

THE UNANI, AYURVEDIC AND HOMOEOPATHIC PRACTITIONERS, ACT, 1965.

(ACT NO. II OF 1965)

(Amended vide President's Ordinance No. IV of 2002 and LXI OF 2002
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NATIONAL COUNCIL FOR HOMOEOPATHY.
GOVERNMENT OF PAKISTAN.

Price Rs. 100/-

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**THE UNANI, AYURVEDIC AND HOMOEOPATHIC
PRACTITIONERS ACT, 1965.**

ACT NO. II OF 1965.

(25 January, 1965).

**AS AMENDED UPTO 4TH. OCTOBER, 2002, PUBLISHED IN THE GAZETTE OF PAKISTAN
EXTRA-ORDINARY, DATED 4TH. OCTOBER, 2002 UNDER AN ORDINANCE NO. LXI OF 2002.**

An Act to regulate the qualifications and to provide for the registration of practitioners of Unani, Ayurvedic and Homoeopathic Systems of Medicine.

(As modified up to the 31st. October, 1982)

WHEREAS it is expedient to promote and popularize the Unani, Ayurvedic and Homoeopathic Systems of Medicine, to regulate education and research in, and to provide for the registration of practitioners of, those systems of medicine;

AND WHEREAS the national interest of Pakistan in relation to the achievement of uniformity within the meaning of clause (2) of Article 141 of the Constitution of Islamic Republic of Pakistan requires Federal Legislatures.

It is hereby enacted as follows :-

PART I

PRELIMINARY.

1. Short title, extent and commencement - (1) This Act may be called the Unani, Ayurvedic and Homoeopathic Practitioners Act, 1965.

- (2). It extends to the whole of Pakistan.
- (3) It shall come into force on the twenty-first day of July, 1965.

2. Definitions - In this Act, unless there is anything repugnant in the subject or context :-

- (a) "approval" means approved by the Federal Government on the recommendation of the Council;
- (b) "Committee" means the Committee appointed by the Council;

- (bb) "Council" means National Council for Tib or, as the case may be the National Council for Homoeopathy established under Section 3;
- (c) "Homoeopathy" means the Homoeopathic system of medicine, including the Bio-Chemic system of medicine, and "Homoeopath" means a practitioner of Homoeopathy or Bio-Chemic System of Medicine.
- (cc) "List" means the list of Homoeopaths prepared under Section 27 as that list existed immediately before the commencement of the Unani, Ayurvedic and Homoeopathic Practitioners (Amendment) Ordinance, 1978, and "listed" shall be construed accordingly;
- (ccc) "Meeting" means Meeting of the Council;
- (cccc) "misconduct" means conduct contrary to the provisions of this Act, the rules and regulations made under this Act and the Code of Ethics adopted by the Council.
- (d) "prescribed" means prescribed by rules or regulations made under this Act;
- (e) "President" means the President of the Council;
- (ee) "qualified" means qualified from any approved or recognized teaching institutions imparting instruction in the Unani, Ayurvedic or Homoeopathic System of medicine.
- (f) "recognized" means recognized by the Federal Government for the purposes of this Act;
- (g) "register" means a register of practitioners of the Unani or Ayurvedic or Homoeopathic System of Medicine maintained under this Act;
- (h) "registered practitioner" means a practitioner whose name is for the time being entered in a register;
- (i) "Registrar" means the Registrar of the Council;
- (j) "Tabib" means a practitioner of the Unani System of Medicine;
- (k) "Unani and Ayurvedic System of Medicine" means the Unani Tib and Ayurvedic (including the Siddha) system of medicine, whether supplemented or not by such modern advances as the Council may, from time to time, determine;

- (l) "Vaid" means a practitioner of the Ayurvedic System of Medicine;
- (m) "Vice - President" means Vice-President" of the Council.

3. Establishment and incorporation of Council. - (1) As soon as may be after the commencement of this Act, the Federal Government shall, by notification in the official Gazette, establish a Council to be called the National Council for Tibb, and by a like notification, another council to be called the National Council for Homoeopathy, for the purposes of this Act.

(2) Each of the two Councils shall be body corporate, having perpetual succession and a common seal, and shall, by its name as specified in sub-section (1), sue and be sued.

PART II

CONSTITUTION AND FUNCTION OF COUNCILS.

CHAPTER I

COMPOSITION AND PROCEEDINGS OF COUNCILS.

4. Composition of the National Council for Tib.- The National Council for Tib shall consist of the following members, namely :-

- (a) Four members, being qualified and registered practitioners of the Unani System of Medicine, to be nominated by the Federal Government after consulting the Provincial Government concerned, of whom one shall be from each Province;
- (b) Eleven qualified members, to be elected from amongst themselves by the registered practitioners of the Unani System of Medicine, of whom five shall be from the Punjab, three from Sindh, two from the North-West Frontier Province and one from Baluchistan.
- (c) Two members, to be elected from amongst themselves by the teachers of all the recognized institutions of the Unani or Ayurvedic System of Medicine.
- (d) One member, to be elected from amongst themselves by the registered practitioners of the Ayurvedic System of Medicine; and
- (e) Four members, to be nominated by the Federal Government, of whom one shall be a scientist from the related field, and one Deputy Secretary (Budget) Ministry of Health, who shall also be Chairman of the Finance Committee.

(2) Notwithstanding anything contained in sub-section (1), for the purpose of constituting the National Council for Tib for the first time :-

- (a) the members required to be elected under clauses (b) and (c) shall be nominated by the Federal Government from amongst the registered practitioners of the Unani System of Medicine;
- (b) the member required to be elected under clause (d) shall be nominated by the Federal Government from amongst the registered practitioners of the Ayurvedic System of Medicine; and
- (c) for the members nominated under clauses (a) and (e) the Federal Government shall nominate fresh members in accordance with the provisions of these clauses”.

5. **Composition of the National Council for Homoeopathy.**- The National Council for Homoeopathy shall consist of the following members namely :-

- (a) Four members, being registered Homoeopaths, to be nominated by the Federal Government after consulting the Provincial Government concerned, of whom one shall be from each Province.
- (b) Eleven members , to be elected from amongst themselves by registered and listed Homoeopaths, of whom five shall be from the Punjab, three from Sindh, two from the North-West Frontier Province and one from Baluchistan.
- (c) Two members, to be elected from amongst themselves by the teachers of recognized institutions of Homoeopathy; and
- (d) Four members, to be nominated by the Federal Government, of whom one shall be a scientist from the related field and one Deputy Secretary (Budget), Ministry of Health, who shall also be Chairman of the Finance Committee.

6. **The President and Vice-President.**- The President and Vice-President shall be elected by the members of the Council from amongst themselves.

7. **Elections.**- Elections under this Act shall be held at such time and place and in such manner as may be prescribed by rules.

8. **Publication of names, etc.** - The Federal Government shall publish in the official Gazette the names of the President, the Vice-President and other members of the Council together with the dates on which such members are elected or nominated.

9. **Term of office of members** - (1) the members of the Council shall be nominated or elected, as the case may be , in such manner and for such term as may be prescribed by rules.

(2) Every member of the Council shall, subject to the other provisions of this Act and as may be prescribed by Rules, hold office for the prescribed term and cease to hold office at the expiry thereof, and

(3) Members shall be eligible for re-nomination or re-election to the Council on the expiry of the prescribed term.

(4) If a vacancy in the office of President, Vice-President or a member occurs during the prescribed term through death, resignation, disability or otherwise, the vacancy shall be filled in accordance with the provisions of this Chapter.

(5) The election or nomination of the members of the Council shall be held at least three months prior to the expiry of the prescribed tenure of the Council and expenditure on election shall be borne by the respective Council and if, at any time, the Council ceases to exist on expiry of its prescribed tenure, all powers and functions of the Council shall, till constitution of new Council or for a period of one year, be exercised and performed by such person or authority as may be appointed by the Federal Government in this behalf, as if such person or authority were the Council

10. **Vacancies not to invalidate proceedings of Council:-** No act or proceedings of the Council shall be invalid merely on the ground of the existence of any vacancy in or any defect in the composition of the Council.

11. **Resignation by President, etc. :-** The President, Vice-President or any member may at any time resign his office by a letter addressed to the Registrar, and such resignation shall take effect from the date it is accepted by the Council.

12. **Declaration of vacancies :-** If any member, during the term of his office;

- (a) absents himself, without such reason as may in the opinion of Council be sufficient, from three consecutive ordinary meetings of the Council, or
- (b) becomes subject to any of the disqualifications mentioned in the Council shall declare his office vacant.

13. **Disqualification of members:-** (1) No person shall be a member of the Council if:-

- (a) he is an undercharged insolvent.
- (b) he has been adjudicated by a competent court to be of unsound mind;
- (c) he has at any time been convicted of an offense which in the opinion of the Federal Government involves moral turpitude; or
- (d) his name has been removed from the register.

(2) If at any time it appears to the Federal Government that any member of the Council has failed to exercise or has exceeded or abused any power conferred upon him as a

member of the Council, any Committee or Examining Body appointed under sub-section (3) of section 22, may, if satisfied that such failure, excess or abuse has adversely affected the efficient conduct of such member in achieving the objectives of this Act and after giving him an opportunity of showing cause against the action proposed to be taken, by notification in the official Gazette, disqualify him from the membership of the Council or, as the case may be, Committee or Examining Body.

14. **Functions of the Council :-** The following shall be the functions of the Council , namely :-

- (a) to consider applications for recognition under this Act made by institutions imparting or desiring to impart instruction in the system of medicine with which the Council is concerned.
- (b) to secure the maintenance of an adequate standard of education in recognized institutions;
- (c) to make arrangements for the registration of duly qualified persons in accordance with the provisions of this Act;
- (cc) to appoint committees or sub-committees, each having due representation of all the Provinces, for a specific period, to perform any specified function concerned with the functions of the Council ;
- (d) to provide for research in the system of medicine with which the Council is concerned; and
- (e) to do such other acts and things as it may be empowered or required to do by this Act or the rules.

15. **Meeting of the Council :-** (1) the Council shall meet at such time and place, and every meeting of the Council shall be summoned in such manner, as may be prescribed by regulations :-

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

(2) The President and, in his absence, the vice-president, shall preside at every meeting of the Council and if, at any time the vice-president is also absent and the President has given prior permission; a member elected by the members present from amongst themselves shall preside.

(3) Except as hereinafter provided, all questions at meeting of the Council shall be decided by a majority of the votes of the members present.

(4) Eight members of the Council shall form a quorum.

(5) At every meeting of the Council the person presiding shall, in addition to his vote as a member of the Council, have a second or casting vote in case of an equality of votes.

16. Officer of the Council and their pay and allowances :- (1) The Council shall, with the previous approval in writing of the Federal Government, appoint a Registrar and Controller of Examination on such terms and conditions as may be determined by the Federal Government and may appoint a person to act in his place during his absence on leave.

(2) An order of the Council appointing, punishing or removing the Registrar and Controller of Examination from office shall not take effect unless confirmed by the Federal Government in writing.

(3) The Registrar shall be Secretary to the Council and shall exercise such powers and perform such duties as may be prescribed by regulations.

(4) The Council may appoint such other officers and servants on such terms and conditions as the Council may, with the previous approval in writing of the Federal Government, determine.

(5) The Registrar and all other officers and servants of the Council shall be deemed to be public servants within the meaning of Section 21 of the Pakistan Penal Code (Act XLV of 1860).

CHAPTER II

TEACHING INSTITUTIONS AND EXAMINATIONS.

17. Recognition of institutions :- (1) Any institution imparting or desiring to impart instruction in the Unani, Ayurvedic or Homoeopathic System of Medicine according to the courses prescribed by rules may apply for recognition under this Act.

(2) An application for recognition shall be addressed to the Registrar of the Council concerned and shall contain full information in respect of the following matters, namely :-

- (a) the constitution and personnel of the managing body of the institution;
- (b) the subject and courses in which it imparts or proposes to impart instructions;
- (c) the equipment possessed by the institution and the number of students for whom accommodation and other provision has been or is proposed to be made;
- (d) the strength and particulars of its staff, their salaries, qualifications and the research work to their credit;

- (e) the fees levied or proposed to be levied and the financial provision made for capital expenditure on buildings and equipment and for the continued maintenance and efficient working of the institution.

(3) The Registrar shall place the application before the Council, and the Council may direct the Registrar to call for any further information which it may consider necessary, and may also direct a local inquiry to be made by competent person or persons authorised by it in this behalf.

(4) After considering the report of such local inquiry, if any, and making such further inquiry as may appear to it to be necessary, the Council shall forward the application together with its recommendation whether the recognition asked for should not be granted, to the Federal Government which may, after making inspection, if necessary, at its own or through the Provincial Government concerned, by order, grant or refuse to grant recognition and the grant of recognition may be subject to such terms and conditions, if any, as may be specified in the order.

18. Maintenance of standard of efficiency :- (1) It shall be the duty of the Council to secure the maintenance of an adequate standard of efficiency in recognized institutions.

(2) For the purpose of securing such standard, the Council may :-

- (a) from time to time call upon any recognized institution to furnish such particulars as the Council may require of any education provided or examination conducted by such institution, and
- (b) appoint inspectors from amongst the registered practitioners to attend and be present at all or any of the examination conducted by such institution prior to the qualifying examination.

(3) The inspectors shall not interfere with the conduct of any examination, and their duty shall be to report to the Council their opinion as to the sufficiency or otherwise of every examination which they attend, and any other matter in relation to such examination on which the Council may require them to report.

(4) The Council shall arrange periodical inspection of recognized institutions and supervision of the examinations conducted by such institutions, through inspectors to be appointed by the Council, and shall pay such salaries and allowances and traveling expenses to the inspectors as may be approved by the Federal Government.

19. Withdrawal of recognition :- (1) The Council when it thinks fit may, and when required to do so by the Federal Government shall, make an enquiry whether any recognized institution should cease to be a recognized institution.

(2) If, on making such an enquiry, and after considering all such information and reports as are referred to in the preceding section, and making such further inquiry as may

appear to it to be necessary, the Council is satisfied that the education provided or the examinations conducted by a recognized institution are not such as to secure and adequate standard of efficiency for the practice of the system of medicine taught in the institution, it shall submit a report to the Federal Government with its recommendation stating the reasons therefor that the recognition of the institution should be withdrawn and the Federal Government may, on receipt of such report, make an order to be published in the official Gazette, withdrawing the recognition of the institution.

Provided that no order under this sub-section shall be made unless the institution concerned has been given an opportunity to raise, within a specified time, the standard of the education and examination to the satisfaction of the Federal Government and the institution has, in the opinion of the Federal Government, failed to do so.

20. Duration of courses :- (1) The duration of the course in recognized institutions of Unani or Ayurvedic System of Medicine shall be four years and the course shall include the subjects prescribed by regulations.

(2) The duration of diploma course in recognized institutions of Homoeopathy shall be four years and the course shall include the subjects prescribed by regulations.

21. Qualifications for admission to institutions :- (1) The minimum qualifications required for admission to a recognized institution of Unani or Ayurvedic System of Medicine shall be Matriculation with Science or equivalent examination of any University or Education Board in Pakistan established by or under any law preference being given to those having higher qualification with Science and in the case of admission to an institution of Unani System of Medicine to a candidate having one or more of the following additional qualifications, namely :-

- (a) Adeeb.
- (b) Adeeb Alim.
- (c) Adeeb Fazil.
- (d) Munshi.
- (e) Munshi Alim.
- (f) Munshi Fazil.
- (g) Molvi.
- (h) Molvi Alim.
- (j) Molvi Fazil.

✓ (2) The minimum qualification required for admission to a recognized institution of Homoeopathy shall be Matriculation with Science or equivalent examination of any University or Education Board in Pakistan established by or under any law but those with Intermediate or higher qualifications with Science shall be preferred.

22. Qualifying examination :- (1) A qualifying examination shall be held at least once in every year for the purpose of granting a diploma conferring the right of registration under this Act.

(2) The examination shall be held on the subjects prescribed by regulations and the right of appearing in the examination shall be restricted to candidates who have undergone a course of study in such subjects in the prescribed manner at a recognized institution.

(3) The examination shall be held under the control of an examining body to be appointed by the Federal Government after consulting the Council.

(4) The Chairperson of the examination body shall be appointed by the Federal Government.

CHAPTER III

REGISTRATION OF PRACTITIONERS.

23. Registration how made. (1) Omitted.

(2) Omitted.

(3) Applications for registration under this Act, shall be made in such form and on payment of such fee as may be prescribed by rules.

(4) The Council shall examine the applications received under this Section and after making such enquiries as it thinks fit regarding the qualifications of the applicants and their professional efficiency direct the entry of the names to be made in the register in accordance with the Provisions of this Act.

24. Registration of Unani, Ayurvedic and Homoeopathic Practitioners:-

(1) Every person who passes the qualifying examination in the Unani, Ayurvedic or Homoeopathic System of Medicine from a recognized institution may apply for registration in the respective register.

(2) Every person who is registered medical practitioner within the meaning of the Medical Council Ordinance, 1962 (XXXII of 1962), and has taken to the practice of Homoeopathy may apply for registration as Homoeopath.

(3) Notwithstanding anything contained in sub-sections (1) and (2), the Federal Government may, if it deems fit after consulting the Council, direct that a degree or diploma in the Unani, Ayurvedic or Homoeopathic System of Medicine, as the case may be, granted by any institution in or outside Pakistan shall be recognised on such conditions as it may, by notification in the official Gazette, specify.

25. Deleted.

26. Deleted.

27. Deleted.

28. **Removal from register, etc. :-** The Council may direct that the name of any practitioner who has been convicted of a cognizable offence or who after due enquiry has been found guilty of misconduct shall be removed from the register or the list if the offence or misconduct in the opinion of the Council discloses moral turpitude such as to render him unfit to practice his profession;

Provided, however, that no action shall be taken by the Council under this section unless the person convicted of the cognizable offence or found guilty of misconduct has been given a reasonable opportunity to show cause against the punishment proposed to be inflicted on him.

29. **Cancellation or alteration of entries in Register, etc. :-** The Council may on its own motion or on information received from any person and after due enquiry and giving an opportunity to the person concerned of being heard cancel or alter any entry in the register or the list if in the opinion of the Council the entry was made fraudulently or improperly.

CHAPTER IV

POWERS AND DUTIES OF REGISTRAR.

30. **Maintenance of register, etc.-** (1) Subject to any general or special orders of the Council it shall be the duty of the Registrar to keep the register and the list and to attend the meetings of the council.

(2) The register and the list shall contain the name, residence and qualifications of every practitioner registered or listed under this Act, and the dates on which the qualifications were acquired.

(3) The Registrar shall keep the register and the list correct and upto date and shall, from time to time, enter therein any alteration in the address and qualifications of the practitioners, and remove there from the names of the practitioners who die or whose names are directed to be removed in accordance with the provisions of this Act.

(4) The Federal Government may by rules prescribe any additional fee for any alteration in the register due to additional qualifications.

(5) If the Registrar has reason to believe that any registered practitioner or a person whose name is entered in the list has ceased to practice or has, changed his permanent address without due intimation. To him, he may write by registered post to such practitioner at the address as entered in the register to enquire whether he has ceased to practice or has changed his residence and, if within six months no reply is received, the Registrar may remove the name of such practitioner from the register:

Provided that the Council may, at any time on the application of the practitioner whose name is removed under this sub-section, order that the name of such practitioner be re-entered in the register.

31. **Publication of list:-** (1) The Registrar shall, in every fourth year, on or before a date to be fixed by the Council, cause to be published a correct list of the names and qualifications of all practitioners for the time being entered in the register or the list and the dates when such qualifications were acquired.

(2) It shall be presumed that any person entered in such list is registered practitioner and that any person not so entered is not a registered practitioner.

PART III

GENERAL PROVISIONS

CHAPTER I

RIGHT, DUTIES AND LIABILITIES OF REGISTERED PRACTITIONERS.

32. **Intimation of change of address :-** Every registered practitioner shall inform the Registrar of any change in his permanent address.

33. **Privileges of registered practitioners :-** (1) Notwithstanding any thing, contained in any law for the time being in force, every registered or listed practitioner shall be entitled.

- (a) to hold any appointment as physician or medical officer in any Unani, Ayurvedic or, the case may be, Homoeopathic dispensary, hospital, infirmary or lying-in hospital is supported by or receive a grant from Government or any local authority and treats patients according to the relevant system of medicine, or in any public establishment, body or institution practicing such system;
- (b) to vote for the election of members to the Council;
- (c) to recover fees through courts.

(2) No registered or listed practitioner shall stock, use or sell any drugs or medicines except such as are included in the Unani, Ayurvedic or, as the case may be, Homoeopathic Pharmacopoeia approved by the Federal Government.

(3) A practitioner registered under section 25 shall be entitled to the privileges specified in clauses (b) and (c) of sub-section (1) and be subject to the restriction mentioned in sub-section (2).

(4) A registered or listed practitioner shall abide by the Code of Ethics framed by the Council with the approval of the Federal Government.

34. Omitted.

35. Omitted.

CHAPTER II

OFFENCES, PENALTY AND PROCEDURE.

36. **Offences and penalties:--** Whoever contravenes the provisions of sub-section (2) of section 33 shall be punishable with imprisonment for a term which may extend to seven years, or with fine which may extend to one lac rupees, or with both.

37. **Persons not registered under Act not to practice etc.:-** (1) No person other than a registered or listed practitioner shall practise or hold himself out, whether directly or by implication, as practising the Unani, Ayurvedic or, as the case may be, Homoeopathic System of medicine.

(2) No Tabib, Vaid or Homoeopath shall :-

- (a) sign or authenticate a birth certificate or death certificate required by any law or rule to be signed or authenticated by a duly qualified medical practitioner ; or
- (b) sign or authenticate a medical or physical fitness certificate or death certificate required by any law rule to be signed or authenticated by a duly, qualified medical practitioner.

(2-A) No Homoeopath shall practise surgery.

(3) Whoever contravenes the provisions of this section, shall be punishable with imprisonment for a term which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

37-A. **Prohibition against calling applications, etc., by un-recognised institutions:-**

(1) No institution which is not recognized under section 17 shall call applications, advertise or arrange for admission to such institution for imparting education in the Unani,

Ayurvedic or Homoeopathic system of medicine ; nor shall such institution advertise or conduct any correspondence course in any such system of medicine.

(2) Whoever contravenes the provisions of sub-section (1) shall be punishable with imprisonment for a term which may extend to seven years, or with fine which may extend to one lac rupees, or with both.

38. Colourable imitation of degrees :- (1) No person other than a body or institution authorised under this Act, shall confer, grant or issue or hold out as entitled to confer, grant or issue or hold out as entitled to confer, grant or issue a degree, diploma or licence which purports to entitle the holder to practise the Unani, Ayurvedic or Homoeopathic System of Medicine, or which is identical with or is a Colourable intimation of any degree, diploma or licence granted by a body or institution so authorised.

(2) Whoever contravenes the provisions of this section shall be punishable with fine which may extend to one thousand rupees, and if the person so contravening is an association, every member of such association who knowingly or willfully authorize or permits the contravention shall be punishable with fine which may extend to one thousand rupees.

39. Prohibition against use of title, description, etc:- (1) No person shall add to his name, title or description any letters or abbreviations which imply or are calculated to lead to the belief that he holds a degree, diploma, licence or certificate as his qualification to practise the Unani, Ayurvedic or Homoeopathic system of medicine, unless the holds such degree, diploma, licence or certificate and such degree, diploma, licence or certificate :-

- (i) is recognized by any law for the time being in force in Pakistan or in any part thereof; or
- (ii) has been conferred, granted or issued by a body or institution authorized under this Act in this behalf; or
- (iii) has been conferred, granted or issued by an authority empowered or recognized as competent by the Federal Government or the Provincial Government to confer, grant or issue such degree, diploma, licence or certificate.

(2) Notwithstanding anything contained in any other law for the time being in force, no Tabib or Vaid shall describe himself as a Doctor but a Homoeopath may use the expression “ **Homoeopathic Doctor**” both the words “ Homoeopathic “ and “Doctor” having equal prominence.

(3) Whoever contravenes the provisions of this section shall be punishable with imprisonment for a term which shall not be less than one year nor more than five years and also with fine which may extended to twenty thousand rupees.

40. Savings :- Nothing in this Chapter shall apply to any person :-

- (a) who limits his practice to dentistry ; or
- (b) who being a nurse, midwife or health visitor and registered as such under any law for the time being in force, or a dai, attends on a case of labour or
- (c) who being a technical assistant like Jarrah or Kuhal attends on a case under the direction and personal guidance of a registered practitioner of the Unani System of Medicine.

41. Cognizance of offences, etc.- (1) No court shall take cognizance of any offence under this Act except on a complaint in writing by an officer empowered in this behalf by the Government.

(2) Except as provided in section 36, no court other than that of a Magistrate of the first class shall try an offence under this Act.

CHAPTER III

SUPERSESSION OF COUNCIL.

42. Supersession of Council .- (1) If at any time it appears to the Federal Government that the Council has failed to exercise or has exceeded or abused any of the powers conferred upon it by or under this Act, the Federal Government may, if it is satisfied that such failure, excess or abuse has adversely affected the efficient conduct of the affairs of the Council or the achievement of the objects of this Act, by notification in the official Gazette, supersede the Council for a period of one year and may, by a like notification, extend the period of supersession for a further period of one year:

Provided that no Council shall be superseded unless a reasonable opportunity has been given to it to show-cause against the supersession.

(2) Upon the supersession of the Council under sub-section (1)-

- (a) the persons holding office as President, Vice-President and members of the Council shall cease to hold office ; and
- (b) all powers and functions of the Council shall , during the period of supersession, be exercised and performed by such person or authority as the Federal Government may appoint in this behalf, as if such person or authority were the Council.

(3) The Council shall be reconstituted in accordance with the provisions of this Act, for the exercise and performance of its powers and functions on the expiry of the period specified in the notification under sub-section (1).

CHAPTER IV**MISCELLANEOUS.**

43. Fees received by Council. (1) All moneys received by the Council as fees shall be applied for the purpose of the Council in accordance with the rules made under this Act.

(2) The accounts of the Council shall be maintained in such form and manner as the Auditor General of Pakistan may prescribe.

(3) The accounts of the Council shall be audited by one or more auditors appointed by the Federal Government in consultation with the Auditor General of Pakistan.

44. Death of registered practitioners.- For the purpose of securing information relating to the death of registered or listed practitioner the Council may appoint an honorary Registrar of Deaths in each district and regulate his functions and terms of appointment.

45. Indemnity.- No suit, prosecution or other legal proceeding shall be instituted against any person for anything which is in good faith done or intended to be done under this Act, or the rules or regulations made thereunder.

46. Power to make rules. - (1) The Federal Government may, after consulting the Council by notification in the official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the fore-going 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 elections shall be held;
- (b) the manner in which vacancies shall be filled;
- (c) the form of the list and register and the particulars to be entered therein ;
- (d) fees chargeable for the registration, alteration in the register regarding additional qualifications and alteration of other entries in the register;
- (e) fees chargeable from institutions applying for recognition under this Act;
- (f) the registration with Board concerned of students admitted to recognized institutions and the fees chargeable for such registration;

- (g) fees chargeable for admission or tests held under any provision of this Act;
- (h) the purposes for which the fees received by the Council shall be applied; and
- (i) fee chargeable for renewal of registration.

47. **Power to make regulations** .- The Council may, with the previous approval in writing of the Federal Government, make regulations not inconsistent with this Act or the rules made thereunder for the following matters, namely :-

- (a) courses of study for training and qualifying examinations;
- (b) languages in which examinations shall be conducted and instruction given;
- (c) admission of students to recognized institutions ;
- (d) the conditions under which candidates shall be admitted to different courses and the qualifying and other examinations ;
- (e) the conditions of appointment of examiners and the conduct of examinations ;
- (f) the conditions for the appointment of teachers in recognized institutions and the qualifications of the principals and teachers thereof ;
- (g) the requirements for the recognition of teaching institutions ;
- (h) the time and place at which the Council shall hold its meetings;
- (j) such other matters as may be necessary for the exercise of powers and performance of functions to be exercised or performed by the Council under this Act and the rules made thereunder.

48. **Policy issues relating to the affairs of the Council** .- In the discharge of its function, the Council shall be guided on questions of policy by the instructions, if any, as may be given to it, from time to time by the Federal Government which shall be the sole judge as to whether a question is a question of policy.