

Ayurveda Medical Council Act, 2045 (1988)

Date of Authentication

2045.7.28 (Nov. 13, 1988)

Amendment

The Ayurveda Medical Council (First Amendment) Act, 2055 2055.10.27 (Feb. 10, 1999)

Act No. 21 of the year 2045(1988)

An Act made to make provisions on Ayurveda Medical Council

Preamble: Whereas, it is expedient to establish an Ayurveda Medical Council to make more effective the Ayurvedic medical system, to develop the method of production and use of Ayurvedic medicines and make provisions on the registration of Ayurvedic doctors, for maintaining the health and convenience of the general public;

Now, therefore, His Majesty King Birendra Bir Bikram Shah Dev has, on the advice and with the consent of the *Rastriya Panchayat*, enacted this Act.

Chapter-One

Preliminary

1.1 Short title and commencement:

1.1.1 This Act may be called as the “Ayurveda Medical Council Act, 2045 (1988)”.

1.1.2 It shall come into force on such date as the Government of Nepal may, by a notification in the Nepal Gazette, appoint.

1.2 Definitions:

1.2.1 Unless the subject or the context otherwise requires, in this Act:-

1.2.1.1 “Council” means the Ayurveda Medical Council established pursuant to Section 2.1.

1.2.1.2 “chairperson” means the Chairperson of the Council.

1.2.1.3 “member” means the member of the Council and this term includes the chairperson.

1.2.1.4 “registrar” means the Registrar of the Council appointed pursuant to Section 3.1.

- 1.2.1.5 “register” means the register maintained for the registration of the names of doctors.
- 1.2.1.6 “doctor” means a person who has obtained the minimum qualifications-----^x in Ayurveda Science as mentioned in Section 4.5 and is involved in the profession related thereto.
- 1.2.1.7 “registered doctor” means a doctor whose name is registered in the register pursuant to Section 4.5.
- 1.2.1.8 “Ayurvedic medicine” means a medicine prepared by the Ayurvedic method.
- 1.2.1.9 “Rules” means the Rules framed under this Act.
- 1.2.1.10 “prescribed” or “as prescribed” means prescribed or as prescribed in the Rules or bye-laws framed under this Act.

Chapter-2

Establishment and Provisions of Council

2.1 Establishment of Council:

An Ayurveda Medical Council is, hereby, established for the operation of the Ayurveda medical system, development of the method of production and use of Ayurvedic medicines and registration of the names of doctors.

2.2 Council to be corporate body:

2.2.1 The Council shall be an autonomous body corporate with perpetual succession.

2.2.2 The Council shall have a separate seal of its own for all of its activities.

2.2.3 The Council may, as an individual, acquire, use, sell and dispose of, or otherwise manage, any movable and immovable property.

2.2.4 The Council may, like an individual, sue by its name and be also sued by the same name.

2.3 Formation of Council:

^x Deleted by the First Amendment.

2.3.1 The Council established pursuant to Section 2.1 shall consist of the members as follows:

- | | | |
|---------|--|--------------|
| 2.3.1.1 | Doctor nominated by the Government of Nepal | -Chairperson |
| 2.3.1.2 | Three doctors nominated by the Government of Nepal from amongst doctors | -Member |
| 2.3.1.3 | Director, Department of Ayurveda | -Member |
| 2.3.1.4 | Three doctors elected by the registered doctors from amongst themselves | -Member |
| 2.3.1.5 | One Campus chief nominated by the Government of Nepal from amongst the Campus chief of Ayurveda Campus | -Member |

2.3.2 The Government of Nepal may, if it considers necessary, make alteration in the members of the members of the Council, in consultation with the Council, and by a notification published in the Nepal Gazette.

2.3.2A.[⊗] In making a nomination of members pursuant to Sub-Section 2.3.1.2, nomination shall be made from amongst the doctors having acquired qualifications as referred to in Sub-Sections 4.2.1.1, 4.2.1.2 and 4.2.1.3.

2.3.2B.[⊗] Pending the election to the members as referred to in Sub-Section 2.3.1.4, the Government of Nepal shall nominate three members from amongst the doctors.

2.3.2C.[⊗] In making nomination from amongst the Campus chiefs pursuant to Sub-Section 2.3.1.5, nomination shall be made from amongst the registered doctors.

[⊗] Inserted by the First Amendment.

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2.3.3 If the Council considers necessary, it may invite any officer of the Government of Nepal or any other expert to attend, as an invitee, the meeting of the Council.

2.3.4 The term of office of the members of the Council shall be four years. The member whose term of office has expired may be eligible to be re-nominated or elected.

2.3.5 If the office of any member falls vacant prior to the expiration of the term of office, such vacancy may be filled by nomination or election for the remainder of term.

2.3.6^x ----

2.4 Functions, duties and powers of Council:

2.4.1 The functions, duties and powers of the Council shall be as follows:

2.4.1.1 To make necessary arrangements for smoothly operating the Ayurveda medical treatment by strengthening the provisions of medical treatment of diseases from the Ayurveda medical science.

2.4.1.2 To make necessary arrangements for developing the system of uses of Ayurvedic medicines.

2.4.1.3 To determine the qualifications of doctors and to provide for the registration of the names of doctors having required qualifications.

2.4.1.4 To give advice to the Government of Nepal on the production, sale and distribution of Ayurvedic medicines.

2.4.1.5 To give suggestions to the Government of Nepal for making necessary arrangements on research of Ayurveda.

2.4.1.6 To give suggestion to the concerned body on the standards of Ayurveda education.

2.4.1.7 To give recognition, as prescribed, to any educational institutions established within Nepal with objectives of imparting teaching and

^x Deleted by the First Amendment.

learning on Ayurveda related subjects and other institutions established with similar objectives.

- 2.4.1.8 To determine the curriculum, terms of admission and policies on examination system and other essential infrastructures of educational institutions established within Nepal with objectives of imparting teaching and learning on Ayurveda related subjects and other institutions established with similar objectives and evaluate and review the related matters.
- 2.4.1.9 To give recognition, as prescribed, to the educational qualifications and degrees granted on the subjects of Ayurveda, modern medicine, surgery and auxiliary medical science.
- 2.4.1.10 To determine such policies as may be required to smoothly operate the business of Ayurveda medical treatment.
- 2.4.1.11 To prepare a code of conduct of doctors, as prescribed, and delete the name of a doctor who fails to observe the code of conduct from the register by taking action against him/her, as prescribed.

2.5 Disqualifications for member:

- 2.5.1 Any of the following persons shall not be eligible to be nominated or elected to or hold the office of member of the Council:
 - 2.5.1.1 Whose name has been deleted from the register;
 - 2.5.1.2 Who is not a citizen of Nepal;
 - 2.5.1.3 Who has become insolvent;
 - 2.5.1.4 Who has been convicted by a court on a criminal offense involving moral turpitude and served punishment; or
 - 2.5.1.5 Who is of unsound mind.

2.6 Cessation of membership:

- 2.6.1 The membership of the Council shall cease to exist in the following circumstances:
 - 2.6.1.1 If the member becomes disqualified under Section 2.5;

2.6.1.2 If resignation tendered from the office of a member is accepted;

2.6.1.3 If the member dies; or

2.6.1.4 If the member, without giving a prior notice along with reasons to the Council absents himself/herself from three consecutive meetings of the Council.

2.7 Meeting and Decision of Council:

2.7.1 The Council shall meet as prescribed by the chairperson.

2.7.2 The Council shall normally hold its meeting four times a year; and the chairperson may, if he/she considers necessary, call meetings more times.

2.7.3 The meeting of the Council shall be presided over by the chairperson; and in the absence of the chairperson, it shall be presided over by the person selected by the members present at the meeting from amongst themselves.

2.7.4 The presence of fifty percent members of the total number of members of the Council shall be deemed to constitute a quorum for a meeting of the Council.

2.7.5 A majority opinion shall prevail at the meeting of the Council. In the event of a tie, the person presiding over the meeting may exercise the casting vote.

2.7.6 The decisions of the Council shall be authenticated by the registrar.

2.7.7 The allowances and other facilities receivable by the members for attending the meeting shall be as prescribed.

2.7.8 Other procedures relating to the meeting of the Council shall be as determined by the Council itself.

2.8 Delegation of powers:

The Council may, as per necessity, delegate any or all of the powers conferred on it pursuant to this Act to the chairperson, any member or any committee or sub-committee of the Council, as prescribed.

2.9 Acts not to be invalid:

If it is subsequently found out that any provision under this Act has not been observed in respect of the appointment of any member, any act done by such member prior to such disclosure shall not be invalid merely because of this matter.

Chapter-3

Provisions relating to Employees

3.1 Registrar:

- 3.1.1 The Government of Nepal may appoint a person as the registrar to carry out the administrative activities of the Council.
- 3.1.2 The registrar shall act as the secretary of the Council.
- 3.1.3 The terms and conditions of service and facilities of the registrar shall be as prescribed.
- 3.1.4 The Government of Nepal may designate any other employee of officer level to perform the functions of the registrar in the event of his/her absence.

3.2 Functions, duties and powers of registrar:

- 3.2.1 The functions, duties and powers of the registrar shall be as follows:
 - 3.2.1.1 To submit to the inquiry committee formed pursuant to Sub-Section 4.4.1 the applications made for the registration of name.
 - 3.2.1.2 To enter the names of such doctors in the register as required to be registered pursuant to the decisions made by the Council from time to time, subject to this Act and the Rules, setting out their names, addresses and qualifications, and issue registration certificates.
 - 3.2.1.3 In the event of the death of any registered doctor or of a doctor whose name is to be deleted from the register as per the decision of the Council pursuant to this Act and Rules, to delete his/her name from the register.
 - 3.2.1.4 In the event of receipt of a notice that a registered doctor has given up the business or changed his/her address, as per Section 4.6 to record the same in the register.

3.2.2 The other functions, duties and powers of the registrar shall be as prescribed.

3.3 Employees of Council:

3.3.1 The Council may appoint required employees.

3.3.2 The employees appointed pursuant to Sub-Section 3.3.1 shall be under supervision and control of the registrar.

3.3.3 The terms and conditions of service and facilities of the employees of the Council shall be as prescribed.

Chapter-4

Provisions relating to Registration of Names of Doctors

4.1 Application for registration of name in register:

4.1.1 A doctor who intends to carry on the Ayurveda medical profession has to make an application, in the prescribed format, to the Council in order to get his/her name registered in the register subject to this Act and Rules.

4.1.2 The doctor who has made an application pursuant to Sub-Section 4.1.1 shall pay the fees, as prescribed, for having registered his/her name in the register.

4.1.3 A person who is carrying on the Ayurveda medical profession at the time of commencement of this Act has to make an application under Sub-Section 4.1.1 for the registration of his/her name in the register within six months after the date of commencement of this Act.

4.2 Qualification of doctor:

4.2.1 For purposes of registering the names of doctors pursuant to this Act, the following qualification has been prescribed:

4.2.1.1 Having passed Ayurvedacharya or Vaidhyaratna or bachelor in Ayurveda or equivalent thereto from a recognized educational institute.

4.2.1.2 Having done master's degree in Ayurveda science after having bachelor degree in any other system of medical science.

4.2.1.3 Having done bachelor degree in Ayurveda and modern medicine and surgery from a recognized educational institute.

4.3 Evidence, details and information to be attached with application:

4.3.1 A person who submits an application pursuant to Section 4.1 for the registration of his/her name has to attach the following evidence, details and information with the application:

4.3.1.1 Certificate or recommendation letter relating to his/her qualification,

4.3.1.2 Where one has get his/her name registered in the register of any Auyurveda medical council or institution equivalent thereto situated abroad, details setting out the qualification or degree registered in that register, as well as the registration number.

4.3.1.3 A letter of covenant undertaking to function subject to this Act and the Rules.

4.4 Examination of application:

4.4.1 The Council may form an inquiry committee to submit a report after inquiring into the applications made pursuant to Section 4.1.

4.4.2 The inquiry committee shall inquire whether the applicant is a qualified doctor and the application is in accordance with law and shall submit its report to the Council within fifteen days.

4.4.3 Upon considering the report of the inquiry committee as referred to in Sub-Section 4.4.2, the Council may decide as follows:

4.4.3.1 To make a decision to register in the register the name of a qualified doctor who has duly made an application and give an order to the registrar to register the same,

4.4.3.2 To make decision not to register the name of a person who does not make application duly and give order to the registrar to give

information, along with the reasons for not registering the name, to the applicant,

4.4.4.3 Where a doctor whose name has not been registered in the register pursuant to Sub-Section 4.4.3.2 makes an application again in a due manner, his/her name shall not be refused to be registered in the register merely because his/her name was not registered previously.

4.5 Certificate of registration:

If the Council decides to register the name of an applicant doctor pursuant to Sub-Section 4.4.3.1 and gives order to the registrar, the registrar shall register the name of such doctor in the register and issue the certificate of registration, -----^x as prescribed.

4.6 Requirement to give notice where profession is given up or address changed:

Where any registered doctor gives up his/her profession or changes his/her address, such doctor has to give a notice thereof, as prescribed, to the registrar within one month after such giving up or change.

4.7 Deletion of name from register and re-registration:

4.7.1 In the following circumstances, the Council may order to delete the name of a registered doctor from the register:

4.7.1.1 where he/she has been punished by a court in a criminal offense involving moral turpitude, or

4.7.1.2 where two-thirds majority of the Council adopts a resolution that he/she has not observed the code of conduct prescribed in respect of profession, or

4.7.1.3 where he/she has become insane.

4.7.2 Where a doctor whose name has been deleted from the register pursuant to Sub-Section 4.7.1, showing a reasonable cause, makes an application for re-registration of his/her name, and the Council deems it reasonable for the re-

^x Deleted by the First Amendment.

registration of his/her name, the Council may give an order to the registrar to register his/her name.

4.7.3 In cases where an order is given pursuant to Sub-Section 4.7.2, the registrar shall re-register the name of such doctor in the register and issue the certificate, by collecting the fees as prescribed.

4.8 Revocation of certificate:

Where the Council gets information that the name of any person has been entered in the register by fraud or mistake and this matter is held to be true following inquiry into the matter, the Council may seize and revoke the certificate of registration of such person.

Chapter-5

Ayurveda Medical Profession

.1 Prohibition on carrying on profession by non-registered doctor:

5.1.1 After the commencement of this Act, no person other than a registered doctor[⊙] shall carry on the Ayurveda medical profession directly or indirectly.

5.1.1A[⊗] Notwithstanding anything contained in Sub-Section 5.1.1, any person who has not possessed the minimum quantification required for getting registered in the Council but has obtained Ayurvedasastri in the Ayurveda science or Vaidhyabhusan, certificate or equivalent degree in Ayurveda, assistant Ayurveda worker or equivalent degree and intends to carry on the medical profession independently or any technician belonging to the Ayurveda group in the service of the Government of Nepal may carry on the Ayurveda medical profession after having registered in the register of the sub-committee formed by the Council.

[⊙] Amended by the First Amendment.

[⊗] Inserted by the First Amendment.

5.1.1B.⊙ In the case of a person who is Fifty years of age, and having obtained recommendation from the concerned District Office with the certification of experiences being involved in the Ayurveda medical science since three generation, such person may carry on Ayurveda medical profession by obtaining permission under separate provisions as specified by the Council within one year from the date of commencement of this Act.

5.1.2⊙ Notwithstanding anything contained in subsection 5.1.1, the profession of the production, sale and distribution of the prescribed Ayurvedic medicines shall be as prescribed.

5.2 Power to issue certificate and prescription:

5.2.1 The registered doctor shall have the powers to certify the following matters and issue certificate:

5.2.1.1 To endorse the birth and death certificates.

5.2.1.2 To sign the certificates relating to Ayurveda medical treatment or physical or mental qualification.

5.2.2⊙ The provisions on giving prescription of the prescribed Ayurvedic medicines shall be as prescribed.

Chapter-6

Production and sale and distribution of Ayurvedic medicines

6.1 Approval to be obtained to produce Ayurvedic medicines:

6.1.1 Prior-approval of the Department of Ayurveda Service shall be obtained to produce such kinds of specific Ayurvedic medicines as may be prescribed by the Government of Nepal by a notification in the Nepal Gazette, in consultation with the Council.

⊙ Amended by the First Amendment.

⊙ Amended by the First Amendment.

6.1.2 A person who intends to produce the Ayurvedic medicines as prescribed pursuant to Sub-Section 6.1.1 shall submit an application as prescribed to the Department of Ayurveda Service for approval.

6.1.3 Upon making necessary inquiry into the application received pursuant to Sub-Section 6.1.2, if the Department of Ayurved Service considers necessary, it may, in consultation with the Council, grant approval for the production of Ayurvedic medicines under the supervision and control of a registered doctor if the applicant is not a registered doctor.

6.1.4 Other provisions relating to the production of Ayurvedic medicines shall be as prescribed.

6.2 Restriction on sale of Ayurvedic medicines without prescription:

No such specific Ayurvedic medicines as may be prescribed by the Government of Nepal by a notification in the Nepal Gazette, in consultation with the Council shall be sold without prescription of a registered doctor.

Chapter-7

Fund and Audit

7.1 Fund of Council:

7.1.1 The following amounts shall be credited to the fund of the Council:

7.1.1.1 The amounts received from the Government of Nepal,

7.1.1.2 The amounts received upon registration of the name of a doctor.

7.1.1.3 The amounts received from other sources.

7.1.2 The operation of the fund of the Council shall be as prescribed.

7.2 Accounts and Audit:

7.2.1 The accounts of incomes and expenditures of the fund shall be maintained as prescribed.

7.2.2 The accounts of the fund shall be audited as prescribed.

7.2.3 The Government of Nepal may, if it so desires, examine or cause to be examined the documents on accounts of the fund at any time.

Chapter-8

Recognition of educational qualifications

8.1 Recognition by Council[⊙]:

8.1.1 The Council shall recognize, as prescribed, the certificates of educational qualifications or other degrees relating to the Ayurveda profession for the purposes of the registration of name with the Council[⊙].

8.1.2 The certificates of educational qualifications and degrees recognized pursuant to Sub-Section 8.1.1 shall be published in the Nepal Gazette[⊙].

8.1A. [⊗] Details may be demanded:

The Council may, from time to time, demand details from any educational institute which grants the certificates of educational qualifications and degrees recognized pursuant to Sub-Section 8.1.1 of Section 8.1 for the purpose of evaluation of the curriculum and the terms of admission fixed by such institute for such certificates or other degrees, and it shall be the duty of such institute to make available such details.

8.1B. [⊗] Inspection of examination:

The Council may appoint and depute inspectors for the inspection of examination to be given by the concerned educational institute for the certificates of educational qualifications or other degrees recognized pursuant to Sub-Section 8.1.1 of Section 8.1. The inspectors so appointed shall submit a report to the Council, setting out such details on the examination inspected by them as may be prescribed by the Council.

Provided that, the inspector shall not make any kind of intervention with such examination.

8.1C. Removal of recognition:

[⊙] Amended by the First Amendment.

[⊗] Inserted by the First Amendment.

[⊗] Inserted by the First Amendment.

8.1C.1 If, in examining the details received pursuant to Section 8.1A. and the report submitted pursuant to Section 8.1B., the Council considers that the curriculum, terms of admission and examination system determined by the concerned educational institute for the certificates of educational qualifications or degrees recognized pursuant to Sub-Section 8.1.1 of Section 8.1 are not appropriate and adequate, the Council shall submit its report thereon to the Government of Nepal.

8.1C.2 On receipt of the report of the Council pursuant to Sub-Section 8.1C.1 the Government of Nepal may, if deems necessary, seek explanation of the concerned educational institute; and upon considering the explanation, if any, received, the Government of Nepal may, on holding necessary if so required, remove the recognition to the certificates of educational qualifications or other degrees relating to Ayurveda granted by such educational institute after certain date, by publishing a notification in the Nepal Gazette.

Chapter-9

Miscellaneous

9.1 Saving of act done in good faith:

The Council or the registrar shall not be liable in respect of an act done in good faith, subject to this Act or Rules.

9.2 Dissolution of Council:

9.2.1 If the Government of Nepal thinks that the Council has failed to exercise the powers conferred to it pursuant to this Act and the Rules or has abused powers or used excessive powers or failed to perform its duties required to be performed pursuant to this Act and Rules, it may dissolve the Council.

9.2.2 After the dissolution of the Council pursuant to Sub-Section 9.2.1, and pending the formation of another Council, the Government of Nepal may itself perform all such powers as required to be performed by the Council

pursuant to this Act and the Rules or cause to be exercised such functions by a committee formed by it.

9.2.3 After the dissolution of the Council pursuant to Sub-Section 9.2.1, the Government of Nepal shall take custody of the funds and assets of the Council and hand over the same to another council after that other council is formed.

9.2.4 The Government of Nepal shall form a new Council pursuant to Section 2.3 generally within three months after the dissolution of the Council pursuant to Sub-Section 9.2.1.

9.3 Punishment:

9.3.1 A person who carries on the Ayurveda medical profession in contravention of Section 5.1 shall be punished with a fine not exceeding Three Thousand Rupees or with imprisonment for a term not exceeding Six months or with both.

9.3.2 A registered doctor who misuses powers as referred to in Section 5.2 shall be punished with a fine not exceeding Two Thousand Rupees or with imprisonment for a term not exceeding Two months or with both.

9.3.3 A person who produces any Ayurvedic medicines without obtaining approval of the Department of Ayurveda Service pursuant to Section 6.1 shall be punished with a fine not exceeding Three Thousand Rupees or with imprisonment for a term not exceeding Six months or with both.

9.3.4 A person who sells and distributes Ayurvedic medicines in contravention of Section 6.2 shall be punished with a fine not exceeding Five Hundred Rupees or with imprisonment for a term not exceeding Fifteen days or with both.

9.3.5 A person who commits any act in violation of this Act or the Rules, other than the offense mentioned in this Section, shall be punished with a fine not exceeding Two Thousand Rupees.

9.3A. [⊗] Authority to investigate and file case: The authority or body to investigate and file cases on the offenses referred to in Sections 5.1 and 5.2 and the procedures pertaining thereto shall be as specified by the Government of Nepal by a notification in the Nepal Gazette.

9.4[⊙] The Council may frame necessary Rules in order to carry out the objectives of this Act; and the Rules so framed shall come into force only after being approved by the Government of Nepal.

9.5 Powers to frame bye-laws:

Subject to this Act and the Rules, the Council may, with the approval of the Government of Nepal, frame Bye-laws for the operation of its day-to-day functions.

[⊗] Inserted by the First Amendment.
[⊙] Amended by the First Amendment.