (b), power is taken to the State Government to notify in the *Official Gazette*, renewal fees or late fees to be paid ;

(iii) under proposed clause (c), power is taken to the State Government to prescribe by rules the form for renewal and to specify in the *Official Gazette*, the renewal fees or late fees to be paid ;

(iv) under proposed clause (d), power is taken to the State Government to prescribe by rules the form and particulars in which an identity card shall be issued to a registered practitioner.

2. The above-mentioned proposals for delegation of legislative power are of normal character.