



കേരള ഗസറ്റ് KERALA GAZETTE

അസാധാരണം EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

വാല്യം 10
Vol. X

തിരുവനന്തപുരം,
ബുധൻ

Thiruvananthapuram,
Wednesday

2021 ഫെബ്രുവരി 24
24th February 2021

1196 കുംഭം 12
12th Kumbham 1196

1942 ഫാൽഗുനം 5
5th Phalguna 1942

നമ്പർ
No.

946

GOVERNMENT OF KERALA Law (Legislation-I) Department NOTIFICATION

No. 3970/Leg.H1/2021/Law.

*Dated, Thiruvananthapuram, 24th February, 2021
12th Kumbham, 1196
5th Phalguna, 1942.*

The following Ordinance promulgated by the Governor of Kerala on the 23rd day of February, 2021 is hereby published for general information.

By order of the Governor,

ARAVINTHA BABU P. K.,
Law Secretary.



ORDINANCE No. 43 OF 2021**THE KERALA STATE MEDICAL PRACTITIONERS ORDINANCE, 2021**

Promulgated by the Governor of Kerala in the Seventy-second Year of the Republic of India.

AN

ORDINANCE

to unify the existing enactments to regulate the qualification and to provide for the registration of practitioners of Modern Medicine, Indian Systems of Medicine and Homoeopathic Medicine in the State of Kerala and for matters connected therewith or incidental thereto.

Preamble.—WHEREAS, it is expedient to regulate the qualifications and to provide for the registration of practitioners of Modern Medicine, Indian Systems of Medicine and Homoeopathic Medicine and Yoga and Naturopathy with a view to render better patient care and enhance and update the knowledge in these systems of medicine and to enact a law relating to the regulation of practice of these systems of medicine in the State;

AND WHEREAS, the Legislative Assembly of the State of Kerala is not in session and the Governor of Kerala is satisfied that circumstances exist which render it necessary for him to take immediate action;

NOW, THEREFORE, in exercise of the powers conferred by clause (1) of Article 213 of the Constitution of India, the Governor of Kerala is pleased to promulgate the following Ordinance:—

CHAPTER I**PRELIMINARY**

1. *Short title, extent and commencement.*—(1) This Ordinance may be called the Kerala State Medical Practitioners Ordinance, 2021.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force at once.



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

- (a) “Council” means, in relation to matters pertaining to Modern Medicine, the Council of Modern Medicine, in relation to matters pertaining to Indian Systems of Medicine, the Council of Indian Systems of Medicine and in relation to matters pertaining to Homoeopathic Medicine, the Council of Homoeopathic Medicine established under section 3; and the first council starts from the date of the first meeting of each council constituted under this Ordinance;
- (b) “Government” means the Government of Kerala;
- (c) “Homoeopathy” means the System of Medicine founded by Dr. Hahnemann and the expression “Homoeopathic” shall be construed accordingly;
- (d) “Hospitals” including Medical College Hospitals, other recognized Teaching Hospitals, “Dispensaries”, “Clinics”, “Sanatorium”, “Nursing homes”, “Panchakarma Hospitals”, “Ayurvedic Centres”, “Unani Rejumental Therapies”, “Sidha Therapies”, “Verma/Merma Therapies” and other cognate expressions means, institutions where the method of treatments are carried on and are those approved by the appropriate council;
- (e) “Indian Systems of Medicine” means the Ayurvedic Medicine, the Siddha Medicine, the Unani Tibbi Medicine, Yoga and Naturopathy and such other types of medicines as the Council of Indian Systems of Medicine may, from time to time, recognize;
- (f) “Medical Institution or College” means, any recognized and approved institution where teaching or training in the art and science of healing of human ailments according to Modern Medicine, Homoeopathic Medicine or Indian Systems of Medicine are imparted;
- (g) “Modern Medicine” means Modern Scientific System of Medicine including surgery and obstetrics;
- (h) “Naturopathy” means a drugless non invasive system of therapy including the use of natural materials in its treatments based on the theory of vitality, the



theory of toxemia, the theory of the self healing capacity of the body and the principles of healthy living;

- (i) “Naturopathy Institution” means any recognized and approved,—
- (i) Educational institution conducting the Bachelor of Naturopathy and Yoga Sciences (BNYS);
 - (ii) Hospitals with ten inpatient beds and an outpatient department;
 - (iii) Clinic with outpatient department.
- (j) “Practitioner” means any person ordinarily engaged in the practice of Modern Medicine or Indian Systems of Medicine or Homoeopathic Medicine, as the case may be, with a valid registration to do so from the Kerala State Medical Councils;
- (k) “President” means the President of the appropriate Council;
- (l) “Qualified Practitioner” means a Practitioner holding a recognised qualification;
- (m) “Recognised qualifications” means the qualifications enumerated in the Schedule;
- (n) “Register” means a register of practitioners maintained under this Ordinance;
- (o) “Registered Practitioner” means a practitioner whose name is for the time being entered in the register maintained under this Ordinance;
- (p) “Registrar” means the Registrar of the appropriate Council appointed under Section 19;
- (q) “Regulations” means regulations made by the appropriate Council under this Ordinance;
- (r) “Rules” means the rules made by the Government under this Ordinance;
- (s) “Schedule” means the Schedule to this Ordinance;
- (t) “State” means the State of Kerala.



CHAPTER II

ESTABLISHMENT OF COUNCILS

3. *Establishment, incorporation and constitution of Councils.*—(1) The Government shall, by notification in the Gazette, establish the following three Councils, namely:—

- (a) the Council of Modern Medicine;
- (b) the Council of Indian Systems of Medicine; and
- (c) the Council of Homoeopathic Medicine;

(2) Each such Council shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued:

Provided that the councils function at the time of coming into force of this Ordinance shall be deemed to have established under this Ordinance and continue as such till Councils are constituted under this Ordinance.

(3) The Council of Modern Medicine shall consist of the following fifteen members, namely:—

- (a) the Director, Medical Education Department (ex-officio);
- (b) the Director, Health Services Department (ex-officio);
- (c) one member having fifteen years teaching experience elected by the Faculty members of Modern Medicine, Kerala University of Health Sciences from among themselves;
- (d) one member nominated from among the Principals of the Government Medical Colleges in the State, affiliated to the Kerala University of Health Sciences;
- (e) one member having fifteen years teaching experience elected from among the Principals of the Private Medical Colleges in the State, affiliated to the Kerala University of Health Sciences;



- (f) Five members having fifteen years experience after registration, elected by the registered practitioners of Modern Medicine in the State from among themselves;
- (g) Four members having fifteen years experience after registration, nominated by the Government from the medical practitioners, of whom,—
 - (i) one shall be a member of the scheduled caste or scheduled tribe; and
 - (ii) one shall be a woman.
- (h) The Registrar of Kerala University of Health Sciences (Ex-Officio).

(4) The Council of Indian Systems of Medicine shall consist of the following fifteen members, namely:—

- (a) the Director of Ayurveda Medical Education (ex-officio);
- (b) the Director, Indian Systems of Medicine (ex-officio);
- (c) one member elected by the faculty members of Ayurveda, Sidha, Unani, Yoga and Naturopathy affiliated to the Kerala University of Health Sciences from among themselves;
- (d) one member nominated from among the Principals of the Government Ayurveda Medical Colleges in the State, affiliated to the Kerala University of Health Sciences;
- (e) one member elected from among the Principals of the Private/Aided/Self Financing/Ayurveda/Sidha/Unani Medical Colleges and Yoga and Naturopathy institution in the State, affiliated to the Kerala University of Health Sciences;
- (f) One member elected by the registered practitioners of Ayurvedic Medicine in the State from among themselves;



- (g) One member elected by the registered practitioners in the Siddha Medicine in the State from among themselves;
- (h) one member elected by the registered practitioners of Unani Tibbi Medicine from among themselves;
- (i) one member elected by the registered practitioners of Yoga and Naturopathy from among themselves;
- (j) Five members nominated by Government from among the registered practitioners of Indian Systems of Medicine, of whom,—
 - (a) One each shall be from Sidha, Unani and Bachelor of Naturopathy and Yoga Science;
 - (b) One shall be a member of the scheduled caste or scheduled tribe; and
 - (c) One shall be a woman.
- (k) The Registrar of Kerala University of Health Sciences (ex-officio).

(5) The Council of Homoeopathic Medicine shall consist of the following eleven members, namely:—

- (a) the Principal and Controlling Officer, Homoeopathic Medical Education (ex-officio);
- (b) the Director, Homoeopathic Department (ex-officio);
- (c) one member elected by the faculty members of Homoeopathic Medicine, Kerala University of Health Sciences from among themselves;
- (d) one member nominated from among the Principals to the Government Homoeopathic Medical Colleges in the State, affiliated to the Kerala University of Health Sciences;



- (e) one member elected from among the Principals of the Private Homoeopathic Medical Colleges in the State, affiliated to the Kerala University of Health Sciences;
- (f) three members elected by the registered practitioners of Homoeopathic Medicine in the State from among themselves;
- (g) three members nominated by the Government, of whom,—
 - (i) one shall be a member of the scheduled caste or scheduled tribe; and
 - (ii) One shall be a woman.
- (h) The Registrar of Kerala University of Health Sciences (ex-officio).

4. *Nomination of members in default of election.*—If any of the members mentioned in clause (c), (d), (e) or (f) of sub-section (3) or clause (c), (d), (e), (f), (g), (h) or (i) of sub-section (4) or clause (c), (d), (e) or (f) of sub-section (5) of section 3 is not elected within six months, the Government may nominate such qualified registered practitioners as they may deem fit and the practitioners so nominated shall, for the purposes of this Ordinance be deemed to have been duly elected under clause (c), (d), (e) or (f) of sub-section (3) or clause (c), (d), (e), (f), (g), (h) or (i) of sub-section (4) or clause (c), (d), (e) or (f) of sub-section (5) of section 3, as the case may be.

5. *Qualification of members.*—Every member of a Council shall be a registered practitioner and holder of a recognized qualification.

6. *Nomination of members of first Councils.*—Notwithstanding anything contained in section 3 and 4, in the case of the first Councils, all the members other than the ex-officio member shall be nominated by the Government:

Provided that the members so nominated shall be registered practitioners and holders of recognized qualifications.



7. *Term of office of members.*— (1) Save as otherwise provided in this Ordinance, the term of office of the members other than the ex-officio members shall be for a period of five years from the date on which the first meeting of such Council is held.

(2) An outgoing member shall continue in office until the election or nomination, as the case may be, of his successor.

(3) An outgoing member shall be eligible for re-election or renomination, if otherwise qualified.

8. *President and Vice-President.*—(1) Each Council shall elect one of its members to be its President and also another member to be its Vice-President:

Provided that the President of the first Council shall be nominated by the Government.

(2) The President shall be deemed to have vacated his office on resignation or on the expiry of his term of office as a member or on his otherwise ceasing to be a member.

(3) The Vice-President shall be deemed to have vacated his office,—

(a) on resignation or on the expiry of his term of office as a member or on his otherwise ceasing to be a member; and

(b) on his election as President.

(4) When the office of the President is vacant, the Vice-President shall exercise the functions of the President until a new President assumes office.

(5) When the office of the President is vacant, or the President is incapacitated and there is either a vacancy in the office of the Vice-President or the Vice-President is incapacitated, the Registrar shall, after giving notice of not less than seven clear days to the members of the Council, convene a meeting for the election of a President, if there is a vacancy in that office, and until a new President or Vice-President is elected and assumes office, or either the President or the Vice-President recovers from his incapacity, as the case may be, Director of Medical Education, Director of Ayurveda Medical Education, Principal and



Controlling Officer, Department of Homoeopathic Medical Education, shall, notwithstanding anything contained in this Ordinance, be ex-officio member and President of the Council.

(6) An outgoing President or Vice-President is eligible for re-election if otherwise qualified.

Explanation—A new President or Vice-President shall be deemed to have assumed office on his being declared elected as such.

9. *Vacancies*.—If any vacancy occurs in the office of a member of a Council through death, resignation, removal or disqualification of such member or otherwise, previous to the expiry of the term of his office, the vacancy shall be filled in the manner prescribed by rule. Any person elected or nominated to fill the vacancy shall, notwithstanding anything contained in section 8, hold office only so long as the member in whose vacancy he is elected or nominated would have held office if the vacancy had not occurred:

Provided that it shall be lawful for Council to exercise its powers under this Ordinance, notwithstanding such vacancy.

10. *Appointments to be notified in the Gazette*.—All elections, nominations and the appointments of the President, Vice-President, members of each Council and the Registrar shall be notified in the Gazette.

11. *Disqualifications for membership*.—A person shall be disqualified for being elected or nominated as, and for being, a member of a Council,—

- (a) if he is an undischarged insolvent;
- (b) if he is of unsound mind and stands so declared by a competent court;
- (c) if he has been punished by an appropriate Council in any manner for infamous conduct in the profession or if he is dismissed from service under any Government;
- (d) if his name has been removed from the appropriate register maintained under this Ordinance and has not been reinstated;



- (e) if having been elected under clause (c) of sub-section (3), clause (c) of sub-section (4) or clause (c) of sub-section (5) of Section 3, he ceases to be a member of the Faculty of Modern Medicine, Homoeopathic Medicine or Indian Systems of Medicine, Kerala University of Health Sciences, as the case may be;
- (f) If having been elected under clause (d) of sub-section (3), clause (d) of sub-section (4) or clause (d) of sub-section (5) of Section 3, he ceases to be a Principal of the Government Medical College, Government Homoeopathic Medical College or Government Ayurveda Medical College in the State, as the case may be;
- (g) If having been elected under clause (e) of sub-section (3), clause (e) of sub-section (4) or clause (e) of sub-section (5) of Section 3, he ceases to be a Principal of the Private Medical College, Private Homoeopathic Medical College or Private Ayurveda Medical College in the State, as the case may be.

12. *Cessation of membership.*—A member of a Council shall be deemed to have vacated his seat,—

- (a) on the expiry of the term of office;
- (b) on resignation;
- (c) on absence without sufficient cause in the opinion of the appropriate Council from three consecutive meetings of such Council; or
- (d) on becoming subject to any of the disqualifications mentioned in Section 11.

13. *Resignation of Membership.*—Any member or Vice-President of a Council may at any time resign his office by giving notice in writing to the President. The President may resign his office by giving notice in writing to the appropriate Council. Such resignation shall take effect in the case of a member, or Vice-President from the date on which it is received by the President and in the case of the President from the date on which it is placed before the Council.



14. *Validity of Proceedings.*—(1) No disqualification or defect in the election or nomination of any person acting as a member of a Council or as President or Vice-President or presiding member of a meeting shall be deemed to invalidate any act or proceedings of such council in which such person has taken part.

(2) No act done by a Council shall be deemed to be invalid on the ground merely of the existence of any vacancy in or any defect in the constitution of such Council.

15. *Time and place of meeting of Council.*—Each Council shall meet at such time and place and every meeting of the Council shall be summoned by such person and in such manner as may be prescribed by regulation:

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

16. *Presidency at meetings of Council and procedure thereto.*—(1) Every meeting of a Council shall be presided over by the President; in his absence by the Vice-President; and in the absence of both the President and the Vice-President, by a member chosen by the meeting to preside for the occasion.

(2) The President shall preserve order and shall decide all points of order at or in connection with meetings. There shall be no discussion on any point of order and the decision of the President on any point of order shall be final.

(3) The Vice-President or member presiding for the occasion shall, for that meeting and during the period that he presides over it, have all the powers of the President.

(4) All questions at a meeting of a Council shall be decided by the votes of the majority of the members present and voting at the meeting. $\frac{2}{3}$ rd of the members will form a quorum. If within half an hour from the time appointed for the meeting there is no quorum, the meeting shall stand adjourned to the same day in the following week at the same time and place, unless a place, date and time are decided otherwise and if at the adjourned meeting there is no quorum within half an hour from the time appointed for the meeting, the members present shall form a quorum.



(5) At every meeting of a Council, the President shall, in addition to his vote as a member of the Council, have a second or casting vote in case of votes being equal.

17. *Payment of fee and allowances.*—There shall be paid to the President, Vice-President and other members of each Council such fees and allowance for attendance in connection with the meetings of the Council or of any committee thereof and such travelling allowances as shall, from time to time, be prescribed by rules.

18. *Executive Committee and other committees.*—Each Council shall have power to appoint an Executive Committee, Ethics Committee and other Committees from among its members and to delegate to such committee such of the powers and duties vested in the Council as the Council may deem fit, other than those provided by sections 19, 20 and 21.

19. *Registrar.*—(1) The Government shall, appoint a Registrar common to all the Councils who shall be a Member Secretary to such Councils. He shall also be the Secretary to the committee appointed under of section 18. The Registrar shall receive such salary and allowances as may be prescribed by rules. The Government may grant him leave and may appoint a person to act in his place.

(2) The appointment of Registrar shall be made from the senior most Additional Law Secretary to Government from Law Department with two years of administrative experience, at any level in this field or similar other field as Registrar of the Councils.

20. *Duties of Registrar.*—(1) The Registrar shall be Chief Executive of all the three councils and also the Head of the office of the Council.

(2) Subject to the provisions of this Ordinance and subject to any general or special order of the appropriate Council, it shall be the duty of the Registrar to keep the registers.

(3) There shall be separate registers for Modern Medicine, Homoeopathic Medicine, Ayurvedic Medicine, Siddha Medicine, Unani Tibbi Medicine, Yoga and Naturopathy. The registers shall be in such form and shall contain such particulars as may be prescribed by rules.

(4) The Registrar shall keep the registers up-to-date in accordance with the provisions of this Ordinance and the rules and regulations made thereunder, and shall remove



from the registers the names of registered practitioners who are dead or whose names are directed to be removed from the registers under sections 28, 29, 33 and 34.

(5) For the purposes of this section, the Registrar may enquire whether any registered medical practitioner has ceased to practice or has changed his residence and if no reply is received within a period of six months, the Registrar, may remove the name of the said practitioner from the register:

Provided that the appropriate Council may, on the application of the said practitioner, direct that his name be re-entered in the register, if it is satisfied that the practitioner has not ceased to practice.

(6) The registers shall be deemed to be public documents under section 74 of the Indian Evidence Act, 1872 (Central Act 1 of 1872).

21. *Appointment/Recruitment.*—(1) A joint sitting of all the three Councils may appoint or employ such other officers and servants as it may deem necessary for the purposes of this Ordinance. The Registrar shall be the appointing authority of all office staff of the Councils and he shall also be disciplinary authority:

Provided that the number and designations of such officers and servants and their salaries and allowances shall be subject to the previous approval of the Government.

(2) The method of recruitment and the conditions of service such as pay, allowances, promotions, leave, pension, gratuity and provident fund relating to the officers and servants appointed or employed under sub-section (1) shall be governed by the rules applicable to officers and servants of the Government of similar class/grade.

(3) All officers and servants appointed or employed under sub-section (1) shall be under the direct control and supervision of the Registrar. The powers of the Registrar to punish, dismiss, discharge and remove any such officer or servant shall be governed by such rules as may be prescribed by the Government in this behalf.

(4) All officers and servants appointed or employed under sub-sections (1) and (2) shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code, 1860 (Act 45 of 1860).



(5) All actions taken in good faith by the councils and staff members shall not constitute an offence.

22. *Framing of regulations and procedure for amendment thereof.*—(1) As soon as the first Council is formed, the Council of Modern Medicine, the Council of Indian Systems of Medicine and the Council of Homoeopathy Medicine shall make regulations consistent with this Ordinance and rules made thereunder by notification with the previous approval of Government.

(2) It shall be competent to each Council to delete, add to, modify or alter all or any of the regulations. A proposal for such deletion, addition, modification or alteration shall not be taken into consideration unless twenty five or more registered practitioners petition to such Council and demand the same. Such changes shall not be deemed to have been effected by such Council unless not less than seventy five per cent of the members present at the meeting of such Council vote in favour of the same.

23. *Default of Council.*—(1) If at any time it shall appear to the Government that a Council has failed to exercise or has exceeded or abused any of the powers conferred on it by or under this Ordinance or has failed to perform any of the duties imposed upon it by or under this Ordinance, the Government may, if it considers such failure, excess or abuse to be of a serious character notify the particulars thereof to such Council, and if such Council fails to remedy such default, excess or abuse, within such time the Government may fix in this behalf, the Government may dissolve such Council and cause all or any of the powers and duties of such council to be exercised and performed by such a person and for such a period as it may think fit, and thereupon the funds and property of such Council shall vest in the Government for the purposes of this Ordinance until a new Council shall have been constituted under section 3.

(2) When the Government have dissolved a Council under sub-section (1), it shall take steps as soon as may be to constitute a new Council under section 3 and thereupon the property and funds referred to in sub-section (1) shall vest in the Council so constituted.



CHAPTER – III

REGISTRATION, POWERS AND RESPONSIBILITIES

24. *Eligibility for registration.*—(i) Every holder of a recognized qualification acquired by a regular mode of education attending both theory and sufficient number of days of practical training from recognized institution;

(ii) No person shall be eligible for registration under sub-section (1), if he is subject to any of the disqualifications mentioned in clauses (a) to (d) of Section 11;

(iii) Every practitioner shall renew their registration in every ten years as prescribed.

25. *Registration.*—(1) All applications for registration under section 24 shall be sent direct to the Registrar.

(2) An application for registration under this Ordinance shall be in the prescribed form and accompanied by a fee as prescribed by rules.

(3) Every registered practitioner who applies to the Registrar for registration in respect of any additional recognized qualification shall pay a fee as fixed by the Council from time to time.

(4) The Registrar shall place all applications under this section before the committee of the appropriate Council appointed for the purpose for its report.

(5) The report of the committee under sub-section (2) shall be placed before the appropriate Council for its decision.

(6) If the appropriate Council allows the registration of the applicant, the Registrar shall enter the name of the applicant in the appropriate register and issue to him a certificate in such form and containing such particulars as may be prescribed by rules.

(7) In the case of transfer of registration of person whose name has been registered for the primary or additional recognized qualification, as the case may be, under any enactment for the registration of practitioners in Modern Medicine, Indian Systems of Medicine or Homoeopathic Medicine for the time being in force in any State in India, shall apply for such



a registration in the prescribed form accompanied by such a fee as fixed by council from time to time and registration may be given subject to the scrutiny of documents and the certification from the State Councils concerned.

(8) Any practitioner not registered under this Ordinance or to whom sub-section (6) does not apply but registered in any other State in India shall obtain the registration of the appropriate Council for practicing as a medical practitioner for specific period in the State on payment of such fee as may be prescribed by rules.

26. *List of practitioners as on a date to be notified by the Government under this Ordinance.*—(1) The Registrar shall prepare and keep a list called “List of persons in practice” as on the date to be notified by the Government under this section.

(2) Every person registered under Travancore Cochin Medical Practitioners Act, 1953 (Act IX of 1953) shall be deemed to be registered under this Ordinance:

Provided, however, that any person whose name has been removed from the registers maintained under the Travancore-Cochin Medical Practitioners Act, 1953 (Act IX of 1953) or the registers maintained under any Act of a State Legislature in India or of the register of any country where he was formerly practicing for the professional misconduct, shall not be entitled to have his name entered in the list.

(3) The provisions of sub-sections (3) and (4) of section 20, section 27 and section 33 shall *mutatis mutandis* apply to the list referred to in sub-section (1).

27. *Practitioners registered under the Travancore-Cochin Medical Practitioners Act, 1953.*—(1) Every practitioner registered under the Travancore-Cochin Medical Practitioners Act, 1953, (Act IX of 1953) shall be and all practitioners deemed to have been registered under that Act, be deemed to be a practitioner registered under this Ordinance, if at the commencement of this Ordinance, his name stands entered in the appropriate register maintained under the said Act; and every Bachelor of Naturopathy and Yoga Science degree holders provisionally registered in this council as per G.O. (P) No. 361/2009/H&FWD dated 19-10-2009 Health and Family Welfare (G) Department, Government of Kerala shall be deemed to be registered under this Ordinance and every certificate of registration issued to



every such practitioner shall be deemed to be a certificate of registration issued under this Ordinance.

(2) The Registrar shall, as soon as may be after the commencement of this Ordinance, enter in the appropriate registers the names of all such practitioners as are referred to in sub-section (1) on an application and without payment of any fee:

Provided that this section shall not be applicable in the case of renewal of registration.

28. *Removal from registers by Council.*—(1) The name of any person who becomes subject to any of the disqualifications mentioned in clauses (b) to (d) of section 11 after obtaining an explanation or of affording an opportunity being heard, shall be liable to be removed altogether or for a specific period from the register:

Provided that the appropriate Council may, on sufficient cause being shown, direct that the name of the practitioners so removed shall be re-entered in the register:

Provided further that the removal altogether or for a specific period from the register shall be done only after affording an opportunity of being heard. However the Council can suspend the registration of a medical practitioner forthwith in case of his/her conviction by a competent criminal court for any criminal offences, unsoundness of mind, removal or dismissal from Government service or violation of medical ethics of serious nature. An enquiry shall be instituted by the Council or through its Ethics Committee, soon after the suspension of registration and final decision of removal will be based on the enquiry report.

(2) The name of a practitioner shall not be removed from the register on the ground of his association in any professional respect with an unregistered practitioner for consultation if such unregistered practitioner is possessed of recognized qualification:

Provided that the registered practitioner shall not be relieved of any obligations or compliance with any rules of conduct which may be imposed upon registered practitioners generally by the appropriate Council.



29. *Removal from registers on application.*—(1) Any practitioner registered under this Ordinance may make an application to the appropriate Council for the removal of his name from the register of practitioners and the Council may on such application direct such removal:

Provided that no application from such practitioner for the removal of his name from the register shall be considered during the pendency of any disciplinary proceedings against him or in cases where disciplinary proceedings are contemplated against him, until such proceedings are dropped or concluded:

Provided further that if any such application is made with a view to enable the applicant to pursue a course of conduct which would have brought him under the disciplinary jurisdiction of the appropriate Council, had his name continued to remain on the register, it shall be rejected.

(2) A practitioner whose name has been removed from the register under sub-section (1) may, on application being made and on payment of such fees as may be prescribed, get himself re-registered, if he is at that time eligible for registration under this Ordinance.

30. *Annual list of practitioners.*—(1) The Registrar shall in every year on a date to be fixed by the appropriate Council, cause to be published in the website a full or supplementary list of the names and qualification of all practitioners registered under this Ordinance and the dates on which such qualifications were acquired.

(2) The Registrar shall, from time to time, cause to be published in the website the names of such practitioners which have been duly removed under any of the provisions of this Ordinance.

(3) In any proceeding it shall be presumed that every person whose name is entered in the list published under sub-section (1) is a registered practitioner and that any person whose name is not so entered is not a registered practitioner:

Provided that, in the case of a person whose name has been entered in the register after the publication of the list, a certified copy signed by the Registrar of the entry of the name of such person in the register shall be the evidence that such person is registered under this Ordinance.



31. *Disabilities.*—(1) No registered practitioner, other than a qualified registered practitioner who has not undergone a course of practical training in Surgery or Obstetrics under modern medicine to the satisfaction of the appropriate council shall practice Surgery or Obstetrics.

(2) No registered practitioner shall follow any other profession without the sanction of the appropriate Council so long as his name continues in the register.

32. *Privileges.*—(1) Notwithstanding anything contained in any law for the time being in force.—

- (i) The words “legally qualified medical practitioner” or “duly qualified medical practitioner” or any word or words imparting a person recognized by law as a medical practitioner or a member of the medical profession when used in any enactment for the time being in force in the State shall be construed to mean a qualified registered practitioner;
- (ii) No certificate required by law to be given by a medical practitioner shall be valid unless it is signed by a practitioner registered in Part A of the Register as prescribed by rules.
- (iii) No person other than qualified registered practitioner shall be eligible to hold, any appointment as a teacher, teaching or other hospital physician, surgeon, specialist, super specialist or other medical officer in any dispensary or any clinic, sanatorium, nursing home or other similar institution.

(2) Any person who, not being eligible to hold any appointment referred to in clause (iii) of sub-section (1), holds any such appointment shall, on conviction be punishable with fine which may extend to rupees five lakh.

(3) Whoever, after having been convicted under sub-section (2), continues to hold any such appointment shall, on conviction be punished for each day after the previous date of conviction during which he continues to hold the appointment with fine of rupees ten thousand for each day.



33. *Appeal to the Council from the action of the Registrar.*—(1) Any person aggrieved by the action of the Registrar regarding any entry in the register may appeal to the appropriate Council within thirty days from the date of the receipt of the decision of the Registrar.

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

(3) The appropriate Council may, of its own motion or on the application of any person, after such inquiries as the Council may deem fit to make and after giving an opportunity to the person concerned of being heard cancel or alter such entry in the register, if in the opinion of the Council, such entry was fraudulently or incorrectly made.

(4) The council or its members or authorized officer may suo moto or on a complaint visit and inspect such places referred under clause (iii) of sub section (1) of Section 32 and report to the respective council for its consideration for further action, if any.

34. *Alteration of register by Government.*—The Government may after, giving due notice to the person concerned and to the appropriate Council and after inquiry into his objections, if any, order that any entry in the register which shall be proved to the satisfaction of the Government to have been fraudulently or incorrectly made or brought about be cancelled or amended.

35. *Appeal to Government from the decision of the Council.*—An appeal shall lie to the Government from every decision of a Council under section 25, 28 and 33. Such appeal shall be preferred within three months from the date on which notice of the order of the Council was issued in such manner and subject to such conditions as may be prescribed by rules.

36. *Rules.*—(1) The Government may, by notification in the Gazette, make rules to carry out all or any of the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules,—

(a) with reference to all matters expressly required or allowed by this Ordinance to be prescribed by rules;



- (b) with reference to the elections of President and Vice-President or members including election petitions, deposits to be made by candidates standing for election as members and the conditions under which such deposits may be forfeited:

Provided that the deposit required shall not exceed ten thousand rupees;

- (c) as to the manner in which vacancies shall be filled under section 9;
- (d) as to the fees and other allowances payable to the President, Vice-President and the other members of each council under section 17;
- (e) as to the salary, allowances and other conditions of service of the Registrar under section 19;
- (f) as to the powers of the Registrar to punish, dismiss, discharge and remove any such of the officers and servants appointed or employed under section 21;
- (g) as to the form and contents of the Registers and the particulars to be entered therein under section 20;
- (h) as to the application fees and other amounts received under this Ordinance;
- (i) as to the application form and fee under Section 25(2);
- (j) as to the form of the certificate to be issued under section 25 and the particulars which it shall contain;
- (k) procedure for renewal of registration under section 24;
- (l) as to the procedure relating to appeal to the Government from the decisions of each Council under section 35;
- (m) all other matters which may be necessary for the purpose of carrying out the objects of this Ordinance;
- (n) welfare scheme for doctors on cessation of practice;



- (o) salary of Registrar and Staff; and
- (p) method of appointment of staff under Registrar.

37. *Regulations.*—(1) Each council may, with the previous sanction of the Government, make regulations not inconsistent with this Ordinance or the rules made thereunder for all or any of the following matters, namely:—

- (a) the time and place at which the council shall hold its meetings and the manner in which such meeting shall be convened and held under section 15;
- (b) the procedure relating to appeals against the action of the Registrar under section 33;
- (c) all other matters which may be necessary for the purpose of carrying out the objects of this Ordinance;
- (d) Welfare scheme under section 49.

(2) All regulations made under this section and duly confirmed by the Government shall be notified.

(3) The Government may, by notification in the Gazette, cancel any such regulations.

CHAPTER IV

MEDICAL PRACTITIONERS GENERALLY

38. *Persons not registered under this Ordinance, etc., not to practice.*—No person other than (i) a registered practitioner or (ii) a practitioner whose name is entered in the list of practitioners published under section 30 or (iii) a practitioner whose name is entered in the list mentioned in section 26 shall practice or hold himself out, whether directly or by implication, as practising modern medicine, homoeopathic medicine or ayurvedic medicine, siddha medicine or unani tibbi medicine, yoga and naturopathy or hold any post including teaching posts in any of the Medical Institutions in Government, Public or Private sector and no person



who is not a registered practitioner of any such medicine shall practise any other branch of medicine unless he is also a registered practitioner of that medicine.

39. *Penalty.*—(1) Any person who acts in contravention of section 38 shall, on conviction be punishable with fine which may extend to two lakh rupees for the first offence and five lakh rupees for every subsequent offence after his conviction for such first offence.

(2) Any qualified person without a valid registration under this Ordinance who practises in the branch of his qualification or other branches and any death or invalidity to a human life causes, he shall be liable on conviction for a penalty of rupees five lakh or imprisonment for a term of one year or both.

(3) Any person without qualification or valid registration practises in any system of medicine and his practice causes death or permanent invalidity, on conviction, he shall be liable for a fine of rupees five lakh and imprisonment for a term of 2 years or both and on subsequent offence double the fine and term of imprisonment and also the offences affecting humanbody under Chapter XVI of Indian Penal Code, 1860, (Act 45 of 1860) shall, appropriately be applicable, according to the nature of gravity affected human body by such an unlawful activity.

40. *Authority to confer title.*—The right of conferring, granting or issuing in the State of Kerala degrees, diplomas, licences, certificates or other documents stating or implying that the holder, grantee or recipient thereof, is qualified to practice Modern Medicine, Homoeopathic Medicine or Ayurvedic Medicine, Siddha Medicine, Unani Tibbi Medicine or Yoga and Naturopathy, as the case may be, shall be the authority approved by the State Government or Central Government.

41. *Prohibition of conferment, etc., of degree, etc.*—(1) Save as provided by section 40, no person shall confer, grant or issue or hold himself out as entitled to confer, grant or issue any degree, diploma, license, certificate or other documents stating or implying that the holder, grantee or recipient thereof is qualified to practice Modern Medicine, Homoeopathic Medicine or Ayurvedic Medicine, Siddha Medicine, Unani Tibbi Medicine or Yoga and Naturopathy, as the case may be.

(2) Whoever contravenes the provisions of sub-section (1) shall, on conviction, be punishable with fine which may extend to two lakh rupees and if the person, so contravenes is



an association, every member of such association who knowingly or willfully authorises or permits the contravention shall on conviction, be punishable with fine which extend to five lakh rupees.

42. *Penalty for unauthorized use of titles, etc., implying medical qualifications.*—(1) No person shall add to his name any title, letters or abbreviations which imply that he holds a degree, diploma, license or certificate as his qualification to practise Modern Medicine, Homoeopathic Medicine or Ayurvedic Medicine, Siddha Medicine, Unani Tibbi Medicine or Yoga and Naturopathy, or any other kind of treatment unless,—

(a) he actually holds a registered degree, diploma, license or certificate under this Ordinance, and

(b) such degree, diploma, license or certificate,—

- (i) is recognized by any law for the time being in force in the State of Kerala;
- (ii) has been conferred, granted or issued by an authority referred to in the Schedule; and
- (iii) has been recognized by the National Medical Commission, Central Council of Indian System of Medicine and Central Council of Homoeopathy as the case may be.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable, in the case of a first conviction, with fine, which may extend to two lakh rupees and in the case of a subsequent conviction, with fine which may extend to five lakh rupees.

43. *Penalty for falsely assuming or using medical title.*—Whoever willfully and 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 any authority referred to in section 40 or recognized by the National Medical Commission, the Central Council of Indian Medicine and Central Council of Homoeopathy or that he is qualified to practice Modern Medicine, Indian System of Medicine, Siddha Medicine, Unani Tibbi Medicine or Yoga and Naturopathy or Homoeopathic Medicine, shall be punishable with fine which may extend to two lakh rupees for the first offence, and to fine which may extend to five lakh rupees for every subsequent offence.



44. *Prosecution.*—Whenever a Council is of the opinion that the prosecution of any person for breaches of any of the provisions of this Ordinance is necessary, such Council may, by resolution, recommend the institution of such prosecution either through police or launching prosecution direct to the courts of competent jurisdiction by the Council.

45. *Jurisdiction of Magistrate.*—(1) No court inferior to that of Judicial Magistrate of the First Class shall try any offence punishable under this Ordinance.

(2) No court shall take cognizance of any offence under this Ordinance except on a complaint in writing of an officer authorized by the Council in this behalf.

46. *Protection of action taken in good faith.*—No suit, prosecution, penal action or other legal proceedings shall lie against any persons for anything which is done in good faith or intended to be done under this Ordinance or any rule or regulations made thereunder.

47. *Repeal and saving.*—(1) The Travancore-Cochin Medical Practitioners Act, 1953 (Act IX of 1953) is hereby repealed:

Provided that such repeal shall not affect,—

- (a) the previous operations of the said enactments or anything duly done or suffered thereunder;
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under the said enactments;
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against the said enactments or;
- (d) any investigation, legal proceedings or remedy in respect of any such right, privilege, liability, forfeiture or punishment as aforesaid and any such investigation, legal proceedings or remedy may be instituted, continued or enforced and any such penalty, forfeiture, or punishment may be imposed as if this enactment has not been passed;
- (e) Any appointment or rules, bye laws or regulation made, any notification, notice, order, declaration or direction issued under the repealed Act to the extent they are not inconsistent with the provisions of this Ordinance.

(2) The Madras Medical Registration Act, 1914 which was in force in the erstwhile Malabar State became inoperative with effect from the 1st November 1956, when the



State of Kerala formed under the State Reorganisation Act, 1956 (Central Act 37 of 1956) and the Malabar State became the status of the district of newly formed State of Kerala and the Travancore Cochin Medical Practitioners Act, 1953 (Act IX of 1953) became operational in this district also as Travancore Cochin Medical Practitioners Act, 1953 was in place.

48. *Overriding effect.*—The provisions of this Ordinance and any rules, regulations made thereunder shall have effect notwithstanding anything contained in any other law for the time being in force in the matter of registration of medical practitioner in the State.

49. *Welfare scheme for doctors.*—A scheme for welfare of registered practitioners may be constituted as prescribed.

THE SCHEDULE

RECOGNISED QUALIFICATIONS

A. *Qualification for Modern Medicine:* All qualifications recognized under the National Medical Commission Act 2019 (Central Act No. 30 of 2019) formerly Indian Medical Council Act, 1956, (Central Act, 102 of 1956) and those qualifications which are deemed to have been recognized thereunder by virtue of Acts of Parliament.

B. *Qualifications for Ayurveda, Siddha, Unani Tibbi medicine, Yoga and Naturopathy:* All qualifications recognized under the Indian Medicine Central Council Act, 1970 (Central Act 48 of 1970). In case of Yoga and Naturopathy all qualifications recognised by the Central Government or State Government as the case may be from time to time.

C. *Qualification for Homoeopathic Medicine:* All qualifications recognized under the Homoeopathic Central Council Act, 1973 (Central Act 59 of 1973).

ARIF MOHAMMED KHAN,
GOVERNOR.

